

# Privacy Impact Assessment (PIA) – Screening Tool

## Historic Environment (Wales) Bill

### Privacy Impact Assessment — Screening of the Bill’s provisions

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#### Definition of terms used in the screening

**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.

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.

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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

<b>Title of Proposal:</b>	Historic Environment (Wales) Bill – <b>Consultation, interim protection and review for statutory designations.</b>
<b>Department:</b>	Cadw – Economy, Science and Transport

## 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.*

### *Details*

Currently historic buildings and ancient monuments are given statutory protection by listing under the Planning (Listed Buildings and Conservation Areas) Act 1990 or by scheduling under the Ancient Monuments and Archaeological Areas Act 1979. Neither Act requires consultation before statutory protection but it is Cadw's practice to consult the owner and other interested parties informally. During this consultation period the building or site is not protected. Neither Act also provides owners with any right to challenge the designation decision other than by seeking a judicial review.

The Historic Environment (Wales) Bill will place a duty on the Welsh Ministers to consult when they are minded to list or schedule a building or site. Whilst consultation is underway the building or site will be granted interim protection which means that it is treated as if it was listed or scheduled. Following designation the owner or occupier will have the right to request an independent review of the decision to designate.

## 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?

- Yes – Please provide details below.       No

### *Details of completed PIA (date; outcomes)*

N/A

<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

## 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 type="checkbox"/> Date of Birth
	<input checked="" type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input 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 type="checkbox"/> Other (please specify)
<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 type="checkbox"/> Physical / mental health or condition	<input 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)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

*Details:* Contact details for the owners and occupiers of the building or site proposed for statutory designation will need to be collected so that they can be sent a consultation letter. This information will be held on the designation case file on iShare.

For listed buildings once the designation has been completed and the period allowed for a review request has lapsed no further action will be taken on the data as the primary role for the management of listed buildings rests with local planning authorities. Although the data will not be actively managed the information relating to the legal definition will need to be retained.

For scheduled monuments the contact data for the owner and any occupier will also be retained on Cadw's Designated Historic Assets database and used to arrange periodic site condition inspections and correspondence.

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

Who the Data Controller is: Cadw Director	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: (see notes section for the definition of a Data Processor).	Cadw's Knowledge and Information Manager, Head of Regeneration and Conservation, and Designations Team.
Will the data be shared?	No

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

*Details:*  
Government of Wales Act 2006, Sections 61(a) to (c) The Historic Environment (Wales) Bill, to be introduced to the National Assembly in 2015, will amend the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

No. Personal data has been collected on owners and occupiers of scheduled monuments since 1919. The information is now held digitally on a database. Information on the owner and occupier of listed buildings is currently collected to allow informal consultation prior to listing.

### 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.

## 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.

*Details:*  
The data will be retained to support periodic contacts with owners and occupiers but will not be shared with other parties.

### Technology

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

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

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<input type="checkbox"/> Smart cards	<input type="checkbox"/> Digital image and video recording
<input type="checkbox"/> RFID tags <i>(radio-frequency identification)</i>	<input type="checkbox"/> Profiling, data mining or logging of 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:*

## **For completion by IRU:**

**Is a formal PIA assessment required for this proposal?**

- Yes       No

A formal PIA is not required for this proposal because the privacy expectations of the data subjects (individuals being consulted) can be managed by providing them with appropriate fair processing. Furthermore, as the decision to respond to the consultation is made by the data subject, any personal data is processed with the consent of the data subject meaning they have full control over the extent of, and the processing of, any personal data they provide.

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**Has advice on DPA compliance been provided?**

Yes       No

Whenever personal data is processed, the data controller needs to ensure that it is compliant with the DPA. The DPA sets out 8 [data protection principles](#) that need to be satisfied, but in respect of this proposal, the key issue is complying with the fair aspect of the first data protection principle.

