

# Conducting privacy impact assessments code of practice

## Data Protection Act

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## Information Commissioner's foreword

Since my office published the first Privacy impact assessment (PIA) handbook PIAs have become an important part of the privacy and data protection landscape. They have proved a useful tool to help organisations which process personal data to properly consider and address the privacy risks that this entails.

We have recently conducted a consultation on how PIAs are working in practice and have also commissioned a research project which evaluates how PIAs fit together with existing project management and risk management methodologies.

The time now seems right to update our guidance, drawing on the consultation and research report, and to formalise it into this code of practice.

This code should provide a clear and straightforward overview to guide organisations through the PIA process. It can be used alongside existing project management and risk management methodologies, or as a simplified process in its own right.

**Christopher Graham**  
**Information Commissioner**  
February 2014

## About this code

A privacy impact assessment (PIA) is a tool that can help organisations to identify the most effective way to comply with their data protection obligations and meet individuals' expectations of privacy. An effective PIA will allow organisations to identify and fix problems at an early stage, reducing the associated costs and damage to reputation that might otherwise occur. PIAs are an integral part of taking a [privacy by design](#) approach.

This code explains the principles that form the basis of a PIA. The main body of the code sets out the basic steps that an organisation should carry out during the PIA process. The practical implementation of the basic principles will depend on the organisation's usual business practice.

The annexes at the back of the code are intended to provide a starting point for the implementation of the PIA. They include a set of screening questions to help organisations identify when a PIA is necessary, and a template that can be used to help produce a PIA report.

The code will be useful to any organisation that is thinking about conducting a PIA. The process described in the guidance is designed to be flexible enough to work for organisations of any size and in any sector. The code will also work across a range of privacy and data protection issues.

Many organisations, particularly those that conduct regular PIAs, may find it useful to develop their own PIA resources with accompanying guidance. This code can be used as a starting point to develop tools that fit with the organisation's own needs and working practices.

The ICO will also support sectoral groups who wish to develop PIA resources to apply to their particular sector. For example, sectors might find it useful to develop a more specific set of screening questions or identify common privacy risks and solutions.

The Information Commissioner has issued this code of practice under section 51 of the Data Protection Act (DPA) in pursuance of his duty to promote good practice. The DPA says good practice includes, but is not limited to, compliance with the requirements of the Act. Conducting a PIA is not a requirement of the Act, but undertaking one will help to ensure that a new project is compliant.

## Chapter 1 – Introduction to PIAs

### Key points:

- A PIA is a process that assists organisations in identifying and minimising the privacy risks of new projects or policies.
- Privacy risk is the risk of harm arising through an intrusion into an individual's physical or informational privacy.
- Conducting a PIA involves working with people within an organisation, partner organisations and the people affected by a project to identify and reduce privacy risks.
- The PIA will help to identify potential problems at an early stage, when addressing them will often be simpler and less costly.
- Conducting a PIA should benefit organisations by producing better policies and systems and improving the relationship between organisations and individuals.

### What the ICO means by a PIA

A privacy impact assessment is a process which helps an organisation to identify and reduce the privacy risks of a project. An organisation should use a PIA throughout the development and implementation of a project, and can use existing project management processes. A PIA enables an organisation to systematically and thoroughly analyse how a particular project or system will affect the privacy of the individuals involved.

The purpose of the PIA is to minimise privacy risks while meeting the aims of the project. Organisations can identify and address risks at an early stage by analysing how the proposed uses of personal information and technology will work in practice. They can test this analysis by consulting with people who will be working on, or affected by, the project.

Privacy risks are risks to the individuals affected, in terms of the potential for damage or distress. There may also be related corporate risks to the organisation carrying out the project, such as the financial and reputational impact of a data breach. Projects with

higher risk levels are those which are more intrusive and likely to have a higher impact on privacy.

Each organisation will be best placed to determine how it considers the issue of privacy risks. Organisations can apply the steps in this code to a wide range of business processes. The ICO has designed its PIA methodology to be as flexible as possible so that it can be integrated with an organisation's existing ways of working.

Conducting a PIA does not have to be complex or time consuming but there must be a level of rigour in proportion to the privacy risks arising.

### **What do we mean by privacy?**

Privacy, in its broadest sense, is about the right of an individual to be let alone. It can take two main forms, and these can be subject to different types of intrusion:

- Physical privacy - the ability of a person to maintain their own physical space or solitude. Intrusion can come in the form of unwelcome searches of a person's home or personal possessions, bodily searches or other interference, acts of surveillance and the taking of biometric information.
- Informational privacy – the ability of a person to control, edit, manage and delete information about themselves and to decide how and to what extent such information is communicated to others. Intrusion can come in the form of collection of excessive personal information, disclosure of personal information without consent and misuse of such information. It can include the collection of information through the surveillance or monitoring of how people act in public or private spaces and through the monitoring of communications whether by post, phone or online. It extends to monitoring the records of senders and recipients as well as the content of messages.

This code is concerned primarily with informational privacy, but an organisation can use PIAs to assess what they think are the most relevant aspects of privacy.

Privacy risk is the risk of harm arising through an intrusion into privacy. This code is concerned primarily with minimising the risk of informational privacy - the risk of harm through use or misuse of personal information. Some of the ways this risk can arise is through personal information being:

- inaccurate, insufficient or out of date;
- excessive or irrelevant;
- kept for too long;
- disclosed to those who the person it is about does not want to have it;
- used in ways that are unacceptable to or unexpected by the person it is about; or
- not kept securely.

Harm can present itself in different ways. Sometimes it will be tangible and quantifiable, for example financial loss or losing a job. At other times it will be less defined, for example damage to personal relationships and social standing arising from disclosure of confidential or sensitive information. Sometimes harm might not be so obvious, for example the fear of identity theft that comes from knowing that the security of information could be compromised. There is also harm which goes beyond the immediate impact on individuals. The harm arising from use of personal information may be imperceptible or inconsequential to individuals, but cumulative and substantial in its impact on society. It might for example contribute to a loss of personal autonomy or dignity or exacerbate fears of excessive surveillance.

The outcome of a PIA should be a minimisation of privacy risk. An organisation will need to develop an understanding of how it will approach the broad topics of privacy and privacy risks. There is not a single set of features that will be relevant to all organisations and all types of project. For example, a central government department planning a national crime prevention strategy will have a different set of issues to consider to an app developer programming a game which collects some information about users.

