

Equality Impact Assessment

See the *How to make an Equality Impact Assessment* sheet for help to complete this form. You are also welcome to contact Delyth Gadlys Williams, Policy and Equality Officer on ext. 32708 or DelythGadlysWilliams@gwynedd.llyw.cymru, for further assistance.

I Details

I.1. What is the name of the policy / service in question?

Data Protection Policy

I.2 What is the purpose of the policy / service that is being created or amended? What changes are being considered?

The purpose of the policy is to set out the responsibilities of staff in terms of complying with data protection legislation.
The policy has been substantially revised because new legislation has come into force.

I.3 Who is responsible for this assessment?

Helen Parry, Information Manager

I.4 When did you commence the assessment? Which version is this?

18/06/2018

2) Action

2.1 Who are the partners you will have to work with to undertake this assessment?

Council Staff

2.2 What measures have you taken to engage with people with equality characteristics?

The Council's response to the Act relates for the most part to internal procedures and therefore we have not carried out any engagement. However, we will monitor any observations we receive about the implementation of the legislation and revise our procedures accordingly.

2.3 What was the result of the engagement?

Not applicable

--

2.4 What other information do you have to inform your decision?

General Data Protection Regulation 2016 and Data Protection Act 2018

2.5 Are there any gaps in the evidence that needs to be collected?

We are not aware of any gaps at present but we will monitor the response to the way in which we implement the Act.

3) Identifying the Impact

3.1 What impact will the new policy/service or the changes in the policy or service have on people with equality characteristics? The Council must give due regard to the impact any changes will have on people with equality characteristics.

Characteristics	What type of impact? (delete if not applicable)	In what way? What is the evidence?
Race (including nationality)	Positive	<p>The legislation safeguards information about race and nationality. However, it does not ensure that people have the right to access Information in their own language. It only requires that information is intelligible to the 'average' person.</p> <p>This will be addressed in the guidelines and requests will be dealt with on a case by case basis.</p>
The Welsh language	Positive	<p>The legislation requires Welsh and English to be treated equally. The Council will provide an English language summary of any materials but will ask the applicant to arrange for his/her own translation.</p>
Disability	Positive	<p>The legislation safeguards any data about an individual's health.</p> <p>The legislation does not specify that individuals may access information in a format that is appropriate for them eg BSL or audio. However, we will ensure that our guidelines will note the need to make every effort to provide information in an appropriate format.</p> <p>The legislation states that there may be circumstances where information would not be disclosed to a person if the disclosure had a detrimental effect on their health. Since the majority of the requests received by the Council are submitted to the Adults Service and Children's Service, any such request to access files would be discussed with the person's social worker. Any decision not to disclose information would be based on the social worker's professional opinion.</p>
Sex	None	<p>The legislation, as far as we are aware, will not have an impact on the grounds of sex</p>
Age	Positive	<p>The legislation safeguards the rights of children who are</p>

		<p>sufficiently mature to understand their own information. The act will not affect this characteristic in any other way.</p> <p>When collecting information directly from children, it is important that the privacy notice is provided in an age appropriate manner.</p>
Sexual orientation	Positive	The legislation safeguards data about a person's sexual orientation.
Religion or belief (or non-belief)	Positive	The legislation safeguards data about a person's sexual orientation.
Gender reassignment	Positive	The legislation safeguards data about a person's sexual orientation.
Pregnancy and maternity	None	It is not envisaged that the legislation will affect this characteristic.
Marriage and civil partnership	None	It is not envisaged that the legislation will affect this characteristic.

3.2 Does the policy or the service affect their General Duties under the 2010 Equality Act? The Council must give due regard to the way any change affects these duties.

General Duties of the Equality Act	Does it have an impact?	In what way? What is the evidence?
Abolishing illegal discrimination, harassment and victimisation	Yes	By enhancing a person's right to privacy, the legislation could abolish discrimination, harassment and victimisation.
Promoting equal opportunities	No	
Encouraging good relationships	No	

4) Analysing the results

4.1 Is the policy therefore likely to have a significant, positive impact on any of the equality characteristics or the General Duty and what is the reason for this?

The policy has a positive impact on a number of equality characteristics but it may be that the difference is not sufficient for us to say that it has a significant effect.

4.1 Is the policy therefore likely to have a significant, negative impact on any of the equality characteristics or the General Duty and what is the reason for this?

No

4.3 What should be done?

Choose one of the following:

Continue with the policy / service as it is robust	x
Adapt the policy to delete any barriers	
Suspend and delete the policy as the detrimental impacts are too big	
Continue with the policy as any detrimental impact can be justified	

--	--

4.4 What steps will you take to reduce or mitigate any negative impacts?

Although the legislation has not created any negative impacts, there are ways in which we can improve people's access to their own information. The Council will ensure that the guidelines on processing applications give appropriate consideration to the various methods of accessing information (e.g. inspecting the information/provision of large print copies) so that staff are aware of their responsibilities.

4.5 If you are not taking any further action to delete or reduce the negative impacts, explain why here.

N/A

5) Monitoring

5.1 What steps will you take to monitor the impact and effectiveness of the policy or service (action plan)?

The Information Management and Security Group will oversee the implementation of the policy.