The first data protection principle states:

*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.*

The fair aspect of the first principle will be satisfied by ensuring appropriate fair processing is provided to those data subjects whose personal data is being processed. Fair processing should include details of who the data controller is, what personal data is needed, why, who will have access to it (this includes the use of a data processor and / or details of any sharing with third parties), what use will be made of it and how long it will be retained. It is likely the amount of personal data provided in response to the consultation will be minimal as the response will relate to the merits of the building / monument being given statutory protection by listing. However, the provision of this information will allow details to be provided so the data subjects will know what any information they provide in response to the consultation will be used for. Appropriate fair processing is vital when consent is being relied upon (as the schedule 2 condition) because the consent is given for their personal data to be used in line with the fair processing provided. If the fair processing is not provided, or the personal data is not processed in line with it, then data subjects may argue the consent is not valid because it is not deemed to be informed.

# Privacy Impact Assessment (PIA) – Screening Tool

<b>Title of Proposal:</b>	Historic Environment (Wales) Bill – <b>Amendments to the scheduled monument consent process</b>
<b>Department:</b>	Cadw – Economy, Science and Transport

## 1. Please describe your proposal:

- (iii) *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.*
- (iv) *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.*

### *Details*

The statutory protection of ancient monuments and archaeological sites is carried out by scheduling under the Ancient Monuments and Archaeological Areas Act 1979. Scheduling means that it is a criminal offence to damage or carry out works to a monument unless first authorised by scheduled monument consent (SMC). In Wales this process is carried out by Cadw for the Welsh Ministers.

The SMC process is effectively unchanged since it was first introduced. The Historic Environment (Wales) Bill is introducing a number of new provisions aimed at streamlining and modernising the SMC process in order to align it more closely with parallel procedures for listed buildings and planning permission. Specifically, the provisions are:

- To relax the rules governing the process of SMC by allowing the application for, and the granting of, SMC to be undertaken by means other than in writing.
- To enable the grant of SMC for unauthorised works already executed.
- To be able the Welsh Ministers to refuse to entertain an application for SMC where a similar application has been refused in the previous two years and in which there has been no significant change.
- To remove the automatic right of an applicant to a hearing before their application for SMC is determined.

The amendments will not change the current arrangements for data collection in that an application will be required and an addressed decision letter issued, although a simplified procedure is proposed whereby works can be agreed verbally and then authorised by an immediate decision letter. All correspondence will be held electronically on iShare or, occasionally, on registered paper files.

## 2. Will the proposal involve the processing<sup>2</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)

<sup>2</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.



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Yes – Please complete the remainder of the form.

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

Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

N/A

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

#### Personal

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Name  | <input checked="" type="checkbox"/> Telephone Numbers  |
| <input checked="" type="checkbox"/> Home Address  | <input type="checkbox"/> Date of Birth   |
| <input checked="" type="checkbox"/> Business Address  | <input type="checkbox"/> Driving Licence Number  |
| <input checked="" type="checkbox"/> Postcode  | <input type="checkbox"/> Passport / ID Card Number   |
| <input checked="" type="checkbox"/> Email Addresses   | <input type="checkbox"/> Photographs / images<br>(which could be used to identify an individual) |
| <input type="checkbox"/> Unique identifying number<br>e.g. store loyalty card, library card etc | <input type="checkbox"/> Other (please specify)  |

#### Sensitive

- |   |   |
|---|---|
| <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 type="checkbox"/> Physical / mental health or condition            | <input 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)       |
| <input type="checkbox"/> Educational records                              | <input type="checkbox"/> Other (please specify)   |

*Details:* Contact details for the owners and occupiers of scheduled monuments are already held on Cadw's Designated Historic Assets database. Correspondence relating to SMC applications, decisions will be held in digital iShare files or, occasionally, on registered paper files.

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

Who the Data Controller is: Cadw Director	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: (see notes section for the definition of a Data Processor).	Cadw's Knowledge and Information Manager, Policy and Protection Team and Inspectorate of Ancient Monuments
Will the data be shared? Potentially	SMC application forms warn applicants that the case may be subject to consultation, although this is only carried out in a minority of cases.

