

# **2022 Local Government Candidate Diversity Survey**

**Data Protection Impact Assessment (DPIA)**

**March 2022**

# Data Protection Impact Assessment (DPIA)

---

## 1. Introduction

The purpose of this document is to report on and assess against any potential data protection or privacy impacts as a result of the running of the 2022 local government candidate diversity survey, and the data processing undertaken as part of the project.

## 2. Document metadata

- 2.1 Name of Project: 2022 Local Government Candidate Diversity Survey
- 2.2 Authors of report: Gill Cruickshank and Hannah Rutherford - Directorate for Performance, Delivery And Resilience
- 2.3 Date of report: 25/02/2022
- 2.4 Name of Information Asset Owner (IAO) of relevant business unit: Audrey MacDougall, Head of Scottish Government Central Analysis Division and Chief Social Researcher
- 2.5 Date for review of DPIA:

Review date	Details of update	Completion date	Approval Date
25/05/22	quarterly review		

## 3. Description of the project

- 3.1 Description of the work:

### The 2022 local government candidate diversity survey

The 2022 local government candidate diversity survey (2022 LGCDS) is a non-mandatory survey which asks all candidates standing for election at the 2022 local council elections to answer questions on their demographic characteristics, previous experience and any caring responsibilities they may have.

### Benefits of data

The purpose of collecting the 2022 LGCDS data is broad. The information will be used to gain a better understanding of who stands, and who is elected to councils in Scotland. This is important to improve the quality and completeness of data on how representative candidates and elected members are of the communities they serve.

The 2022 LGCDS outputs will help equality groups and organisations such as Cosla and the Improvement Service have a better understanding of the diversity characteristics of candidates. It will allow such organisations to provide appropriate support to candidates and elected members, as well as inform ways in which they can encourage candidates from different backgrounds to stand in future elections.

## **Ownership**

The Scottish Government will be the data controller and will be responsible for the governance of the project. The contractors, the APS Group and Questback, will be data processors. Their roles are noted in the governance section below.

## **Sharing 2022 LGCDS data**

Aggregated data will be shared with the wider community on the Scottish Government website once appropriate disclosure control measures have been applied.

2022 LGCDS data will only be shared under data sharing agreements which include strict confidentiality restrictions covering how the data will be securely stored, limiting access to only people who require it, ensuring that data is deleted after use and that no publications identify individuals or individual businesses.

2022 LGCDS data could also be shared with academics and researchers on application to the [Scottish Government statistics: request our data](#), which are then carefully assessed (special data requests). All applications follow a rigid approval process against a set of criteria, including researcher's accreditation and security of the research environment. Data would only be shared once appropriate disclosure control measures have been applied and information governance in place. No direct identifiers would be shared. The disclosure control methods will pseudonymise the data so that candidates are not identifiable from the 2022 LGCDS dataset itself.

## **Recontact Data**

Data subjects will be asked if they would like to be sent a copy of the 2022 LGCDS report once published and/or if they would be willing to participate in possible follow up research. If they say yes to either option, they are asked to provide their email address. 'Consent' is the legal basis for processing this data. Respondents have the option to withdraw their consent at any time by contacting the Scottish Government analysts leading on the this project: [diverserepresentationdata@gov.scot](mailto:diverserepresentationdata@gov.scot) or calling 07973 949 256.

Once the online and paper questionnaires have been processed a separate file with direct personal identifiers for those who consent to providing their details for a report to be sent to them and/or potential follow-up research will be stored by the Scottish Government. A unique identifier will be allocated to each candidate in the main datasets and recontact dataset in order to facilitate potential future matching for the purpose of follow-up research. The dataset holding recontact information will only be accessible by the lead analysts in CIMA and all requests to use the recontact list for the purpose of potential future research will be considered on a case-by-case basis. Where relevant, further details of the processes and protocols around the recontact data are provided throughout this DPIA.

## Governance

The governance arrangements of the 2022 local government candidate diversity survey are as follows:

**1. Project management:** Project is managed by a researcher and a statistician in the Constitution, International and Migration Analysis (CIMA) team, which provides analytical support to the Scottish Government's Elections policy team. Analysts within CIMA have responsibility for design and delivery of the survey, including development of all survey materials, liaising with users of the data (internal policy and equality colleagues and external users), production and quality assurance of data, and publishing the report and aggregated data on the Scottish Government website.

**2. Scottish Government Central Analysis Division:** the Head of Scottish Government Central Analysis Division and Chief Social Researcher has overall responsibility for the survey.

**3. Policy lead:** CIMA is undertaking the survey on behalf of the Elections Policy Team, who are the policy leads for the work.