Understanding privacy risk in this context does though require an understanding of the relationship between an individual and an organisation. Factors that can have a bearing on this include:

- Reasonable expectations of how the activity of individuals will be monitored.
- Reasonable expectations of the level of interaction between an individual and an organisation.
- The level of understanding of how and why particular decisions are made about people.

Public bodies need to be aware of their obligations under the Human Rights Act. Article 8 of the European Convention on Human Rights guarantees a right to respect for private life which can only be interfered with when it is necessary to meet a legitimate social need. Organisations that are subject to the Human Rights Act can use a PIA to help ensure that any actions that interfere with the right to private life are necessary and proportionate.

Chapters six and seven of this code provide more detailed advice on identifying and minimising privacy risks.

### **The benefits of a PIA**

Conducting a PIA is not a legal requirement of the DPA. The ICO promotes PIAs as a tool which will help organisations to comply with their DPA obligations, as well as bringing further benefits. Carrying out an effective PIA should benefit the people affected by a project and also the organisation carrying out the project.

The ICO may ask an organisation whether it has carried out a PIA as this is often the most effective way for an organisation to demonstrate to the ICO how their personal data processing complies with the DPA.

One benefit to individuals will be that they can be reassured that the organisations which use their information have followed best practice. A project which has been subject to a PIA should be less privacy intrusive and therefore less likely to affect individuals in a negative way.

A further benefit to individuals is that a PIA should improve transparency and make it easier for them to understand how and why their information is being used.

Organisations that conduct effective PIAs should also benefit. The process of conducting the assessment will improve how they use information that impacts on individual privacy. This should in turn reduce the likelihood of the organisation failing to meet its legal obligations under the DPA and of a breach of the legislation occurring.

Conducting and publicising a PIA will help an organisation to build trust with the people using their services. The actions taken during and after the PIA process can improve an organisation's understanding of their customers.

There can be financial benefits to conducting a PIA. Identifying a problem early will generally require a simpler and less costly solution. A PIA can also reduce the ongoing costs of a project by minimising the amount of information an organisation collects or uses where this is possible, and devising more straightforward processes for staff.

More generally, consistent use of PIAs will increase the awareness of privacy and data protection issues within an organisation and ensure that all relevant staff involved in designing projects think about privacy at the early stages of a project.

### **Projects which might require a PIA**

Organisations can apply the core principles of a PIA to any project which involves the use of personal data, or to any other activity which could have an impact on the privacy of individuals.

PIA terminology often refers to a 'project' as the subject of a PIA and this should be widely construed. It can mean any plan or proposal, and does not need to meet any formal or technical definition of a project. A PIA is suitable for a variety of situations:

- A new IT system for storing and accessing personal data.
- A data sharing initiative where two or more organisations seek to pool or link sets of personal data.
- A proposal to identify people in a particular group or demographic and initiate a course of action.
- Using existing data for a new and unexpected or more intrusive purpose.
- A new surveillance system (especially one that monitors members of the public) or the application of new technology to an existing system (for example adding Automatic number plate recognition capabilities to existing CCTV).
- A new database that consolidates information held by separate parts of an organisation.
- Legislation, policy or strategies which will impact on privacy through the collection or use of information, or through surveillance or other monitoring.

Organisations should use PIAs on specific projects and, to be effective, apply them at a time when it is possible to have an impact on the project. This means that PIAs are more likely to be useful



when applied to new projects or revisions of existing projects. Conducting a PIA of an existing project is less likely to make a positive difference unless it is possible for identified changes to be implemented.

Organisations should develop the capability to identify the need for a PIA at an early stage of their projects and should consider building this into their project management or other business processes.

### **Responsibility for conducting a PIA**

Each organisation can decide who is best placed to coordinate and carry out the PIA process. Large organisations are more likely to have a dedicated data protection officer (DPO). A DPO is naturally well-placed to have a significant role in conducting a PIA, and may also be able to design a set of PIA tools which mirror an organisation's existing processes. They may also maintain a log of all PIAs carried out in the organisation.

However, not all organisations have their own DPO, or it may be difficult for a DPO to conduct all the PIAs. So the general approach to PIAs is also intended for use by non-experts. Project, risk or other managers without specialist data protection knowledge should be able to use the screening questions in annex one to help them focus on privacy issues. An effective PIA will include some involvement from various people in an organisation, who will each be able to identify different privacy risks and solutions – see Chapter Three on consultation. Small organisations can still benefit from implementing in some form the core steps of the PIA process.

## Chapter 2 - The PIA process

### Key points:

- The PIA process is a flexible one that can be integrated with an organisation's existing approach to managing projects. The time and resources dedicated to a PIA should be scaled to fit the nature of the project.
- A PIA should begin early in the life of a project, but can run alongside the project development process.
- A PIA should incorporate the following steps:
  - Identify the need for a PIA.
  - Describe the information flows.
  - Identify the privacy and related risks.
  - Identify and evaluate the privacy solutions.
  - Sign off and record the PIA outcomes.
  - Integrate the outcomes into the project plan.
  - Consult with internal and external stakeholders as needed throughout the process.

The PIA process is a flexible one, and an organisation can integrate it with their existing approach to managing projects. This guidance identifies the key principles of PIAs which the ICO suggests should be included.

The implementation of the core PIA principles should be proportionate to the nature of both the organisation carrying out the assessment and the project. The early stages of the PIA will help an organisation to understand the potential impact on privacy and the steps they may need to carry out to identify and reduce the associated risks. This in turn will indicate the level of resources and time which they may need to dedicate to the assessment. The process is designed to be scaled in size depending on the nature of the project. Small projects with a relatively low impact will require a less formal and intensive exercise.

Many organisations will benefit from producing their own PIA resources and accompanying guidance. This can be an effective way

of ensuring that privacy issues are considered as part of the existing project or risk management procedures and that the PIA covers any sectoral or organisational specific angles. Annex four explains how organisations can integrate PIAs with project and risk management.