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

*Details:*  
Government of Wales Act 2006, Sections 61(a) to (c) The Historic Environment (Wales) Bill, to be introduced to the National Assembly in 2015, will amend the SMC provision in the Ancient Monuments and Archaeological Areas Act 1979.

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

No. The new provisions will not result in any additional processing of data beyond that already carried out which is effectively limited to consultation with third parties on a small number of applications.

### 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.

## 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.

*Details:*  
The data will be retained to support periodic contacts with owners and occupiers but will not be shared with other parties.

### Technology

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

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

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- |   |  |
|---|--|
| <input type="checkbox"/> Smart cards  | <input type="checkbox"/> Digital image and video recording   |
| <input type="checkbox"/> RFID tags<br><i>(radio-frequency identification)</i> | <input type="checkbox"/> Profiling, data mining or logging of electronic traffic<br><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)  |

*Details:*

### **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:*

### **For completion by IRU:**

**Is a formal PIA assessment required for this proposal?**

- Yes       No

A formal PIA is not warranted for this proposal because, although this proposal is for amendments to the SMC process, there is no change in the personal data being processed when compared to the current SMC process. Because there is no change to the processing of personal data in terms of the type, amount and purpose, as far as the data subject is concerned, there is no change to their privacy expectations.

**Has advice on DPA compliance been provided?**

- Yes       No

Providing the SMC process follows the procedures already established there should be no issues from a DPA compliance perspective. Cadw should review any fair processing information within application forms or accompanying literature to ensure it is still relevant or needs to be updated to include information on the changes to the SMC process as a result of this proposal.

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<b>Title of Proposal:</b>	Historic Environment (Wales) Bill – <b>Enforcement powers against unauthorised works to scheduled monuments.</b>
<b>Department:</b>	Cadw – Economy, Science and Transport

## 1. Please describe your proposal:

- (v) *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.*
- (vi) *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.*

### *Details*

The statutory protection of ancient monuments and archaeological sites by scheduling is carried out under the Ancient Monuments and Archaeological Areas Act 1979. The Act makes works to a scheduled monument a criminal offence unless first authorised by the Welsh Ministers. However, the 1979 Act does not provide any powers to halt such unauthorised works or, if completed, to require repairs. The Historic Environment (Wales) Bill proposes powers for the Welsh Minister to issue temporary stop notices requiring an immediate cessation to unauthorised works and powers to serve enforcement notices requiring works to repair or remedy the damage. These powers will bring scheduled monument in line with powers in respect of listed buildings and generally in the planning system.

Information on who has carried out the unauthorised works, a copy of any notices and correspondence will be saved in the case file for the monument on iShare and summarised on Cadw Designated Historic Asset database.

The Heritage Bill will also require information on any enforcement notice to be published on Cadw's website. This information will list the name of the scheduled monument, the nature of the unauthorised works and the works required by the enforcement notice. The name of the recipient of the notice will not be given but information on all designated historic assets will be publically available through an online, mapping based, database which will be made available on Cadw's website in 2016. Although this will not provide details of the owner or occupier it will mean that the location of the scheduled monument subject to the enforcement notice can be identified. The entry on Cadw's website will be removed as soon as the enforcement notice is removed or complied with. Publication of enforcement notices is also a statutory requirement under the 1990 Planning Acts in respect of their use in general development control and identical arrangements are in place for scheduled monument enforcement notices in Scotland.

## 2. Will the proposal involve the processing<sup>3</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)

<sup>3</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.

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Yes – Please complete the remainder of the form.