**4. Stakeholders:** The Electoral Management Board (EMB) and Electoral Commission (EC) have contributed to the development of the project and will help to ensure the survey reaches all candidates including putting the links to the paper and online questionnaire on their websites. Returning Officers will disseminate the diversity questionnaire, information leaflet and prepaid return envelopes with candidate nomination packs.

COSLA and the Improvement Service have provided endorsement of the project, and logos for survey materials.

A range of equality stakeholders helped to develop the proposals for the new data collection on the diversity of candidates and elected members in Scotland.

A [Diversity in political representation in Scotland: data improvement project proposal paper](#) proposing a data collection during the nomination stage was published in December 2021. Stakeholders were invited to provide comments on these proposals. A range of feedback was received from councils, academics and other stakeholders, which informed the final questionnaire and survey approach. We will continue to work with stakeholders to encourage participation in the survey, and when we come to reporting on the data.

**5. Contractors:** The APS Group are the Scottish Government's publication contractor and are printing and delivering survey materials to Returning Officers at the 32 council offices in Scotland. The APS Group will also act as data processors for the Scottish Government for this survey. APS will receive posted completed paper questionnaires, undertake data entry, and securely transfer data files to the Scottish Government.

Questback provide the online platform used for the survey and will therefore also be data processors for the Scottish Government for this survey. Responses submitted online will be securely stored in a password protected account on the platform. Data files of the survey responses will then be securely downloaded to a restricted access Scottish Government electronic file, and deleted from Questback.

## Planning mechanisms

Planning is undertaken by the lead analysts in the CIMA team within the Scottish Government.

## Reporting mechanisms

The main release of 2022 LGCDS data will be through a publication on the Scottish Government website which will be accompanied by aggregate data tables as well as a technical publication. Within the publication we will:

- Present the diversity characteristics of candidates and elected members;
- Compare diversity characteristics of candidates and elected members with Scotland's population;
- Compare the diversity of successful and unsuccessful candidates at the 2022 election;
- Provide intersectional analysis where possible; and
- Compare the profile of new candidates and elected members with those who have stood / served as elected members previously.

Data tables accompanying a publication will comply fully with data protection laws and disclosure controls will be applied to all data before its release. Aggregated national-level data will be provided by protected characteristic. Aggregated national-level data will be provided by protected characteristic. Data on some protected characteristics (e.g. age, sex) may be able to be broken down by local authority, but where numbers of individuals with certain characteristics or combinations of characteristics is small, this will not be provided for data protection reasons.

A third party may be contracted by the Scottish Government to analyse and write up the findings of the survey before publishing on the Scottish Government website following the results of the election. If data is shared with a third party, only pseudonymised data would be shared.

## Data Breaches

In terms of data breaches which affect personal data/privacy:

- within Scottish Government – data breaches would be reported to the 2022 LGCDS project managers: and the general Scottish Government reporting process would be followed.
- by the 2022 LGCDS contractors – each organisation operates a security incident recording system and any breaches experienced would be communicated immediately to the Scottish Government, who would in turn follow the internal processes as appropriate.
- by research organisations / researchers who obtain data through Data Sharing Agreement (DSA) – datasets provided are generally disclosure controlled to minimise the risk of individuals being identified. However, if a data breach with an impact on data protection/privacy were to take place the procedures set out in the 'Management of a security incident' section of the DSA would be followed. This includes immediately notifying the Scottish Government.

## Risk Management

Managing risk is essential to the successful operation of any project. Project risks refer to the potential for project objectives to be adversely affected by issues that are related to the implementation of an individual project or to specific features of a project that make it more risky than other projects. After a careful risk assessment, the project as a whole is judged to be low risk. Further information on risk is contained in Section 7 – 'risks identified and appropriate solutions or mitigation actions proposed'.

The major project risks are low response rate, (questionnaire and response) errors and data processing errors.

There are always leakage risks when dealing with personal data. Appropriate measures are being taken and will be continually reviewed to ensure personal data stays confidential, for example:

- access to 2022 LGCDS data within SG, APS and Questback will be restricted to named individuals who are actively working on the project.
- when datasets are transmitted between APS and the Scottish Government, a secure site will be used, with access restricted to named individuals.
- responses submitted online will be securely stored in a password protected account on the platform. Data files of the survey responses will then be securely downloaded to a restricted access Scottish Government electronic file, and deleted from Questback.
- once the Scottish Government receives the data, each candidate will be assigned a unique identifier. The names and email addresses will then be removed from the data before the diversity data is analysed and stored separately. While this unique identifier can be (and needs to be) linked back to the data, the linking information is held separately and only used where necessary.
- data tables accompanying a publication will comply fully with data protection laws and disclosure controls will be applied to all data before its release.