The process of conducting a PIA should begin early in the project. When it becomes clear that a project will have some impact on privacy an organisation should start to consider how they will approach this. This does not mean that a formal PIA must be started and finished before a project can progress further. The PIA can run alongside the project development process. What begins as a more informal early consideration of privacy issues can be developed into part of the PIA.

A one page overview of the process is provided overleaf, and each step of the process is then covered in more detail in its own chapter of this code.

Annex two provides a template which organisations can use to record the results of each of the steps. Organisations do not have to use the template and can chose to use existing records management systems or project management tools if they prefer.

## Overview of the PIA process

<p><b>1. Identify the need for a PIA</b></p> <p>Identify the need for a PIA using:</p> <ul style="list-style-type: none"> <li>existing project management processes, or</li> <li>the screening questions at Annex two to this code.</li> </ul>	<p><b>Consultation with relevant stakeholders should take place as needed, at any stage of the process</b></p>	<p><b>2. Describe the information flows</b></p> <ul style="list-style-type: none"> <li>Describe the information flows of the project,</li> <li>Explain what information is used for, and who it is obtained from and disclosed to, and</li> <li>Identify who will have access to the information.</li> </ul>
<p><b>3. Identify the privacy and related risks</b></p> <p>Identify the:</p> <ul style="list-style-type: none"> <li>privacy risks to individuals (eg intrusion into private life due to inadequate security measures),</li> <li>related corporate risks (eg damage to reputation or fine due to data breach),and</li> <li>legal compliance risks (eg risk of non-compliance with DPA, PECR, human rights legislation).</li> </ul>		<p><b>4. Identifying and evaluating privacy solutions</b></p> <ul style="list-style-type: none"> <li>Identify possible privacy solutions to address each risk</li> <li>Assess whether the risks are eliminated, reduced or accepted with each possible solution</li> <li>Evaluate the costs and benefits of each solution</li> <li>Assess whether the final impact on individuals is a justified, compliant and proportionate response to the projects aims</li> </ul>
<p><b>5. Sign off and record the PIA outcomes</b></p> <p>Record:</p> <ul style="list-style-type: none"> <li>the chosen solution to each risk, and</li> <li>who has approved each risk and solution.</li> </ul>		<p><b>6. Integrating the PIA outcomes back into the project plan</b></p> <p>Record:</p> <ul style="list-style-type: none"> <li>actions to be taken,</li> <li>date for completion, and</li> <li>responsibility for action.</li> </ul>

## Chapter 3 – Consultation

### **Key points:**

- Consultation is an important part of a PIA and allows people to highlight privacy risks and solutions based on their own areas of interest or expertise.
- Consultation can take place at any point in the PIA process.
- Internal consultation will usually take place with a range of internal stakeholders to ensure that all relevant perspectives are taken into account.
- External consultation provides the opportunity to get input from the people who will ultimately be affected by the project and to benefit from wider expertise.

Consultation is an important part of a PIA, but organisations do not need to see it as a separate step. It can be useful to build consultation into all stages of the PIA process. This allows organisations to consult the right people at the right time and avoid having to spend more time and resources on a separate exercise.

Consultation allows people to highlight privacy risks based on their own area of interest and expertise. It also provides an opportunity for them to suggest measures to reduce the risks.

There is no set process for conducting a consultation – it will depend on various factors, particularly the size of the organisation and the scale of the project. The PIA can be integrated with other consultation or planning processes.

### **Internal consultation**

Effective consultation with colleagues is an important part of any PIA. Data protection risks are more likely to remain unmitigated on projects which have not involved discussions with the people building a system or carrying out procedures.

Internal consultation can include informal discussions and emails, more formal project management meetings, and approval at board level. Most internal stakeholders will already have some level of

involvement in the project – the aim of the PIA is to focus their attention on privacy issues.

Identifying a full range of internal stakeholders will be easier if an organisation has already described the information flows in detail (see chapter 5); but they may also need to do some initial internal consultation to accurately describe the information flows in the first place.

### Examples of internal stakeholders

- Project management team
  - The team responsible for the overall implementation of a project will play a central role in the PIA process.
- Data protection officer
  - If an organisation has a dedicated DPO, they are likely to have a close link to a PIA. Even if project managers are responsible for individual PIAs, the DPO will be able to provide specialist knowledge on privacy issues.
- Engineers, developers and designers
  - The people who will be building a product need to have a clear understanding of how to approach privacy issues. They will also be able to suggest workable privacy solutions to the risks which have been identified.
- Information technology (IT)
  - Will be able to advise on security risks and solutions. The role of IT is not limited to security, and might also include discussions on the usability of any software.
- Procurement
  - If the project will require an organisation to procure systems or services, the privacy requirements of the project need to be established before procurement takes place.
- Potential suppliers and data processors
  - If some of the project will be outsourced to a third party, early engagement will help to understand which options are available.
- Communications

- Involving communications colleagues in the PIA can help to establish a clear message to the public about the privacy implications of a project.
- Customer-facing roles
  - It is important to consult with the people who will have to use a new system or put a policy into practice. They will be able to advise on whether the system will work as intended.
- Corporate governance/compliance
  - Colleagues who work on risk management for an organisation should be able to integrate PIAs into their work. Other areas of compliance can be included in the PIA process.
- Researchers, analysts, and statisticians
  - Information gathered for a new project may be used to analyse customer behaviour or for other statistical purposes. Where relevant, consulting with researchers can lead to more effective safeguards such as anonymisation.
- Senior management
  - It will be important to involve those with responsibility for signing off or approving a project.

## **External consultation**

External consultation includes seeking the views of the people who will be affected by the project. This may be members of the public, but can also mean people within an organisation (for example staff who will be affected by a new online HR system). Consultation with the people who will be affected is an important part of the PIA process. There are two main aims. Firstly, it enables an organisation to understand the concerns of those individuals. Secondly, the consultation will improve transparency by making people aware of how information about them is being used.

Formal consultation is more regularly used by the public sector and in some cases is required by law. There are also guidelines on consultation for the public sector issued by the Cabinet Office. It is acknowledged that the timing and nature of consultation can be important if a project is sensitive; an organisation may not want reveal all of their plans to the outside world for reasons of security

or commercial sensitivity. The ICO also accepts there are differences between the public and private sector. However, organisations should not ignore the importance of external consultation and it should always be considered.