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

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 type="checkbox"/> Date of Birth   |
|                  | <input checked="" type="checkbox"/> Business Address  | <input type="checkbox"/> Driving Licence Number  |
|                  | <input checked="" type="checkbox"/> Postcode  | <input type="checkbox"/> Passport / ID Card Number   |
|                  | <input checked="" type="checkbox"/> Email Addresses   | <input type="checkbox"/> Photographs / images<br>(which could be used to identify an individual) |
|                  | <input type="checkbox"/> Unique identifying number<br>e.g. store loyalty card, library card etc | <input type="checkbox"/> Other (please specify)  |
| <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 type="checkbox"/> Physical / mental health or condition                                  | <input 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 checked="" type="checkbox"/> Criminal & court records (inc. alleged offences)            | <input type="checkbox"/> Employment records (inc. self-employment and voluntary work)            |
|                  | <input type="checkbox"/> Educational records  | <input type="checkbox"/> Other (please specify)  |

**Details:**

Where unauthorised works have taken place to a scheduled monument it is Cadw's role to assess the damage that has taken place and, where appropriate, refer its report to the police for further investigation. Details recorded will include contact

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details of the owner or occupier and the person who is believed to have carried out the illegal works. This information is currently recorded on the monument case file on iShare.

The use of enforcement powers to stop unauthorised works or to require their repair will necessarily involve the works being recorded as potentially illegal whether or not the case is also referred to the police to consider prosecution.

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

Who the Data Controller is: Cadw Director	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: <i>(see notes section for the definition of a Data Processor).</i>	Cadw's Knowledge and Information Manager, Policy and Protection Team and Inspectorate of Ancient Monuments
Will the data be shared?	No. Data collected specifically for the service of a temporary stop or scheduled monument enforcement notice will not be shared. The use of any such notice may however be referred to any damage assessment report subsequently referred to the police for investigation

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

*Details:* Powers to serve scheduled monument temporary stop and enforcement notices are contained in the Historic Environment (Wales) Bill.

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

No. This information is already collected when Cadw investigates unauthorised works to scheduled monuments.

### 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.

### 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.

*Details:*

The data will be retained to support periodic contacts with owners and occupiers but will not be shared with other parties.

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## **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 <i>(radio-frequency identification)</i>	<input type="checkbox"/> Profiling, data mining or logging of 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)

*Details:*

## **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:*

## **For completion by IRU:**

**Is a formal PIA assessment required for this proposal?**

Yes       No

A formal PIA is not required for this proposal because the privacy expectations of the data subjects (individuals being served with an enforcement notice) can be managed by providing them with appropriate fair processing.

**Has advice on DPA compliance been provided?**

Yes       No

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Whenever personal data is processed, the data controller needs to ensure that it is compliant with the DPA. The DPA sets out 8 [data protection principles](#) that need to be satisfied, but in respect of this proposal, the key issues are complying with the fair aspect of the first data protection principle and the security aspect of the seventh data protection principle.

### First Principle

The first data protection principle states:

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

*(c) at least one of the conditions in [Schedule 2](#) is met and,*

*(d) in the case of sensitive personal data, at least one of the conditions in [Schedule 3](#) is also met.*

The fair aspect of the first principle will be satisfied by ensuring appropriate fair processing is provided to those data subjects whose personal data is being processed. Fair processing should include details of who the data controller is, what personal data is needed, why, who will have access to it (this includes that anonymised notices will be published), what use will be made of it and how long it will be retained. The information to be communicated is the change to the Act in that stop and enforcement notices can now be issued in respect of unauthorised works to a scheduled monument.

### Seventh Principle

The seventh data protection principle states:

*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.*

Given enforcement notices involves recording works as potentially illegal and possibly being referred to the Police to consider prosecution, they will be considered sensitive personal data as defined by the DPA. Cadw therefore need to ensure they are stored securely with access restricted to those officials who require them for their job role. Robust processes should also be put in place for ensuring notices published do not allow the owner or occupier to be identified.