### 3.2 Personal data to be processed.

Variable	Data Source
Name	2022 LGCDS Questionnaire (to enable analysis of both candidates and elected councillors – stored separately from main survey data).
Type of candidate	2022 LGCDS Questionnaire
Age	2022 LGCDS Questionnaire
Sex/Gender	2022 LGCDS Questionnaire
Gender reassignment	2022 LGCDS Questionnaire
Sexual orientation	2022 LGCDS Questionnaire
Disability/ long term health condition	2022 LGCDS Questionnaire
Ethnicity/race	2022 LGCDS Questionnaire
Religion or belief	2022 LGCDS Questionnaire
Email address (only if candidates select that they want to be sent a copy of the report and/or would be willing to participate in possible follow up research)	2022 LGCDS Questionnaire (for recontact/follow-up research – stored separately from main survey data).

### 3.3 Describe how this data will be processed:

#### **Diversity questionnaire**

Diversity questionnaires will be handed out to all candidates at the 2022 local government elections. In 2017, there was around 2,600 candidates.

It is important to note that the voluntary nature of the survey is key from an ethical perspective, but consent is not the basis on which the data are processed. The privacy notice highlights that the data is being collected and processed in the public interest.

Candidates can respond to the survey online or on paper (returning by post).

Paper questionnaires will be posted (using prepaid reply envelopes) to APS Group, 21 Tennant Street, Edinburgh, EH6 5NA for data capture.

The online questionnaire will be run via the Scottish Government’s in-house survey tool Questback, using the “Strategy and External Affairs” licence. Each licence has its own private folder which can be accessed only by people logging in with the username and password set up for that licence. The

Questback software is compliant with UKGDPR, with further information available [on Questback Group Code of Privacy](#).

### **Data processing after nomination period**

The APS Group will act as data processors for the Scottish Government and process all the data from the paper forms into electronic format (CSV file). APS will produce electronic scanned images of each form and a data file of all the information reported on the form. Once they have completed processing the data APS will upload the CSV files via a secure file transfer. APS will then dispose of the paper forms securely.

Questback will act as data processors for the Scottish Government and process (store) all the data from the online questionnaires. Responses submitted online will be securely stored in a password protected account on the platform. Only those who have access to the Strategy and External Affairs folder in Questback, such as relevant staff in CIMA team are able to access the data. Each Questback Licence in the Scottish Government has a Named Licence Holder, for this licence it is Sophie Ellison. Part of the role of Named Licence Holder involves keeping track of who has been given access to the log in details for that licence, and regularly changing the password so access is restricted to those with a legitimate need to access Questback to run a survey. All staff within the Scottish Government, and therefore everyone who can access a Questback Licence undertake and complete the mandatory Data Protection eLearning package every year. In addition analysts who use Questback work in line with the ethical and professional codes for their profession, such as the [GSR Code](#) (social researchers) and the [Code of Practice for Statistics](#) (statisticians). Data will be exported from Questback in a timely manner following the close of the survey, and stored in a private folder only accessible by the analysts responsible for analysing the data. The responses in Questback will be deleted after the data has been exported. This deletion will take place within 30 days of the survey closing.

On receipt of the images and data, from APS and Questback, the data from the survey will then be stored in a password protected file on a secure server until the election results. Access to these files will be restricted to a small number of analysts in the CIMA team.

Whilst survey responses and personal information (e.g. names and email addresses) are collected at the same time (i.e. in the questionnaire), these two sets of data will be separated after data has been processed (entered) from the paper and online forms. Once the Scottish Government has saved the data to the secure servers the data will be pseudonymised. In short, the questionnaire responses are contained within datasets which do not include direct personal identifiers, such as candidate names and email addresses, but do contain anonymised personal information for each candidate, like gender and age, for the purpose of analysis.

Names collected as part of the exercise will then be stored separately to candidates responses, which will only be linked to candidates name by a unique identifier. Names, email addresses and responses will be stored securely in accordance with data protection laws.

### **Data processing post-election**

Following the results of the election, Scottish Government analysts will input whether each candidate was successful or unsuccessful in order to provide a breakdown of the diversity of all candidates, and the diversity of elected members at the 2022 elections.

Candidate names will then be then deleted within 30 days of the Scottish Government receiving the full dataset.

## Data Analysis

The Scottish Government will use this data to create statistics to:

- Compare diversity characteristics of candidates and elected members with Scotland's population;
- Compare the diversity of successful and unsuccessful candidates at the 2022 election;
- Provide intersectional analysis where possible; and
- Compare the profile of new candidates and elected members with those who have stood / served as elected members previously.

Data tables will accompany the publication, which will comply fully with data protection laws.

Aggregated national-level data will be provided by protected characteristic. Data on some protected characteristics (e.g. age, sex) may be able to be broken down by local authority, but where numbers of individuals with certain characteristics or combinations of characteristics is small, this will not be provided for data protection reasons.

