

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	New demand-led fuel poverty scheme to succeed Warm Homes Nest
<b>Department:</b>	Environment & Rural Affairs
<b>Lead Official:</b>	Kristy Roberts-Medcraft
<b>Information Asset Owner:</b>	Eleanor Marks
<b>PIA Reference Number:</b>	

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

### Current position

The Welsh Government has a statutory obligation to eradicate fuel poverty, as far as is reasonably practicable, in all households in Wales by 2018. We have limited powers to tackle low income and energy prices, making the eradication of fuel poverty a real challenge, but we can make a significant difference by improving the energy efficiency of homes in Wales.

Wales has some of the oldest and least thermally-efficient building stock in Europe. Therefore, it simply takes more energy to keep our homes warm than elsewhere in Europe, and this drives up energy bills.

Improving the energy efficiency of homes is the most direct and sustainable way to reduce energy bills in the long term, allowing households to keep warm at a more affordable cost.

Our Fuel Poverty Strategy issued in 2010 sets out the actions we will take to reduce the number of households in Wales living in fuel poverty. A key action from the Strategy was the provision of a demand-led all-Wales fuel poverty scheme, targeted at those householders most in need and living in the most energy inefficient homes (subsequently known as Nest) and complemented

## Privacy Impact Assessment (PIA) – Screening Tool

by area-based investment known as Arbed.

Through Nest, members of the public can access free advice and support. These services include advice to reduce fuel bills, money management advice and Benefit Entitlement Checks, signposting to third parties and, where Nest eligibility criteria is met, referral for a package of free energy efficiency measures to improve the energy performance of their homes.

The Welsh Government is data controller for the information collected by the Nest Scheme Manager (British Gas). We process data in line with our obligations under the Data Protection Act.

Applicants to the Nest scheme who are referred for a package of energy efficiency measures, are provided with Nest Terms and Conditions. This advises data will be used to administer an application to the Welsh Government's fuel poverty scheme. This data which is collected by British Gas is used to determine whether the eligibility requirements for the scheme have been met. Welsh Government states it may share personal data, such as name, address and age with Ofgem, allocated research organisations or Welsh Government Ministers to:

- Help to carry out our legal duties in eradicating the levels of fuel poverty in Wales;
- Prepare research and statistical analyses (from which people cannot be identified); and
- Provide information to Welsh Government Ministers, which will help them make decisions relating to policy changes.

To be considered for a package of free energy efficiency measures under Nest, the Scheme Manager requires the following information as proof of residency:

- Mortgage Statement (if applicable)
- Title deeds (if applicable)
- Building Insurance documents
- Land registry documents
- Wills / Solicitors letter
- Tenancy Agreements

For private tenant applications, the following documents have to be provided to the Scheme Manager to help to progress the tenants application:

- Valid tenancy agreement;
- Valid gas safety certificate; and
- Landlords permission form for Nest measures to be installed at the property.

Since July 2016, the Scheme Manager has additionally required the private landlords Rent Smart Wales Registration number to progress the application

## Privacy Impact Assessment (PIA) – Screening Tool

(from November 2016, private landlords must by law be registered with Rent Smart Wales).

The current Nest scheme contract expires on 31 March 2018. A new scheme manager contract has been procured with British Gas awarded the five year contract to run the new scheme from 1 April 2018.

### New position

The new scheme, like the old scheme, is designed to provide households in Wales with access to a range of free, impartial advice and support to help them reduce their energy bills and keep warm at a more affordable cost. This support includes a referral for a package of free home energy improvements for certain low income, vulnerable and energy inefficient households, subject to eligibility criteria. The scheme, whilst maintaining the existing means-tested eligibility criteria, will also pilot a health professional referrals process for low income households with a household member not on a means tested benefit suffering from a respiratory or circulatory condition to be referred in to the scheme

The processing of personal data for the new scheme will be the same as that for the current scheme. The Data Controller will remain Welsh Government with the new Scheme Manager British Gas collecting the data.