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<b>Title of Proposal:</b>	Historic Environment (Wales) Bill – <b>Amendments to the offences and defences in the 1979 Act</b>
<b>Department:</b>	Cadw – Economy, Science and Transport

## 1. Please describe your proposal:

- (vii) *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.*
- (viii) *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.*

### *Details*

The statutory protection of ancient monuments and archaeological sites is carried out under the Ancient Monuments and Archaeological Areas Act 1979 which makes it an offence to damage or carry out unauthorised works to the scheduled monument. The 1979 Act provides a statutory defence that the accused, when carrying out the unauthorised works, did not know that it was a protected site, the so called 'ignorance defence' which has made prosecutions problematic. The Bill will amend the offences and defences in sections 2, 28 and 42 to place a greater weight on the accused to show that they had taken reasonable steps to check whether the site was protected. The aim is to increase the likelihood of successful prosecutions.

## 2. Will the proposal involve the processing<sup>4</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?

- Yes – Please provide details below.       No

### *Details of completed PIA (date; outcomes)*

N/A

<sup>4</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

## 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 type="checkbox"/> Date of Birth
	<input checked="" type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input 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 type="checkbox"/> Other (please specify)
<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 type="checkbox"/> Physical / mental health or condition	<input 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 checked="" type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

*Details:* Details of any unauthorised works is recorded in the site case file on iShare and summarised on the Designated Historic Asset database. The database already contains the contact details of the owners and occupiers but details of the person carrying out the unauthorised works, subsequent Police investigations and any prosecution together with any correspondence will be held on the monument case file on iShare and any related paper registered file.

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

Who the Data Controller is: Cadw Director	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: (see notes section for the definition of a Data Processor).	Cadw's Knowledge and Information Manager, Policy and Protection Team and Inspectorate of Ancient Monuments

# Privacy Impact Assessment (PIA) – Screening Tool

Will the data be shared?	No data will be shared but may be used on a case by case basis when informing the police that an offence has been committed.
--------------------------	--

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

### *Details:*

Government of Wales Act 2006, Sections 61(a) to (c) The Historic Environment (Wales) Bill, to be introduced to the National Assembly in 2015, will amend the Ancient Monuments and Archaeological Areas Act 1979.

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

No. Personal data has been collected on owners and occupiers since 1919 along with information on anything that has affected the scheduled monument including authorised and unauthorised works. Information is now held in monument case files on iShare and summarised on Cadw's Designated Historic Assets database.

## 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.

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## 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.

### *Details:*

--

## 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 (radio-frequency identification)	<input type="checkbox"/> Profiling, data mining or logging of electronic traffic (process to identify patterns in large data sets)
<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)

### *Details:*

--

# Privacy Impact Assessment (PIA) – Screening Tool

## **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:*

## **For completion by IRU:**

**Is a formal PIA assessment required for this proposal?**

Yes       No

A formal PIA is not warranted for this proposal because, although this proposal is for amendments to the “offences and defences” part of the Act, there is no change in the personal data being processed when compared to the current process. Because there is no change to the processing of personal data in terms of the type, amount and purpose, as far as the data subject is concerned, there is no change to their privacy expectations.

**Has advice on DPA compliance been provided?**

Yes       No

Providing the process follows the procedures already established there should be no issues from a DPA compliance perspective. Cadw should review any fair processing information within literature regarding unauthorised works to ensure it is updated to include information on the changes to the offences and defences aspects in the Act – specifically the fact that the onus will be put onto the accused to show that they had take reasonable steps to check whether the site was protected.

# Privacy Impact Assessment (PIA) – Screening Tool

<b>Title of Proposal:</b>	Historic Environment (Wales) Bill – <b>Register of Historic Parks and Gardens – Placing the Register on a statutory basis</b>
<b>Department:</b>	Cadw – Economy, Science and Transport

## 1. Please describe your proposal:

- (ix) *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.*
- (x) *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.*

*Details:* The Welsh Ministers are under a duty to maintain a Schedule of ancient monuments and to compile a list of historic buildings. They also publish a non-statutory register of historic parks and gardens. The Heritage Bill will make the register of parks and gardens a statutory duty.

Currently inclusion on the register is voluntary for owners. The register was originally published in hard copy volumes between 1994 and 2007, although since 2013 all new information is held digitally. The Registers contain information such as the name of the site, OS map grid reference, community council, why the park is designated, the history of the park or garden and an explanation of why it is of national significance. Cadw holds written records of the owners and occupiers of the sites on the register but the records are not complete and are out of date.