A third party may be contracted by the Scottish Government to analyse and write up the findings of the survey before publishing on the Scottish Government website following the results of the election. If data is shared with a third party, only pseudonymised data would be shared.

See more information about how data sharing procedures will be followed in Section 3.1 above.

## Retention

The information will be disposed of once conditions for it to be kept no longer apply, in accordance with Scottish Government policies.

>Names of the candidates will be deleted within 30 days of the Scottish Government receiving the full dataset..

> paper forms processed by APS will be deleted once scanned images of the forms are securely transferred to the Scottish Government

>The scanned images of the paper forms will be deleted within 30 days of the Scottish Government receiving the full dataset.

>Data files downloaded from APS and Questback to the Scottish Government's secure server, will be pseudonymised and retained indefinitely for statistical and research purposes.

Once the questionnaire is completed, as the survey data is processed under the public interest clause, the right to have the data erased does not apply for candidates. This is important for practical reasons relating to the main survey data as, once the survey data has been finalised and analysed, removing individuals responses would change the outputs and results derived from the data and therefore undermine the quality and integrity of the data as an evidence source. However, in practice, if candidates contact the Scottish Government within a few days of completing the questionnaire (i.e. before the relevant data are cleaned, processed etc.), it may be possible to remove them from the dataset and such requests are generally progressed in recognition of the voluntary nature of the survey. In practice, this is very rarely requested.

>Email addresses (recontact data), where supplied with consent to be sent a copy of the survey report, will be deleted once the survey report has been sent.



>Email addresses (recontact data), where supplied with consent to be contacted about potential future research, will be deleted after 6 years.

Whilst the right to erasure does not apply to the main survey data, candidates who express a willingness to be invited to take part in follow-up research provide their email address and are asked to provide explicit consent for such processing. Whilst these data are gathered in the same way as the main survey data (i.e. as part of the paper or online questionnaire), candidates are advised that they are free to withdraw their consent to be on the recontact list and therefore have their information on this dataset (i.e. personal contact details) erased at any time. Information on how to withdraw consent from this processing is provided within the privacy notice. Any withdrawal of consent for recontact does not impact on the right to continue to hold and process the main survey data for such candidates (i.e. the datasets without direct personal identifiers).

The recontact data will be correct at the time of collection but there is currently no mechanism in place for ensuring the data remains up to date into the future. As such, given that candidates may change email addresses, the Scottish Government assesses that these datasets should be disposed of after 6 years. This balances up the assessment of the likely accuracy of the data over time with the potential utility of this dataset, whilst also recognising that it is stored securely with access restricted and that any request for use is robustly assessed on a case-by-case basis. Any further research undertaken with the recontact data will also include a clear opportunity for people to refuse to take part in or withdraw consent from the follow-up work. These data are permanently erased from the SG servers at the end of the relevant retention period.

The 2022 LGCDS project managers delete the recontact data shortly after this has been received and signed off by the Scottish Government.

### 3.4 Explain the legal basis for the sharing with internal or external partners:

Under data protection law we are required to identify a 'lawful basis' from Article 6 of the United Kingdom General Data Protection Regulation (UKGDPR) – in this case, it is “performance of a task in the public interest” (commonly referred to as ‘public task’), where that task is set out in law, which here includes the section 149 (public sector equality duty) and section 1 (the fairer Scotland duty) of the Equality Act 2010.

As part of the survey, we also need to gather, use and process sensitive personal information about candidates (special category data, for example ethnicity, religion or health), to allow us to produce statistics on the demographic characteristics of candidates and elected members in Scotland . Candidates can be confident that we ensure that this processing is proportionate and is necessary for statistical research purposes under UKGDPR (Article 6(1)(e) and Article 9(2)(g)) and of the Data Protection Act 2018 section (Section 10(3) and paragraph 8 of schedule 1).

At the end of the survey candidates are asked if they would like to be sent a copy of the report and/or if they would be willing to participate in possible follow up research. If they say yes to either options, they are asked to provide their email address. ‘Consent’ is the legal basis for processing this data. Respondents are advised that they have the right to withdraw from the recontact database at any time and provided with information on how to do so in the privacy notice.