How extensive the consultation needs to be will be driven by the types of risk and the numbers of people affected. An organisation may already have consultation mechanisms such as focus groups, user groups, public meetings and consumer or citizen panels that it can use. Where possible, existing consultation tools should be used to gain a better understanding of privacy expectations and experiences.

An organisation should design a consultation so that individuals can have a meaningful impact on the project. An organisation should be clear about which aspects of the project are open to change and which aspects are less so. It may be effective just to consult on one aspect or targeted aspects. Any general public consultation must be set out in clear terms that can be easily understood. Public consultation can be an effective way to communicate with people about how organisations use their information.

External consultation also provides the opportunity for organisations to benefit from wider views and from expertise that may not exist within the organisation itself.

Effective external consultations should follow these principles:

- Timely – at the right stage and allowing enough time for responses.
- Clear and proportionate – in scope and focus.
- Reach and representative - ensure those likely to be affected have a voice.
- Ask objective questions and present realistic options.
- Feedback – ensure that those participating get feedback at the end of the process.



## Chapter 4 – Identifying the need for a PIA

### Key points:

- Organisations can identify the need for a PIA using their normal project management process.
- The ICO has devised some simple screening questions to help organisations identify when a PIA is needed and we would encourage organisations to incorporate these questions into their own project management methodologies or procedures.
- The screening questions are designed to be used by project managers or other staff who are not experts in privacy matters or data protection.

The first step is to identify the need for a PIA. Annex one contains suggested screening questions that are designed to help organisations decide whether a PIA is necessary. They can be used by project managers or other staff who are not experts in data protection or privacy matters.

The screening questions allow non-experts to identify the need for a PIA as part of the organisation's normal project management procedures. The later stages of the PIA can then be completed with input from specialists within the organisation (such as compliance managers) if necessary.

Organisations should consider incorporating the screening questions into their own project and risk methodologies or procedures. They can give preliminary answers to the questions at an early stage of the project and these can be expanded upon as the work develops.

Organisations can also develop their own screening questions to address the specific needs of the organisation if they wish. The most important thing is that organisations have some mechanism within their normal project management procedures for identifying the need for a PIA.

Later stages of the PIA process require an organisation to consider whether the impact on privacy is proportionate to the outcomes that will be achieved. At this early stage the organisation should be able to identify why they are planning the project and what they intend to achieve.

After answering the screening questions an organisation might decide that the project does not require a PIA because there will be a minimal impact on privacy. In these cases it will still be useful to retain a record of the answers so that they can be referred to in future if necessary.

Even if a substantial PIA is not necessary, an organisation should still consider conducting a legal compliance check against the DPA or Privacy and Electronic Communications Regulations (PECR) if appropriate.

When an organisation identifies a need for PIA it is important that senior management support is sought for conducting the PIA. Gaining this commitment at an early stage is an important factor in ensuring the PIA is effective.

## Chapter 5 - Describing information flows

### Key points:

- Understanding the information flows involved in a project is essential to a proper assessment of privacy risks.
- Existing processes and resources such as information audits and information asset registers can be useful tools in completing this step of a PIA.

As part of the PIA process organisations should describe how information is collected, stored, used and deleted. They should explain what information is used, what it is used for and who will have access to it. This step is a key part of any PIA process. A thorough assessment of privacy risks is only possible if an organisation fully understands how information is being used in a project. An incomplete understanding can be a significant privacy risk – for example data might be used for unfair purposes, or disclosed inappropriately.

Organisations can integrate this part of the PIA process with any similar exercises which would already be done. Many organisations already conduct information audits, develop information maps and user journeys, and make use of information asset registers. If an organisation has already produced a project proposal or similar document this can be useful for understanding how personal data might be used.

The information flows can be recorded in whichever format meets the needs of the organisation (a flowchart, an information asset register, a project design brief) and this can then be used as an important part of the final PIA report. The PIA template at Annex two can also be used to record information flows.

## Chapter 6 - Identifying privacy and related risks

### Key points:

- When conducting a PIA an organisation should identify any privacy risks to individuals, compliance risks and any related risks for the organisation; such as fines for non-compliance with legislation or reputational damage leading to loss of business.
- Organisations may wish to use their existing project management or risk management methodologies to help them identify risks.
- The ICO's [Anonymisation: managing data protection risk code of practice](#) may help organisations to identify privacy risks associated with the use of anonymised personal data.
- The ICO's [Data sharing code of practice](#) may help organisations to identify privacy risks associated with sharing personal data with other organisations.
- The ICO's codes of practice on privacy notices and CCTV, as well as other more specific guidance, will help an organisation to focus PIAs on those issues.
- Organisations might also be able to refer to industry standards and guidance produced by trade bodies, regulators or other organisations working in their sector.

At this stage, organisations should assess the likely privacy issues associated with the project.

A key principle of a PIA is that the process is a form of risk management. When conducting a PIA an organisation is systematically considering how their project will affect individuals' privacy.

There are various ways in which a project can impact on privacy or can introduce a risk to privacy. Privacy risks to individuals usually have associated compliance risks and risks to the organisation. For example a project that is seen as intrusive or insecure by the public also increases the risk of fines, reputational damage, loss of business and failure of the project.

Risks to individuals can be categorised in different ways and it is important that all types of risk are considered. These range from risks to physical safety of individuals, material impacts (such as financial loss) to less tangible impacts (for example, distress caused).

Possible risks include:

### **Risks to individuals**

Inadequate disclosure controls increase the likelihood of information being shared inappropriately.

The context in which information is used or disclosed can change over time, leading to it being used for different purposes without people's knowledge.

New surveillance methods may be an unjustified intrusion on their privacy.

Measures taken against individuals as a result of collecting information about them might be seen as intrusive.

The sharing and merging of datasets can allow organisations to collect a much wider set of information than individuals might expect.

Identifiers might be collected and linked which prevent people from using a service anonymously.

Vulnerable people may be particularly concerned about the risks of identification or the disclosure of information.

Collecting information and linking identifiers might mean that an organisation is no longer using information which is safely anonymised.

Information which is collected and stored unnecessarily, or is not properly managed so that duplicate records are created, presents a greater security risk.

If a retention period is not established information might be used for longer than necessary.

## Corporate risks

Non-compliance with the DPA or other legislation can lead to sanctions, fines and reputational damage.