The Bill will also place a duty on the Welsh Ministers to inform the owner and occupier that land in their ownership has been included on the Register. Therefore placing the register on a statutory basis will require Cadw to notify or renotify each owner or occupier.

Although not a Bill requirement, the intention is that updated details of the owners/occupiers will be included on the recently re-developed Cadw Designated Historic Asset database. The development of the database, is an initiative separate from the Bill, but its design is intended to aid the business processes resulting from the Bill's introduction. Most of the information in the database is descriptive, although there are elements that record business information. In the case of Scheduled Ancient Monuments the contact details of owners and occupiers are recorded. This functionality has also been added to the Registered Parks and Gardens area of the database, as contact details are required for notification and ongoing conservation or development control planning activities. Cadw does not pass these contact details onto third parties unless they are in the public domain (such as The National Trust). This will apply to the contact details of owners of Registered Historic Parks and Gardens and this information will not be used for other purposes.

One of the requirements arising from the stakeholder surveys has been the desire for Cadw to develop an online mapping database to show the extent, location and descriptive information associated with Designated Historic Assets. The database will be the source for this information, although only descriptive information will be displayed. Currently the database sits within the GSI environment, however, a possible option is to move it into a 'cloud based' environment. The technology chosen would be MS Azure, which Government has given a Business Impact Level 2

# Privacy Impact Assessment (PIA) – Screening Tool

(BIL) rating. A Business Impact assessment has been undertaken on this proposal and was assessed as BIL 1. This assessment has been authorised by the SF IAO.

**2. Will the proposal involve the processing<sup>5</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?**

- 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 type="checkbox"/> Date of Birth   |
|                  |   | <input checked="" type="checkbox"/> Business Address  | <input type="checkbox"/> Driving Licence Number  |
|                  |   | <input checked="" type="checkbox"/> Postcode  | <input type="checkbox"/> Passport / ID Card Number   |
|                  |   | <input checked="" type="checkbox"/> Email Addresses   | <input type="checkbox"/> Photographs / images<br>(which could be used to identify an individual) |
| <b>Sensitive</b> | } | <input type="checkbox"/> Unique identifying numbers.g. store loyalty card, library card etc | <input type="checkbox"/> Other (please specify)  |
|                  |   | <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 type="checkbox"/> Physical / mental health or condition                              | <input 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)            |
|                  |   | <input type="checkbox"/> Educational records  | <input type="checkbox"/> Other (please specify)  |

<sup>5</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

*Details:*

Only contact details will be recorded for use by Cadw in arranging periodic site inspections and to send information and guidance.

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

Who the Data Controller is:  Cadw Director	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: <i>(see notes section for the definition of a Data Processor).</i>	Cadw's Knowledge and Information Manager, Head of Regeneration and Conservation, Administrator of the Register of Historic Parks and Gardens, and Designations Team
Will the data be shared? The data will solely used by Cadw for the purpose of periodic contact with the owners and occupier i.e. to send guidance or to arrange site visits. The data will not be shared with any other internal or external parties.	

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

*Details:*

Government of Wales Act 2006, Sections 61(a) to (c) The Historic Environment (Wales) Bill to be introduced to the National Assembly in May 2015 will place a statutory duty on the Welsh Ministers to maintain the register and to inform any owners and occupiers following inclusion of a site on the register.

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

No. Some personal information in the form of contact details is already held in paper form on registered files dating back 20 years to the initial compilation of the register but is out of date and incomplete.

**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.

**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.

*Details:*

The name and contact details for owners and occupiers will now be held in a digital format rather than in paper records.

# Privacy Impact Assessment (PIA) – Screening Tool

## **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 <i>(radio-frequency identification)</i>	<input type="checkbox"/> Profiling, data mining or logging of 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.

