UCL DATA IMPACT ASSESSMENT TEMPLATE FOR RESEARCH

Why do I need to complete this Data Protection Impact Assessment (DPIA)?

A DPIA helps identify data privacy risks when planning new, or revising existing, projects and to identify actions to mitigate these risks. In the rare cases where risks cannot be mitigated at all it may be necessary to consult with the Information Commissioner's Office (ICO). Under data protection legislation it is a legal requirement to complete a DPIA in the following circumstances:

- where data processing is likely to result in a high risk of harm to individuals, e.g. new, invasive technology is proposed
- when large volumes of personal data are processed, e.g. use of behavioural profiles based on website usage
- when processing special category personal data on a large scale, e.g. genetic tests to assess and predict the disease/health risks
- when individuals are evaluated based on automated processing or profiling, e.g. credit screening
- where publicly accessible areas are monitored, e.g. CCTV or when filming public areas

It is UCL policy to carry out a DPIA in the following circumstances:

- Where datasets have been matched or combined for different purposes and/or by different data controllers in a way that would exceed the reasonable expectations of the individuals concerned.
- Where the personal data concerns vulnerable individuals, e.g. children, vulnerable adults, or where there is an imbalance of power.
- When applying innovative use or applying technological solutions, e.g. 'internet of things' applications.
- When data is transferred outside the European Union (further guidance is given below).

In circumstances in which it is unclear whether a DPIA is required under data protection legislation, it is advisable to carry one out as a useful tool to ensure any privacy risks to individuals are considered. Failing to carry out a DPIA correctly or failing to consult the ICO where required can each result in fines.

When should I complete this DPIA?

The DPIA should be started as early as possible during project planning while there is still time to influence project design. The DPIA should be completed prior to any contractual negotiations and before the processing of personal data begins.

Who should complete this DPIA?

While the controller (i.e. UCL) is responsible for ensuring that DPIAs are carried out, the Principal Investigator should complete this DPIA, and then submit it to Data Protection Office as part of their research registration forms. Relevant stakeholders, such as partners, colleagues and participants, should be consulted throughout the DPIA process to assist in identifying privacy risks where necessary.

How should a DPIA be completed?

This table sets out the steps UCL should take to comply with data protection legislation when carrying out a DPIA prior to processing personal data. It is important to note that the size and level of detail in a DPIA should be proportionate to the scale of the project and the related privacy risk. Account should be taken of the nature, scope, context and purpose of the data processing.

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International transfers of personal data

Transfers of personal data outside the EEA require additional protections under GDPR. Step 5 of this DPIA will assist you in determining:

- Will personal data be transferred outside the EU?
- If so, what adequate safeguards will be put in place e.g. EU Standard Contractual Clauses?
- Has the party to whom the data is being transferred been subject to a due diligence exercise to determine their security and handling of personal data to ensure compliance with UCL's standards and the Data Protection Laws?

In July 2020 The Court of Justice of the European Union (CJEU) passed a judgement with wide ranging implications for international transfers of personal data. The judgement invalidated the EU-US Privacy Shield (a mechanism to enable data transfer to the US) though the wider impact is that all international transfers should be individually risk-assessed and measures put in place to ensure that EU standards of data protection travel with the data when it goes overseas.

These measures normally take the form of Standard Contractual Clauses (SCCs). However, the judgement also suggests that even SCCs would be insufficient for data transfers to US companies that are covered by US security legislation that allows agencies to access that data.

This results in considerable complexity when assessing international transfers as part of the DPIA process. You should include details of your assessment at Step 5 of the DPIA below.

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Step 1 – DPIA team			
	Name	Job Title	Email Address (as contact point for future privacy concerns)
Principal Investigator owning DPIA	Professor Argyris Stringaris	Professor of Child and Adolescent Psychiatry, Consultant Child & Adolescent Psychiatrist.	a.stringaris@ucl.ac.uk
Third Part(y/ies) assisting with DPIA (if any)	Dr Isobel Ridler; Dr M	Research Fellow;	i.ridler@ucl.ac.uk; m.biria@uc
Step 2 – Research summary			
Project Name	Social Emotions		
Department /entity	Divisions of Psychiatry and Pyschology and Language Sciences; Research Department of Clinical, Educational & Health Psychology		
Date	13/02/2023		
Step 3 – Identify the need for a DPIA			
Describe the purpose/aims of the research. In your description set out the benefits to: i. UCL ii. individuals iii. the wider public	Our research aims to understand emotion fluctuation and the causal mechanisms underlying it using experimental paradigms with computer games, rest, and simple tasks in young people. We focus initially on people aged 14-25 years old because younger people carry a large burden regarding mood dysregulation and anxiety symptoms. However, it is also interesting to test how these phenomenon compares across age groups in older adults (25-65 years old). The potential benefits are: 1. Computational models		
Please explain: - the role of personal data in the project; - the risks to privacy there are in your project (please list), and - why the processing of personal data is necessary and proportional for the purposes of your project.	Personal data and contact information will be collected for research purposes. Some of the data that we will collect is special category and confidential, such as questions concerning mental health, and hence data will be pseudonymised using alphanumeric codes at the point of data collection. For sessions conducted in person, in order to assess affect and for the purpose of qualitative analysis, audio and video recordings will be taken using a GDPR compliant recording device recommended by UCL and stored on DSH. Our team will only retain the video/audio recordings and a file linking the pseudonymised data with identifiable information on Data Safe Haven (DSH) to minimise risk and protect the privacy of participants. We will		
Step 4 - Please describe the information flows. If this is described in another document, please attach it to this DPIA **please refer to the guidance at pages 2-3 above to explain what details should be included.**			
Information Flows: means the collection, retention, use, transfer and deletion – i.e. all types of data processing as part of the project's lifecycle - of personal data should be described here. 'Transfers' would include emails between the team members. If information is sent outside the EU/EEA, you should state that here. It would also be helpful to produce and refer to a flow diagram or another way of explaining data flows.	The PI being senior advisor to the Anna Freud National Centre for Children and Families (who have a track record of recruiting from hundreds of schools in the UK) will enable us to liaise with young adults online and local schools. Paper and digital consent forms will be stored by our team at UCL. Screening questionnaire data will be collected using online platform such as Gorilla or Qualtrics or Amazon Mechanical Turk. Please see Recruitment section of flow diagram in research registration form. All identifiable personal information such as names, contact details or video recordings will be transferred to DSH: the audio/video recordings and the document which contains the key linking pseudonymised data to identifiable data will be kept within DSH. Experiments will be run in person at participating schools/summer camps or at UCL/online for those aged 18-65 not recruited via schools, and will be conducted using UCL laptops for the in-person experiments, or a web browser hosted on the PsychoPy or Gorilla platforms for those online. Please see Participation section of flow diagram. Pseudonymised data from experiments will be collected and stored on encrypted UCL laptop hard drives, and then transferred securely to the UCL N/S drives or DSH. For those in person, GDPR		