Problems that are only identified after the project has launched are more likely to require expensive fixes.

The use of biometric information or potentially intrusive tracking technologies may cause increased concern and cause people to avoid engaging with the organisation.

Information that is collected and stored unnecessarily, or is not properly managed so that duplicate records are created, is less useful to the business.

Public distrust about how information is used can damage an organisation's reputation and lead to loss of business.

Data losses that damage individuals could lead to claims for compensation.

## Compliance risks

Non-compliance with the DPA.

Non-compliance with the PECR.

Non-compliance with sector specific legislation or standards.

Non-compliance with human rights legislation.

Organisations can use Annex three to help them identify DPA compliance risks.

This stage of the PIA should build on the work of the previous steps. Organisations can use a project plan and a detailed explanation of information flows to identify more precisely how a general risk may occur. For example, there may be particular points in a process where accidental disclosure is more likely to happen.

There are various approaches to risk management and the PIA process does not require an organisation to use a particular. Organisations can develop their own ways to identify privacy risks or can use their existing risk or project management methodologies.

Organisations may have their own method of categorising or measuring risk. It may be beneficial to assess the risk in terms of likelihood and severity. Organisations may also use their own numerical scales to record risk. This can be of some assistance but organisations should guard against overly focusing on scores or using a system inflexibly, in all scenarios.

At this stage organisations should make sure that privacy risks are recorded. An organisation can use the template at annex two or it can develop its own way to do this, based on its more general approach to managing risk. For example, it may choose to use an existing risk register to describe the privacy risks and assess their likelihood and impact. Smaller scale projects may have a less formal approach to risk, and this can be reflected in the way that risks are recorded.

For further advice on assessing the risks associated with data sharing and the use of anonymised information, organisations can refer to the guidance that the ICO has issued:

- [Data sharing code of practice](#).
- [Anonymisation: managing data protection risk code of practice](#).

## Chapter 7 - Identifying and evaluating privacy solutions

### Key points:

- Organisations need to devise possible privacy solutions to address the risks that have been identified.
- A PIA should set out the organisation's options for addressing each risk and state whether each option would result in the risk being:
  - eliminated,
  - reduced, or
  - accepted.
- Organisations should evaluate the likely costs and benefits of each option or solution.
- Organisations may wish to use their existing project management or risk management methodologies to help them identify and evaluate privacy solutions.
- The ICO's [Anonymisation: managing data protection risk code of practice](#) may help organisations to decide how address risks associated with the use of anonymised personal data
- The [ICO's Data sharing code of practice](#) may help organisations to decide how to address risks associated with sharing personal data with other organisations.
- Organisations should then evaluate whether the final impact on individuals, after implementing each solution, would be a justified, compliant and proportionate response to the aims of the project.

At this stage organisations should identify what action they could take to address risks to privacy. It is important to remember that the aim of a PIA is not to completely eliminate the impact on the privacy of individuals. The purpose of the PIA is to reduce the impact to an acceptable level while still allowing an organisation to implement a useful project.



Privacy solutions are steps that an organisation can take to reduce the privacy impact. Organisations should record whether each solution results in the privacy risks being eliminated, reduced or simply accepted.

There are many different steps that organisations can take to reduce privacy risk. Some of the more likely measures include:

- Decide not to collect or store particular types of information.
- Devise retention periods that only keep information for as long as necessary and planning secure destruction of information.
- Implement appropriate technological security measures.
- Ensure that staff are properly trained and are aware of potential privacy risks.
- Develop ways to safely anonymise the information when it is possible to do so.
- Produce guidance for staff on how to use new systems and how to share data if appropriate.
- Use systems which allow individuals to access their information more easily and make it simpler to respond to subject access requests.
- Take steps to ensure that individuals are fully aware of how their information is used and can contact the organisation for assistance if necessary.
- Select data processors who will provide a greater degree of security and ensuring that agreements are in place to protect the information which is processed on an organisation's behalf.
- Produce data sharing agreements which make clear what information will be shared, how it will be shared and who it will be shared with.

Organisations will need to assess the costs and benefits of possible privacy solutions. Some costs will be financial, for example an organisation might need to purchase additional software to give greater control over data access and retention. The costs can be balanced against the benefits, for example the increased assurance against a data breach, and the reduced risk of regulatory action and reputational damage. Organisations can use their own methods of cost benefit analysis.

Before implementing a project, organisations will need to ensure that it is compliant with the DPA and other relevant legislation. In a DPA context this will include:

- Confirming that the organisation is complying with the data protection principles.
- Identifying the relevant conditions for processing personal data.
- Ensuring that the organisation's entry on the register of data controllers is still accurate.

Once the privacy solutions have been assessed, organisations should do a final check to evaluate whether the final impact on individuals, after the implementation of each privacy solution, is a justified, compliant and proportionate response to the aims of the project.

Organisations can use the template at annex two to record the key findings of this stage of the PIA. Alternatively they can use their existing project management paperwork.

## Chapter 8 – Signing off and recording the PIA outcomes

### Key points:

- A key part of the PIA process is deciding which privacy solutions to take forward and recording whether the risks that have been identified will be eliminated, reduced or accepted.
- Sometimes organisations will decide that an identified risk is acceptable. However, if there are unacceptable privacy risks which cannot be eliminated or reduced then the organisation will need to reassess the viability of its project.
- It is good practice to record details of the decision maker who has signed off each risk and the reasons behind their decision.
- Publishing a PIA report will improve transparency and accountability and help individuals understand how a project affects them.

Conducting a PIA is primarily about the process of identifying and reducing risks. Those are the stages which will provide assurances that an organisation is using information in a way that is appropriate for their objectives and safer for individuals. However, it is also important to keep a record of the process. This will ensure that the necessary measures are implemented. An organisation can also use a PIA report to assure the public, the ICO, and other stakeholders that the project has been thoroughly assessed.

Organisations can use the template at annex two to record the PIA outcomes. Alternatively they can use their existing project management paperwork.

Organisations that have recorded privacy risks on a formal risk register should update it to reflect how chosen solutions have changed the level of risk. When an organisation accepts risks it should explain why it has decided to do so. The register should record each risk, explain what action the organisation has taken or will be taking and identify who is responsible for approving and implementing the solution.