The process of referrals for householders with respiratory or circulatory health conditions will be trialled from October 2017 until 31 March 2019. The health conditions pilot eligibility criteria is for those who are not on a means tested benefit but are meeting the requirements of the property having an Energy Performance Certificate rating of E, F and G, in addition to living in privately owned or privately rented property. Those who suffer from a respiratory or circulatory health condition will be providing personal data to other parties, which are most likely to include health professionals and third party approved referral partners. An evaluation report covering the 16 month period will be produced by the scheme manager British Gas, for the Welsh Government. This will look at a variety of issues including the privacy impact for those applying to the scheme under the health conditions.

### **2. Will the proposal involve the processing<sup>1</sup> of information that could be used to identify individuals (personal data)?**

No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

### **3. Has privacy impact screening or assessment already been carried out?**

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<sup>1</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.

# Privacy Impact Assessment (PIA) – Screening Tool

Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	<input checked="" type="checkbox"/> Name	<input checked="" type="checkbox"/> Telephone Numbers
	<input checked="" type="checkbox"/> Home Address	<input checked="" type="checkbox"/> Date of Birth
	<input type="checkbox"/> Business Address	<input checked="" type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input checked="" type="checkbox"/> Passport / ID Card Number
	<input checked="" type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
	<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input checked="" type="checkbox"/> Other (please specify)
		<ul style="list-style-type: none"> <li>• Mortgage Statement (if applicable)</li> <li>• Title deeds (if applicable)</li> <li>• Building Insurance documents</li> <li>• Land registry documents</li> <li>• Wills / Solicitors letter</li> <li>• Tenancy Agreements</li> <li>• Private Landlord's details</li> <li>• Private landlords Rent Smart Wales registration number</li> </ul>
<b>Sensitive</b>	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
	<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
	<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
	<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
	<input checked="" type="checkbox"/> Physical / mental health or condition	<input checked="" type="checkbox"/> Tax, benefits or pensions records
	<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
	<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)

# Privacy Impact Assessment (PIA) – Screening Tool

Educational records

Other (please specify)

*Details:*

## 5. For the personal data being processed, please indicate:

Who the Data Controller is: <i>(see notes section for the definition of a Data Controller)</i>	<i>Welsh Government</i>
Any Data Processors: <i>(see notes section for the definition of a Data Processor).</i>	The Scheme Manager (British Gas)
Will the data be shared?	<p>Anonymised data may be shared with internal colleagues.</p> <p>Anonymised Nest data for the current scheme has been provided to Knowledge and Analytical Services (KAS) in Welsh Government. KAS has been undertaking a 3 year research project with Swansea University, subsequently extended to 6 years.. This research is trying to link the positive impacts on a family's health, where householders have received energy efficiency measures through Nest..</p>

## 6. What is the legal basis for processing the data?

Section 15(1) of the Social Security Act 1990 (as amended by section 142(1) of the Housing Grants, Construction and Regeneration Act 1996) provides that the Secretary of State may make, or arrange for the making of grants towards the cost of work or advice to improve thermal insulation or otherwise to reduce or prevent energy wastage in dwellings. These functions were transferred to the National Assembly for Wales by virtue of article 2 of, and schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999. These functions are now exercisable in relation to Wales by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.

Section 60 of the Government of Wales Act 2006 Act empowers the Welsh Ministers to do anything which they consider appropriate to achieve the promotion or improvement of the economic, social and environmental well-being of Wales.

Section 70 provides that the Welsh Ministers may give financial assistance to any

# Privacy Impact Assessment (PIA) – Screening Tool

person engaged in any activity which the Welsh Ministers consider will secure or help to secure, the attainment of any objective which they aim to attain in the exercise of any of their functions.

Regulation 5 of the Home Energy Efficiency Schemes (Wales) Regulations 2011 sets out the eligibility criteria for the Warm Homes Nest scheme. Regulation 5(4) provides that the eligibility criteria may be modified, replaced or supplemented by the area agency (the scheme manager) with the consent of the Welsh Ministers. The eligibility criteria are defined in regulation 2 as “the criteria determined for the time being by or (as the case may be) in accordance with Regulation 5”.