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Step 5 – International Data Transfer		
Consideration	**Answer**	**Guidance notes**
Is the data being transferred outside the UK or EEA?	No	As set out above, all data transfers outside the UK/EEA now carry some risk. It is important to ensure that appropriate technical measures are in place to protect the data, such as encryption. You should explain where personal data is being transferred to.
Will SCCs be put in place to cover the data transfer in questions?	N/A	It is strongly recommended that SCCs are in place for all international data transfers although they do not eradicate all risk as outlined above.
Does the data transfer require a new contract?	N/A	Continuation of existing contracts is considered a lower risk while we await further guidance on the impact of the CJEU judgment.
What awareness will the data subject have of the specific data transfer?	N/A	Greater awareness could mean a lower risk that a data subject may object to the transfer.
What benefits does the data subject get from the processing that involves the data transfer?	N/A	A free service providing significant benefits to the data subject may have less risk of complaint than a data transfer that is done purely for UCL's benefit.
What personal data is included in the transfer?	N/A	Transfer of special category data may carry greater risk.
Is the processing/transfer in an area that has seen ICO enforcement?	N/A	The ICO follow a risk-based enforcement policy. Their assessment of risk can be inferred from historic enforcement activity. In particular you should consult the DPO if your proposed processing activities involve international transfer in relation to unsolicited marketing, data scraping or includes information that might be of interest to intelligence services.

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Is the data transfer unique to UCL or part of common service?	N/A	Data transfers deriving from use of popular/widespread services may carry less risk that a complaint would be made to UCL specifically.
Does the processing / data transfer help adherence to other data protection requirements?	N/A	For example, a project to standardise UCL activity with one selected supplier would carry considerable benefits for data accuracy, data minimisation, purpose limitation etc. These benefits may partially mitigate the risks associated with a transfer.
Does the third party demonstrate a decent level of GDPR compliance?	N/A	For example, do they still rely on the Privacy Shield, do they explain how they comply with the GDPR?
Conclusion: Based on the above risk assessment, please explain why you believe any risks of international transfer have been mitigated for this research study.	No international transfer of data will be carried out in this study.	Please use this box to summarise your review of the data transfer risks and how you have mitigated them.

If you do not think you can mitigate the risk, this matter must be escalated to the Data Protection Officer.

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Step 6 – What steps or controls are you taking to minimise risks to privacy?

Please tick

a. Risks to individual privacy are minimal	☐	j. Special category personal data is not used	☐
b. Personal data is pseudonymised	✔	k. Randomisation	☐
c. Encryption of data at rest, i.e. when stored	☐	l. Participant opt out at any stage of the research	✔
d. Encryption used in transfers	✔		
e. Total number of participants is less than 50	☐	m. Personal data kept in the EEA	✔
f. Information compliance training for staff has been completed - data protection, information security, FOI	✔	n. Research is not used to make decisions directly affecting individuals	✔
		o. De-identification	✔
g. Hashing or salting employed	☐	p. Short retention limits	☐
h. Adherence to privacy by design principles	✔	q. Restricted access controls	✔
i. Probalistic risk management	☐	r. Other (please specify)	

Step 7 – What steps have you taken to make sure the research is as accurate as possible and there are minimal unintended consequences? Please tick

a. data management plan in place	☐	d. this study builds on a pilot study	☐
b. data management plan is peer reviewed	☐	e. an extension to a previous similar	☐
c. PI experience levels - no experience;	☐	study registered by DPO,	☐
some experience;	☐	if there is, please provide the number	☐
very experienced	✔		

Step 8 – How have you assessed what participants will think of the research? What have you done to address concerns raised? Please tick

a. pilot project	b. use of focus group	c. information sheet/consent form	d. experience drawn from previous study
☐	☐	✔	✔

Step 9 – For the controls/steps specified in Step 5, who will make sure the controls are put in place? Please tick

a. PI	b. Head of School	c. other body (please specify)
✔	☐	