If there are unacceptable privacy risks which cannot be eliminated or reduced then the organisation will need to reassess the viability of its project.

There is no requirement to produce a PIA report but it is good practice to do so. The report should include an overview of the project, explaining why it was undertaken and how it will impact on privacy. It can include or reference the material which was produced during the PIA, for example the description of data flows and the privacy risk register. The report should describe how the privacy risks were identified and how they will be addressed.

A PIA does not necessarily require a formal signing-off process, but this will depend on the nature of the project. If an organisation is working on large-scale project with a higher level of risk, it would be good practice to ensure that the PIA has been approved at a senior level. For smaller projects, it can be appropriate for the project leader to accept the privacy risks. A signing-off can also help to ensure that the necessary actions are followed up.

The ICO does not take a role in approving or signing-off PIAs. We have developed this process to focus on self-assessment, and every PIA relies on an organisation's understanding of its own practices. If the ICO is involved in the PIA process, it is more likely to be as a stakeholder during the process of identifying risks and mitigating steps.

### **Publishing PIA reports**

The ICO encourages all organisations to consider publishing material relating to a PIA, including the PIA report if one has been produced. Publication improves transparency and can increase the public's understanding of how their information is used.

We acknowledge that there will sometimes be commercial sensitivities about publishing material related to a PIA. An internal PIA report may sometimes contain information that is not appropriate to disclose, such as information on security measures or intended product development. It is good practice for an organisation to disclose as much of the report as it can and only redact the most sensitive elements. If an organisation does not want to publish detailed information from the risk register or the descriptions of how data is used, it should consider producing a summary report suitable for publication or different ways to communicate the outcome of the PIA.

Organisations can also use a PIA report to inform how they communicate their project to the public. A PIA can be an important part of a project's communications strategy, as it allows an organisation to prepare for questions about their impact on privacy. A PIA report may not be the only document that is produced as a result of the assessment. For example, the PIA might identify the need for a new privacy notice for individuals.

It is recommended practice for public authorities covered by the Freedom of Information Act (FOIA) to include PIA reports in their publication scheme under section 19 of FOIA. The guidance is set out in the [definition documents for each sector](#).

## Chapter 9 – Integrating PIA outcomes back in to the project plan

### Key points:

- Organisations will need to make sure that the agreed privacy solutions are integrated back into the project plan to make sure they are developed and implemented.
- Organisations can use their usual project management methodology to deliver the privacy solutions.

Organisations should feed the results of the PIA back into the wider project management process. This will usually need to take place while the project is still being developed.

Most of the work required by a PIA will take place during the planning and early implementation of a project. However organisations should also take care to ensure that the steps taken as a result of the PIA have been properly implemented and are having the desired effect.

If the project aims develop or change during the project lifecycle the organisation may need to revisit the screening questions to ensure the PIA is still appropriate. This might be especially important with particular project management methodologies that may not have a fixed set of requirements at the outset.

As with other aspects of the PIA process, a review of the privacy outcomes can be built into existing procedures. If an organisation would review the general implementation of a new project after a certain period, it should be possible to include a process for checking the work arising from the PIA as well. An organisation should develop a PIA process which integrates with their project management processes, and most project management methodologies include a post-project review.

## Annex one

### Privacy impact assessment screening questions

These questions are intended to help you decide whether a PIA is necessary. Answering 'yes' to any of these questions is an indication that a PIA would be a useful exercise. You can expand on your answers as the project develops if you need to.

You can adapt these questions to develop a screening method that fits more closely with the types of project you are likely to assess.

**Will the project involve the collection of new information about individuals?**

**Will the project compel individuals to provide information about themselves?**

**Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?**

**Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?**

**Does the project involve you using new technology that might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition.**

**Will the project result in you making decisions or taking action against individuals in ways that can have a significant impact on them?**

**Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be private.**

**Will the project require you to contact individuals in ways that they may find intrusive?**

## Annex two

### Privacy impact assessment template

This template is an example of how you can record the PIA process and results. You can start to fill in details from the beginning of the project, after the screening questions have identified the need for a PIA. The template follows the process that is used in this code of practice. You can adapt the process and this template to produce something that allows your organisation to conduct effective PIAs integrated with your project management processes.

#### **Step one: Identify the need for a PIA**

Explain what the project aims to achieve, what the benefits will be to the organisation, to individuals and to other parties.

You may find it helpful to link to other relevant documents related to the project, for example a project proposal.

Also summarise why the need for a PIA was identified (this can draw on your answers to the screening questions).



### **Step two: Describe the information flows**

You should describe the collection, use and deletion of personal data here and it may also be useful to refer to a flow diagram or another way of explaining data flows. You should also say how many individuals are likely to be affected by the project.

### **Consultation requirements**

Explain what practical steps you will take to ensure that you identify and address privacy risks. Who should be consulted internally and externally? How will you carry out the consultation? You should link this to the relevant stages of your project management process.

You can use consultation at any stage of the PIA process.

### Step three: Identify the privacy and related risks

Identify the key privacy risks and the associated compliance and corporate risks. Larger-scale PIAs might record this information on a more formal risk register.

Annex three can be used to help you identify the DPA related compliance risks.

Privacy issue	Risk to individuals	Compliance risk	Associated organisation / corporate risk

### Step four: Identify privacy solutions

Describe the actions you could take to reduce the risks, and any future steps which would be necessary (eg the production of new guidance or future security testing for systems).

<b>Risk</b>	<b>Solution(s)</b>	<b>Result:</b> is the risk eliminated, reduced, or accepted?	<b>Evaluation:</b> is the final impact on individuals after implementing each solution a justified, compliant and proportionate response to the aims of the project?

**Step five: Sign off and record the PIA outcomes**

Who has approved the privacy risks involved in the project? What solutions need to be implemented?

Risk	Approved solution	Approved by

**Step six: Integrate the PIA outcomes back into the project plan**

Who is responsible for integrating the PIA outcomes back into the project plan and updating any project management paperwork? Who is responsible for implementing the solutions that have been approved? Who is the contact for any privacy concerns that may arise in the future?

Action to be taken	Date for completion of actions	Responsibility for action

Contact point for future privacy concerns

## Annex three

### Linking the PIA to the data protection principles

Answering these questions during the PIA process will help you to identify where there is a risk that the project will fail to comply with the DPA or other relevant legislation, for example the Human Rights Act.