There are controller-processor arrangements between the Scottish Government and its contractors. The APS Group and Questback will carry out processing on behalf of the Scottish Government. Both contractors guarantee to implement appropriate technical and organisational measures in such a manner that processing will meet the requirements of the UKGDPR and ensure the protection of the rights of the data subject. More information on the:

- Scottish Government and APS Group framework agreement can be found at: [Publishing, print and design \(PPDAS\) framework](#).
- Questback Group Code of Privacy can be found at: [Questback Group Code Of Privacy](#)

#### 4. Stakeholder analysis and consultation

4.1 List all the groups involved in the project, and state their interest.

Group	Interest
Scottish Government Constitution, International and Migration Analysis team	Project is managed by a researcher and a statistician in the Constitution, International and Migration Analysis (CIMA) team, which provides analytical support to the Scottish Government's Elections policy team. Analysts within CIMA have responsibility for design and delivery of the survey, including development of all survey materials, liaising with users of the data (internal policy and equality colleagues and external users), production and quality assurance of data, and publishing the report and aggregated data on the Scottish Government website.
Scottish Government Elections Policy team	CIMA is undertaking the survey on behalf of the Elections Policy Team, who are the policy leads for the work.
Candidates at the 2022 local government election	All candidates standing for election at the 2022 local council elections are being invited to complete a brief voluntary questionnaire on their demographic characteristics, previous experience and any caring responsibilities they have.
Stakeholders	<p>The Electoral Management Board (EMB) and Electoral Commission have contributed to the development of the project and will help to ensure the survey reaches all candidates including putting the links to the paper and online questionnaire on their websites. Returning Officers will disseminate the diversity questionnaire, information leaflet and prepaid return envelopes with candidate nomination packs.</p> <p>COSLA and the Improvement Service have provided endorsement of the project, and logos for survey materials.</p> <p>A range of equality stakeholders helped to develop the proposals for the new data collection on the diversity of candidates and elected members in Scotland.</p> <p>A paper proposing a data collection during the nomination stage was published in December 2021. Stakeholders were invited to provide comments on these proposals was published in December 2021. A range of feedback was received from councils, academics and other stakeholders, which informed the final questionnaire and survey approach. We will continue to work with stakeholders to encourage participation in the survey, and when we come to reporting on the data.</p>
APS	The APS Group are the Scottish Government's publication contractor and are printing and delivering survey materials to Returning Officers at the 32 council offices in Scotland. The APS Group will also act as data processors for the Scottish Government for this survey. APS will receive posted completed paper questionnaires, undertake data entry, and securely transfer data files to the Scottish Government.
Questback	Questback provide the online platform used for the survey and will therefore also be data processors for the Scottish Government for this survey. Responses submitted online will be securely stored in a

	password protected account on the platform. Data files of the survey responses will then be securely downloaded to a restricted access Scottish Government electronic file, and removed from Questback.
Scottish Government Data Protection Team	The Scottish Government Data protection team have reviewed and provided feedback on earlier version of this DPIA.
Scottish Government Legal Team	The Scottish Government Legal team have reviewed and provided feedback on earlier version of this DPIA.

#### 4.2 Method used to consult with these groups when making the DPIA.

Candidates and members of the Scottish Population were not shown the DPIA before it was published. However, upon publication the DPIA was linked to the '[Diversity in political representation in Scotland' survey information page](#), a page collecting documents relating to the 2022 Local Government Candidate Diversity Survey. Through this, wider groups were informed.

If further comments are received, a revised version of the DPIA could be released. This phrase has been added to the end of this document "If anyone reading this document has any comments or suggestions for changes, please get in touch with the lead analysts from this project [diverserepresentationdata@gov.scot](mailto:diverserepresentationdata@gov.scot)":

The draft DPIA was circulated to the following Scottish Government colleagues: Scottish Government Data Protection team, Scottish Government Legal team, analysts in Office of the Chief Statistician (OCS) for comment before it was published. Comments were incorporated. The draft DPIA was also circulated to APS and Questback.

#### 4.3 Method used to communicate the outcomes of the DPIA .

The 2022 local government candidate diversity survey DPIA will be published on the Scottish Government website '[Diversity in political representation in Scotland' survey information page](#). Any notable changes in DPIA to be noted on website where DPIA published as well as within DPIA.

## 5. Questions to identify privacy issues

### 5.1 Involvement of multiple organisations

The survey process involves 2 contractors, currently The APS Group and Questback, to support the processing of data. We have received and reviewed assurances from the contractors that their work follows the UKGDPR frameworks.

### 5.2 Anonymity and pseudonymity

As explained in the information leaflet that is given to candidates alongside the questionnaire, initial processing of the questionnaires requires that data not be anonymous. We ask for the name candidates are standing under, only for the purpose of being able to record which candidates have been elected following the election. This means we can understand the diversity both of all candidates at the elections, and of those who are ultimately elected.

Once the Scottish Government receives the data from APS and Questback, the 2022 LGCDs data will be pseudonymised. A unique identifier will be assigned to each candidate. The names will then be removed from the survey data before the data is analysed. While this unique identifier can be (and needs to be) linked back to the survey data, the linking information will be held separately and only used where necessary.