<i>Details:</i>
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**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

Yes – Please provide details below.       No

<i>Details:</i>
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## **For completion by IRU:**

**Is a formal PIA assessment required for this proposal?**

Yes       No

No personal data being processed.  The Bill itself does not require the processing of personal data. It simply requires the owners to be notified of inclusion, which could simply be by a newspaper notice or the posting of a notice on the site.  A separate PIA screening form will need to be submitted for the development of an online mapping database. Because the online mapping database is not a Bill requirement, this PIA screening does not cover it.
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## Privacy Impact Assessment (PIA) – Screening Tool

**Has advice on DPA compliance been provided?**

Yes       No

N/A – No personal data being processed.

# Privacy Impact Assessment (PIA) – Screening Tool

<b>Title of Proposal:</b>	Historic Environment (Wales) Bill – <b>Power of entry to carry out archaeological excavations</b>
<b>Department:</b>	Cadw – Economy, Science and Transport

## 1. Please describe your proposal:

- (xi) *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.*
- (xii) *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.*

### *Details*

The Ancient Monuments and Archaeological Areas Act 1979 provides the Welsh Ministers with various powers of entry to inspect or record ancient monuments and also the power to carry out archaeological excavations, but only with the permission of the owner or occupier.

The Historic Environment (Wales) Bill includes a new power for the Welsh Ministers to carry out archaeological excavation of monuments without the consent of the owner or occupier if they believe the monument is at imminent risk of damage or destruction.

The new power will be used rarely and only in situations where the excavation must be carried out urgently and the owner/occupier is unknown or cannot be traced using the owner./occupier contact details already held by Cadw.

## 2. Will the proposal involve the processing<sup>6</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.qsi.gov.uk](mailto:DataProtectionOfficer@wales.qsi.gov.uk)
- Yes – Please complete the remainder of the form.

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

- Yes – Please provide details below.       No

### *Details of completed PIA (date; outcomes)*

N/A

<sup>6</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

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

<b>Personal</b>	<input type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
	<input type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input 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 type="checkbox"/> Other (please specify)
<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 type="checkbox"/> Physical / mental health or condition	<input 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)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

*Details:*

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

Who the Data Controller is:	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: (see notes section for the definition of a Data Processor).	
Will the data be shared?	

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

*Details:*

# Privacy Impact Assessment (PIA) – Screening Tool

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

## 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.

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.

*Details:*

## 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 <i>(radio-frequency identification)</i>	<input type="checkbox"/> Profiling, data mining or logging of 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)

*Details:*

## 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:*

# Privacy Impact Assessment (PIA) – Screening Tool

## For completion by IRU:

**Is a formal PIA assessment required for this proposal?**

Yes       No

No personal data being processed.

**Has advice on DPA compliance been provided?**

Yes       No

N/A – No personal data being processed.

# Privacy Impact Assessment (PIA) – Screening Tool

<b>Title of Proposal:</b>	Historic Environment (Wales) Bill – <b>Extension of the definition of a scheduled monument</b>
<b>Department:</b>	Cadw – Economy, Science and Transport

## 1. Please describe your proposal:

- (xiii) *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.*
- (xiv) *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.*

### *Details*

The statutory protection of ancient monuments and archaeological sites is carried out under the Ancient Monuments and Archaeological Areas Act 1979 which defines the sites that can be protected through scheduling and, effectively, restricts such sites to buildings, structures or works. The Historic Environment (Wales) Bill proposes to amend the definition to cover any site that provides evidence of past human activity.

The Bill will allow the scheduling of an estimated 30 sites, including battlefields and sites occupied in the Palaeolithic and Mesolithic that do not satisfy the definition in the 1970 Act. Such sites contain important information in the form of debris and artefacts but may not contain any surviving evidence of structures.

The scheduling of ancient monuments has been carried out since 1919 and there are currently over 4,000 sites on the Schedule. Responsibility for scheduled monuments lies with the Welsh Ministers through Cadw which issues statutory consents for works, provides grants, investigates unauthorised works and damage and monitors their condition through regular site inspections.