#### Principle 1

**Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless:**

**a) at least one of the conditions in Schedule 2 is met, and**

**b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.**

Have you identified the purpose of the project?

How will you tell individuals about the use of their personal data?

Do you need to amend your privacy notices?

Have you established which conditions for processing apply?

If you are relying on consent to process personal data, how will this be collected and what will you do if it is withheld or withdrawn?

If your organisation is subject to the Human Rights Act, you also need to consider:

Will your actions interfere with the right to privacy under Article 8?

Have you identified the social need and aims of the project?

Are your actions a proportionate response to the social need?

#### Principle 2

**Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.**

Does your project plan cover all of the purposes for processing personal data?

Have you identified potential new purposes as the scope of the project expands?

### **Principle 3**

**Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.**

Is the quality of the information good enough for the purposes it is used?

Which personal data could you not use, without compromising the needs of the project?

### **Principle 4**

**Personal data shall be accurate and, where necessary, kept up to date.**

If you are procuring new software does it allow you to amend data when necessary?

How are you ensuring that personal data obtained from individuals or other organisations is accurate?

### **Principle 5**

**Personal data processed for any purpose or purposes shall not be kept for longer than necessary for that purpose or those purposes.**

What retention periods are suitable for the personal data you will be processing?

Are you procuring software that will allow you to delete information in line with your retention periods?

### **Principle 6**

**Personal data shall be processed in accordance with the rights of data subjects under this Act.**

Will the systems you are putting in place allow you to respond to subject access requests more easily?

If the project involves marketing, have you got a procedure for individuals to opt out of their information being used for that purpose?

### **Principle 7**

**Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.**

Do any new systems provide protection against the security risks you have identified?

What training and instructions are necessary to ensure that staff know how to operate a new system securely?

### **Principle 8**

**Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures and adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.**

Will the project require you to transfer data outside of the EEA?

If you will be making transfers, how will you ensure that the data is adequately protected?

## Annex four

### Further reading

There are several sources of further information about PIAs. These may be of particular interest if you want to learn more about the different approaches used internationally.

- Privacy impact assessment and risk management – report produced for the ICO by Trilateral Consulting.
- Wright, David, and Paul de Hert (eds.), *Privacy Impact Assessment*, Springer, Dordrecht, 2012.
- *The Privacy Impact Assessment Framework for RFID Applications*, Brussels, January 2011.  
[http://ec.europa.eu/information\\_society/policy/rfid/document\\_s/infso-2011-00068.pdf](http://ec.europa.eu/information_society/policy/rfid/document_s/infso-2011-00068.pdf)
- Art. 29 Data Protection Working Party, Opinion 9/2011 on the revised Industry Proposal for a Privacy and Data Protection Impact Assessment Framework for RFID Applications, Brussels, Adopted on 11 February 2011.  
[http://ec.europa.eu/justice/policies/privacy/docs/wpdocs/2011/wp180\\_en.pdf](http://ec.europa.eu/justice/policies/privacy/docs/wpdocs/2011/wp180_en.pdf)
- Cabinet Office. Consultation principles: guidance. November 2013.  
<https://www.gov.uk/government/publications/consultation-principles-guidance>
- Commission Nationale de l'Informatique et des Libertés (CNIL), *Methodology for Privacy Risk Management*, Translation of June 2012 edition, Paris, 2012.  
<http://www.cnil.fr/fileadmin/documents/en/CNIL-ManagingPrivacyRisks-Methodology.pdf>
- Commission Nationale de l'Informatique et des Libertés (CNIL), *Measures for the privacy risk treatment*, Translation of June 2012 edition, Paris, 2012.  
<http://www.cnil.fr/fileadmin/documents/en/CNIL-ManagingPrivacyRisks-Measures.pdf>
- Her Majesty Treasury, *The Orange Book: Management of Risk - Principles and Concepts*, London, October 2004.  
[http://www.hm-treasury.gov.uk/d/orange\\_book.pdf](http://www.hm-treasury.gov.uk/d/orange_book.pdf)
- [Jones, R and Gammell, E, \*The Art of Consultation\*, Biteback, 2009.](#)



- PIAw@tch. <http://www.piawatch.eu/>
- Ministry of Justice guidance on PIAs.  
<http://www.justice.gov.uk/downloads/information-access-rights/data-protection-act/pia-guidance-08-10.pdf>
- New Zealand Office of the Privacy Commissioner PIA handbook.  
<http://www.privacy.org.nz/news-and-publications/guidance-notes/privacy-impact-assessment-handbook/>

## Annex five

### Integrating PIAs with project and risk management

The PIA process is most effective if it is closely integrated with an organisation's existing project management processes. This helps to ensure that the PIA is able to influence the development of a project. It also encourages all people in a project team to think about privacy risks.

Organisations carrying out PIAs should think about how they can integrate the key principles in this guidance with their existing project management process. The ICO encourages organisations to develop their own templates, screening questions and consultation methods if this is the best way for them to conduct a PIA.

Project management processes are often adapted and become unique to an organisation and it is not possible for this guidance to cover every aspect of the different project management processes in use in this context. This annex suggests how PIAs could be integrated with some of the more popular or influential project management methodologies. Organisations that are interested in a more detailed analysis of how PIAs fit together with project management and risk management methodologies may wish to read the research project report 'Privacy impact assessment and risk management' prepared for the ICO by Trilateral Research and Consulting.

At the most basic level, and whichever methodology an organisation uses, it should adapt the process to include a mechanism that prompts it to identify the need for a PIA. Once it has identified the need for a PIA then using this code and the template at annex two should prompt the organisation to consider everything it needs to and to ensure that the PIA findings feed back into the project and influence the final outcomes.

Beyond that, organisations may wish to consider how to match stages of their existing project management process to stages of the PIA process.

The examples in this annex focus on the methodologies that are most well known, or are used in areas where the use of information is more likely to impact on people's privacy.

## **Mapping project and risk management concepts onto the PIA process**

### **Step 1 - Identify the need for a PIA**

#### PRINCE2

The stage of 'Starting up a project' is aimed at ensuring that all the prerequisite elements for initiating the project are in place. You could adapt this to include ensuring that the need for a PIA is identified as a prerequisite element when appropriate.