To help manage the anonymity of the data, names will be held separately from the survey data. The number of people who will be able to make the link between the survey data and the names of candidates will be tightly controlled and there will only be a small number of analysts within the CIMA Team who have access to both records. The Scottish Government will not hold on to the data for any longer than is necessary. Names of the candidates will be deleted within 30 days of the Scottish Government receiving the full dataset.

Email addresses will also be removed from the survey data and a separate dataset of recontact information will be held for those who have consented to providing this. Email addresses, where supplied with consent to be sent a copy of the survey report, will be deleted once the survey report has been sent. Email addresses (recontact data), where supplied with consent to be contacted about potential future research, will be deleted after 6 years.

The data provided from each candidate will be combined with the information from all other candidate responses, to create statistics about the diversity of candidate and elected members in the 2022 local government election. These statistics are subject to disclosure control guidance issued by the Office for National Statistics.

### 5.3 Technology

Questback, the Scottish Government's in-house survey tool will be used to collect the personal data from the online questionnaire. Questback is UKGDPR compliant and approved for use within the SG.

Within Scottish Government, personal data will be held electronically on restricted areas of the Scottish Government's secure server as previously described.

### 5.4 Identification methods

Once initial processing has been completed, candidates will be identified by their unique identifiers.

A unique identifier will be assigned to each candidate within the 2022 LGCDS data once received by the Scottish Government. Whilst personal information such as names and email addresses will be stored separately from the main survey response data, the unique identifier will be common to all datasets to enable this data to be matched if/when required.

### 5.5 Sensitive/Special Category personal data

Information about ethnicity, religion, physical and mental health, sexual orientation and political opinion will all be collected in the 2022 LGCDS. However, this information will not be stored alongside personal details in the data such as names and email addresses.

The survey will ask questions relating to sex and gender, including asking the candidate about their transgender status. This is in line with the SG guidance: [Sex, gender identity, trans status - data collection and publication: guidance - gov.scot](#)

Disclosure checks will be carried out on the data before it is published.

### 5.6 Changes to data handling procedures

N/A

### 5.7 Statutory exemptions/protection

N/A

#### 5.8 Justification

N/A

#### 5.9 Other risks

N/A

### 6. UK General Data Protection Regulation (UKGDPR) Principles

<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
6.1 Principle 1 – fair and lawful, and meeting the conditions for processing	Yes	<p>The Information to be gathered is a proportionate response to the need to improve the evidence base on the diversity of political representation in Scotland. The data will be processed on the basis that it is necessary for the performance of a public task carried out in the public interest (Article 6(1)(e) of UKGDPR. The relevant public tasks are section 149 (public sector equality duty) and section 1 (the fairer Scotland duty) of the Equality Act 2010. In addition, the it is necessary and proportionate for reasons of substantial public interest, on the basis of domestic law, to process special Category data (Article 9(2)(g)) and of the Data Protection Act 2018 section (Section 10(3) and paragraph 8 of schedule 1) and the data will be processed in accordance with relevant data protection laws.</p> <p>Data subjects will be provided with an information leaflet alongside the questionnaire to provide information on how their data will be used. A privacy notice will also be published on the Scottish Government website</p> <p>Respondents are asked for explicit consent for their email addresses to be held for the purposes of sending the report once published and/or follow-up research. Information for how candidates are able to later opt-out is provided in the privacy notice.</p>
<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
6.2 Principle 2 – purpose limitation	Yes	<p>This survey data is only collected and processed for the specified, explicit and legitimate purposes communicated to candidates.</p> <p>The data could also be shared with academics and researchers on application to the Statistics Public Benefit and Privacy Panel (SPBPP), which are then carefully assessed (special data requests). All applications follow a rigid approval process against</p>

		a set of criteria, including researcher's accreditation and security of the research environment. Data would only be shared once appropriate disclosure control measures have been applied. The disclosure control methods pseudonymise the data so that candidates are not identifiable from the 2022 LGCDS data itself.
<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
6.3 Principle 3 – adequacy, relevance and data minimisation	Yes	<p>In terms of personal data (such as gender, age etc.) – collection and processing of this data will be done using established questions which produce meaningful data for the purposes of research and statistics. Personal information collected is essential for understanding of who stands, and who is elected in councils in Scotland. This is important so that we can understand how representative our candidates and elected members are of the communities they serve.</p> <p>To avoid the need to collect the diversity again in a second process after the election, we need to ask for candidate names. Once initial processing has been completed, data will be analysed using a unique identifier for each candidate. While this unique identifier can be (and needs to be) linked back to the name, party and constituency of the candidate following the results of the election, the linking information will be held separately and only used for that purpose before the dataset is pseudonymised. Access to candidate names and response data will be restricted to a small number of individuals involved in this project.</p> <p>Candidates are asked if they would like to be sent a copy of the report and/or if they would be willing to participate in possible follow up research. Email address are then collected only once the consent is given and are stored only so that candidates can be re-contacted in the future for these reasons. Candidates can withdraw their consent at any time.</p>
<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
6.4 Principle 4 – accurate, kept up to date, deletion		<b>Accurate:</b> The information is obtained directly from data subjects. The more candidates who agree to take part, the more reliable the results of the survey will be of all candidates standing at the 2022 local government election in Scotland. However, taking part in the survey is voluntary. Quality assurance checks will be performed by the Scottish