The Data Protection Act 1998 provides the restrictions, and gateways, for ‘processing’ data. All users must have consented to any necessary data processing. The legal basis and appropriate gateway for processing the data will therefore be ‘data subject consent’, pursuant to paragraph 1 of Schedule 2 to the Data Protection Act 1998.

## 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

The health conditions pilot which will operate until 31 March 2019 will require Welsh Government to store personal data on these conditions.

### Data Handling

## 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.       No – Go to Q9.

The data may continue to be matched for health data linking purposes to demonstrate the health and well-being benefits of receiving energy efficiency measures.

## 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.       No – Go to Q10.

There may be changes in data collection as a result of the findings from the health pilot.

### Technology

## 10. Will the proposal involve the introduction of privacy-intrusive technologies such as:

Yes – Please provide details below.       No – Go to Q11.

<input type="checkbox"/> Smart cards	<input type="checkbox"/> Digital image and video recording
<input type="checkbox"/> RFID tags	<input type="checkbox"/> Profiling, data mining or logging of

# Privacy Impact Assessment (PIA) – Screening Tool

<i>(radio-frequency identification)</i>	electronic traffic <i>(process to identify patterns in large data sets)</i>
<input type="checkbox"/> Biometrics	<input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)
<input type="checkbox"/> Visual surveillance (e.g. CCTV)	<input type="checkbox"/> Other (please specify Details below)
<i>Details:</i>	

## **Identity**

### **11. Will the proposal involve new or changed identity management or authentication processes?**

Yes – Please provide details below.       No – Go to Q12.

*Details:*

### **12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

Yes – Please provide details below.       No

*Details:*

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## **Notes**

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

# Privacy Impact Assessment (PIA) – Screening Tool

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term 'jointly' is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term 'in common' applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.



# Privacy Impact Assessment (PIA) – Screening Tool

## For completion by IRU:

**Is a formal Data Protection Impact Assessment (DPIA) required for this proposal?**

Yes  No

A DPIA is required when processing is “likely to result in a high risk”. The Article 29 Working Party (WP29) say that the below nine criteria should be considered and meeting two or more of these would require a DPIA to be carried out.

1. Evaluation or scoring, including profiling and predicting.
2. Automated-decision making.
3. Systematic monitoring.
4. Sensitive data or data of a highly personal nature.
5. Data processed on a large scale.
6. Matching or combining datasets.
7. Data concerning vulnerable data subjects.
8. Innovative use or applying new technological or organisational solutions.
9. When the processing in itself “prevents data subjects from exercising a right or using a service or a contract”.

This proposal does include the processing of special category of personal data in the form of health data, which would be caught by criteria 4. However, that processing in itself does not trigger a DPIA and furthermore, given the processing is consent based, the data subject has full control over the processing of their personal data.

**Has advice on General Data Protection Regulation (GDPR) compliance been provided?**

Yes – see below  No

Article 5 of the GDPR states the principles relating to the processing of personal data that have to be met. In terms of this proposal the main issues will be ensuring:

- the GDPR’s higher standard of transparency (the information provided to data subjects) are met;
- the lawfulness of processing requirement are met;
- appropriate levels of security in respect of IT systems and processes used to store and transfer personal data are in place; and
- there is a written contract with the data processor in place covering the processing of personal data.

You should contact your [DKIM](#) in the first instance if advice is needed to meet these requirements.

Note:

With regard to the lawfulness of processing, the response to Q6 states data subject consent is being relied upon to process the personal data. This is a valid condition for processing under Article 6 and Article 9 (where the processing relates to special category data) of the GDPR. Where consent is being relied upon it will need to meet the GDPR standard for consent e.g. it requires a positive opt-in; it has to be specific

## Privacy Impact Assessment (PIA) – Screening Tool

and granular; it has to be easy for the data subject to withdraw consent and they have to be told how to do this,