#### Agile projects

Most Agile methodologies include an element of meeting user needs. These could include the privacy needs of those affected by the project.

#### Project management body of knowledge (PMBOK)

You could introduce specific goals for privacy at an early stage in the scope management knowledge area. This can ensure that all project teams consider whether a PIA is necessary.

### **Step 2 - Describe information flows**

Understanding how you plan to use information is an important aspect of the PIA process. It will allow you to work systematically through the potential risk areas.

#### PRINCE2

Describe the data flows during the project initiation phase. A full understanding of how the project will work in practice will help you to assess its value against the business case by allowing you to manage risk and remove unnecessary processes.

#### Agile projects

Describe the information flows as part of a user story that you can refer to while implementing the project. As the project progresses, record how each stage has changed how you use personal information.

### **Step 3 - Identify risks**

As this aspect of the PIA process concerns risk identification it is particularly likely to be enhanced by using a specific risk management methodology.

### PRINCE2

Ensure that privacy risks are included in your organisation's general approach to risk. Develop standards that all projects should be expected to meet. The 'identify' element of the PRINCE2 risk management strategy and procedure (identify-assess-plan-improve) can equate to this stage of the PIA.

### Agile projects

Devise ways to quickly check against standard privacy risks during each cycle. Listen to user feedback to understand how privacy risks are arising from the project's implementation.

### ISO31000

An organisation which follows the ISO31000 standard will have developed processes for identifying and recording risks. You can integrate the PIA process at this stage, so that privacy risks are measured in line with corporate standards.

### PMBOK

You should include privacy risks as part of the project risk management area. Your risk management processes can be used to contribute to the PIA.

## **Step 4 - Identify privacy solutions**

### PRINCE 2

The assess element of the PRINCE2 risk management strategy and procedure (identify-assess-plan-improve) can equate to this stage of the PIA.

### Agile projects

If you identify issues, make it a requirement of the next cycle that privacy solutions are implemented.

## **Step 5 - Sign off and record the PIA outcomes**

### PRINCE2

Signing off the outcomes of a PIA has similarities to managing a stage boundary using PRINCE2. In PRINCE2 the process is completed at the end of a stage, when the project manager reports to the project board sufficient information to enable an assessment of the stage and allow for continuation on to the next stage. In a PIA signing off the outcomes allows you to choose the solution to take forward for development and implementation.

### Agile projects

Signing off a PIA which sets out the privacy solution that needs to be implemented can be seen as setting a requirement. A principle of Agile software development is to welcome changing requirements.

## **Step 6 - Integrate the PIA outcomes back into the project plan**

### PRINCE2

Controlling a stage within PRINCE2 includes assigning work and responsibility for actions to ensure that the project proceeds.

### Agile projects

A principle of Agile software development is that at regular intervals the team reflects on how to become more effective, then tunes and adjusts its behaviour accordingly. The team should look at lessons learned about privacy risks, and build this into their ongoing work.

### PMBOK

As part of the project integration area, an organisation should ensure that the PIA outcomes are fully implemented.

## **Key methodologies and PIAs**

### **PRINCE2**

#### Business case

A business case developed for a project can be an ideal base for a PIA. The business case should set out the project proposal and explain how the project will benefit the organisation. You could establish privacy standards as requirements that must be achieved in all projects.

#### Engaging stakeholders

When identifying project stakeholders use the opportunity to identify who you need to engage to consider privacy issues and how you will work with them. In particular, work to identify stakeholders who can represent the views of individuals affected by the project.

#### Learning from experience

If possible, review how privacy has been approached on other similar projects. This can include various aspects of the project, from security protocols to media handling. Record information about your PIAs in a way that will allow the organisation to find them useful for future projects.

#### Risk management

Develop an approach to PIA that balances privacy risks against the objectives of the organisation. Use your existing risk management approach to help you to consistently evaluate privacy issues.

### **AGILE**

The variety of Agile project management systems means that it is more difficult to provide general guidance. The nature of Agile projects means that privacy issues are not always considered using a systematic approach. There is the potential for you to incorporate the principles of PIA into your Agile projects.

#### Smaller PIA tasks

Develop ways to identify and address privacy issues as part of specific work tasks. Agile projects are likely to have less of a focus on a final PIA report but can still undertake other PIA tasks during

the project. For example, user testing could include taking feedback on privacy concerns.

#### Organisation standards for privacy

Establish organisational standards for privacy that all projects can be compared against. These should be practical measures that you can use to check whether a project is meeting the required standard.

#### Feeding back privacy issues

Allow your projects to be shaped by reacting to privacy concerns and be prepared to revisit changes to projects which are found to cause problems.

### **ISO31000**

#### Consultation

Seek the views of different groups when you are defining risk criteria. This should include taking individuals' expectations of privacy into account.

#### Accountability

Use the PIA process to identify who in the organisation will be responsible for managing the identified risks.

### **The Orange book: management of risk**

Compliance with data protection requirements is a potential legal risk for organisations to consider as part of their risk assessment. You can apply PIA activities so that they contribute to the understanding of risk in this context.

You can address privacy risks using the same approach as the wider project risks. The concept of proportionality can be useful in this approach. The PIA is not seeking to eliminate risks but is ensuring that the level of risk is appropriate for the nature of the project.

PIA should be seen as something which can improve transparency and public understanding. In turn, this can reduce the risks associated with reputational damage, and the failure of a project to deliver its objectives because of how it is viewed by the public.

## **Other methodologies**

The Trilateral report provides a more detailed overview of the following methodologies:

PMBOK

PRINCE2

Agile

HERMES

ISO31000:2009 Risk management – Principles and guidelines

Combined code and Turnbull guidance

UK Treasury's Orange Book: Management of risk

ENISA's approach to risk management

ISO/IEC 27005:2011 Information risk security management

IT-Grundschutz

NIST SP 800-39 Managing information security risk

ISACA and COBIT

CRAMM

EBIOS

OCTAVE

NIST SP 800-30 Guide for conducting risk assessments

ISO/IEC 29100:2011 Information technology – Security techniques

NIST SP 800-122 Guide to protecting the confidentiality of PII

CNIL methodology for privacy risk management