		<p>Government. There is no requirement for the data to be later updated, although analysis and results when published are clear about the time frame which results relate to.</p> <p><b>Up-to-date:</b> The data will be accurate at the time of collection for the sample that respond to the survey. As further processing will use the data and tie it to the point of collection (i.e. candidates at the 2022 local government election that respond to this survey), the data will be accurate to and representative of that point in time.</p> <p><b>Deletion:</b> As the data is processed in accordance with the public task clause, the right to erasure does not apply. Names of the candidates, will however, be deleted within 30 days of the Scottish Government receiving the full dataset.</p> <p>Recontact data (email addresses), where supplied with consent to be sent a copy of the survey report, will be deleted once the survey report has been sent. Email addresses, where supplied with consent to be contacted about potential future research, will be deleted after 6 years. Data subjects will be provided with contact details to enable them to withdraw their consent and remove themselves from the recontact database.</p>
<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
6.5 Principle 5 – kept for no longer than necessary, anonymization	Yes	<p>The main survey data will be held indefinitely by the Scottish Government for the purposes of research and statistics. This data will be pseudonymised as it will not include direct personal identifiers, thus reducing the risk of individuals being identified.</p> <p>Names of the candidates will be deleted 30 days of the Scottish Government receiving the full dataset. Email address will only be collected once consent is given and will be stored only so that candidates can be re-contacted in the future for these reasons.</p> <p>Each candidate will have a unique identifier in each dataset which allows them to be linked back following the results of the 2022 local government election. This processing only takes place to facilitate legitimate further research, and following ethical considerations and necessary approval processes being completed.</p>

Principle	Compliant – Yes/No	Description of how you have complied
6.6 UKGDPR Articles 12-22 – data subject rights	Yes	<p>Data subjects have rights defined under UKGDPR. The survey’s information leaflet and pages on gov.scot explain how the data will be handled, rights of data subjects and where more information can be found.</p> <p>Whilst most subject rights under UKGDPR apply, as this data is being processed under the public task clause Individuals’ rights to erasure and data portability do not apply. As the survey is carried out for reasons of public interest (rather than a legal obligation) and appropriate safeguards are in place to minimize the risk to privacy, the right to object is more limited as the processing is necessary for the performance of a task carried out in the public interest – as per Article 21(4). However, participation in the survey is voluntary, so data is only collected from willing participants. The data will not be used for direct marketing, and will only be processed for legitimate statistical and research purposes as specified in the privacy notice.</p> <p>Email address details are processed for the purposes of sending the published report or follow-up research, never market research. If applicants are not content for their data to be used for follow-up analysis they are free to withdraw consent. It is voluntary and this is made known to candidates.</p>
Principle	Compliant – Yes/No	Description of how you have complied
6.7 Principle 6 - security	Yes	<p>Paper questionnaires will be returned in sealed envelopes to APS. APS will maintain a clear desk policy and all paper forms will be locked away when not in use and destroyed as soon as possible. Access to personal data and the survey data will be restricted to only individuals who require access at different stages of the process</p> <p>The online version of the survey will be run using the Scottish Government’s in-house survey tool Questback, a password protected secure online survey tool. All data is hosted in an all-certified data center in Germany which meets very high data protection and security requirements according to ISO 27001, SOC, PCI, SSAE16 and others. Data will be exported from questback in a timely manner following the close of the survey, deleted from the questback, and stored in a private secure Scottish Government folder only accessible by the analysts in CIMA. Once the data from the questionnaires has</p>



		<p>been processed the Scottish Government will store the data on a section of the government's secure server with access restricted to a small number of analysts working on the project.</p> <p>Only aggregated information will be published in reports and tables and disclosure control processes will be applied. All Scottish Government staff complete necessary Data Protection training at least once per year to ensure staff are aware of regulations.</p>
<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
6.8 UKGDPR Article 44 - Personal data shall not be transferred to a country or territory outside the European Economic Area.		The survey data will be pseudonymised and retained indefinitely by the Scottish Government for statistical and research purposes. An international research institution may make a request for a special dataset. Should a data sharing request be received which would involve transferring data outside of the EEA, this would be considered by the Scottish Government's Data Access Panel.

## 7. Risks identified and appropriate solutions or mitigation actions proposed

Is the risk eliminated, reduced or accepted?

Risk	Ref	Solution or mitigation	Result
Physical security of new data, in particular against unauthorised access and accidental or deliberate damage/disclosure, particularly when the data arrives in Questback	1	<ul style="list-style-type: none"> <li>Data from the online questionnaire will initially be collected via Questback, and will be stored in the Questback Strategy and External Affairs folder, which can be accessed by a small number of staff with access to that username and password. Each Questback Licence within the SG has a Named Licence Holder. The Named Licence Holder role involves keeping track of who has been given access to the log in details for that licence, and regularly changing the password so access is restricted to those with a legitimate need to access Questback to run a survey.</li> </ul>	Reduce

		<ul style="list-style-type: none"> <li>To further minimise any disclosure risks associated with data being held in Questback, data will be exported from Questback after the survey has closed and be securely stored on the SG server. Once successfully exported, the data will be deleted from Questback.</li> <li>The data will be managed by an experienced Scottish Government analyst and stored securely with access restricted to those required to process it. Scottish Government staff with access to the data are trained in the safe handling of data, and will be required to have a legitimate need to access the data.</li> </ul>	
Data transfer between private sector the APS Group and the Scottish Government.	2	<ul style="list-style-type: none"> <li>Data files to be securely transferred to the Scottish Government.</li> <li>Once the data has been transmitted to Scottish Government it is deleted by the contractors.</li> </ul>	Reduce
Identity theft due to information supplied by individual	3	<ul style="list-style-type: none"> <li>Access to data in Scottish Government and APS is restricted to named individuals working on the project. Any data breaches much be brought to the attention of Scottish Government immediately.</li> <li>Ensure that only 6 years' worth of contact data is held</li> </ul>	Reduce
Information about an individual's circumstances is leaked / released accidentally breaching the DPA. Personal data released	4	<ul style="list-style-type: none"> <li>Access to data in Scottish Government and APS is restricted to named individuals working on the project. Any data breaches much be brought to the attention of Scottish Government immediately.</li> <li>Changes to project teams should mean that individuals have access granted and removed as required, in a timely manner.</li> </ul>	Reduce

		<ul style="list-style-type: none"> <li>• Steps are taken to ensure that direct personal identifiers (names and email addresses) are stored separately from the main survey datasets containing pseudonymised candidate answers.</li> <li>• A unique identifier is assigned to each candidate in each dataset to allow the Scottish Government to note which candidates have been successful following the results of the election.</li> <li>• Ensure that colleagues with access to information are trained on the requirements of the DPA at least annually and are clear on the processes for protecting information.</li> <li>• Disclosure checks are made on all data before it is released.</li> </ul>	
--	--	---	--

## 8. Incorporating Privacy Risks into planning

Explain how the risks and solutions or mitigation actions will be incorporated into the project/business plan, and how they will be monitored. There must be a named official responsible for addressing and monitoring each risk.

Risk	Ref	How risk will be incorporated into planning	Owner
As above	1-4	As above	Gill Cruickshank and Hannah Rutherford, Lead analysts

## 9. Data Protection Officer (DPO)

The DPO may give additional advice, please indicate how this has been actioned.

Advice from DPO	Action

## 10. Authorisation and publication

The DPIA report should be signed by your Information Asset Owner (IAO). The IAO will be the Deputy Director or Head of Division.

Before signing the DPIA report, an IAO should ensure that she/he is satisfied that the impact assessment is robust, has addressed all the relevant issues and that appropriate actions have been taken.

By signing the DPIA report, the IAO is confirming that the impact of applying the policy has been sufficiently assessed against the individuals' right to privacy.

The results of the impact assessment must be published in the eRDM with the phrase "DPIA report" and the name of the project or initiative in the title.

Details of any relevant information asset must be added to the Information Asset Register, with a note that a DPIA has been conducted.

I confirm that the impact of collecting and processing data associated with the 2022 local government candidate diversity survey has been sufficiently assessed against the needs of the privacy duty:

Name and job title of a IAO or equivalent	Date each version authorised
Audrey MacDougall, Head of Scottish Government Central Analysis Division and Chief Social Researcher	Wednesday 2 <sup>nd</sup> March 2022

### **Comments/Feedback:**

If anyone reading this document has any comments or suggestions for changes, please get in touch with the lead analysts from this project: [diverserepresentationdata@gov.scot](mailto:diverserepresentationdata@gov.scot).



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

© Crown copyright 2022

**OGL**

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-80435-189-5 (web only)

Published by The Scottish Government, March 2022

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS1036230 (03/22)

W W W . g o v . s c o t