To support these business processes contact details of owners and occupiers are recorded on Cadw's Designated Historic Assets database together with descriptive and management information about the site.

## 2. Will the proposal involve the processing<sup>7</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?

- Yes – Please provide details below.       No

### *Details of completed PIA (date; outcomes)*

N/A

<sup>7</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

## 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 type="checkbox"/> Date of Birth
	<input checked="" type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input 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 type="checkbox"/> Other (please specify)
<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 type="checkbox"/> Physical / mental health or condition	<input 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)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

*Details:* Contact details for the owners and occupiers of proposed scheduled monuments will be gathered following initial site inspections and research and will be recorded on the Designated Historic Assets database and on digital iShare files in the form of correspondence.

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

Who the Data Controller is: Cadw Director	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: (see notes section for the definition of a Data Processor).	Cadw's Knowledge and Information Manager, Head of Regeneration and Conservation, and Designations Team

# Privacy Impact Assessment (PIA) – Screening Tool

Will the data be shared?  No	The data will solely used by Cadw for the purpose of periodic contact with the owners and occupier i.e. to send guidance or to arrange site visits. The data will not be shared with any other internal or external parties.
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## 6. What is the legal basis for processing the data?

### *Details:*

Government of Wales Act 2006, Sections 61(a) to (c) The Historic Environment (Wales) Bill, to be introduced to the National Assembly in 2015, will amend the Ancient Monuments and Archaeological Areas Act 1979 to allow the extension of the definition of sites that may be scheduled.

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

No. Personal data has been collected on owners and occupiers since 1919. The information is now held digitally on a database and the details of the owners of the additional 30 sites to be scheduled under the Bill provisions will be added to the details of over 4,000 existing scheduled sites.

### **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.

## 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.

### *Details:*

The data will be retained to support periodic contacts with owners and occupiers but will not be shared with other parties.

### **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 (radio-frequency identification)	<input type="checkbox"/> Profiling, data mining or logging of electronic traffic (process to identify patterns in large data sets)



## Privacy Impact Assessment (PIA) – Screening Tool

- |  |   |
|--|---|
| <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)                   |

*Details:*

### **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:*

### **For completion by IRU:**

**Is a formal PIA assessment required for this proposal?**

- Yes       No

A formal PIA is not warranted for this proposal because, although this proposal broadens the definition of a scheduled monument (to include 30 new sites), there is no change in the personal data being processed when compared to the current process for scheduling monuments. Because there is no change to the processing of personal data in terms of the type, amount and purpose, as far as the data subject is concerned, there is no change to their privacy expectations.

**Has advice on DPA compliance been provided?**

- Yes       No

Providing the current process for scheduling a monument follows the procedures already established there should be no issues from a DPA compliance perspective.

# Privacy Impact Assessment (PIA) – Screening Tool

<b>Title of Proposal:</b>	Historic Environment (Wales) Bill – <b>Certificates of Immunity from Listing</b>
<b>Department:</b>	Cadw – Economy, Science and Transport

## 1. Please describe your proposal:

- (xv) *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.*
- (xvi) *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.*

### *Details*

The listing of buildings and structures under the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a criminal offence to carry out unauthorised works to a listed building. Listing is carried out by Cadw for the Welsh Ministers and they are under a duty to list any building that meets the listing criteria. Under the 1990 Act anyone may apply to the Welsh Ministers for a certificate confirming that a building will not be listed within the next 5 years. However, an application for a certificate can only be made when an application for planning permission has been submitted or been granted.

The Historic Environment (Wales) Bill seeks to improve flexibility by allowing anyone to apply for such a certificate at any time i.e. without the need to first submit a planning application.

The Bill provision will increase flexibility in when an application can be submitted but will otherwise not affect procedures.

## 2. Will the proposal involve the processing<sup>8</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?

- Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

<sup>8</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

## 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 type="checkbox"/> Date of Birth
	<input checked="" type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input 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 type="checkbox"/> Other (please specify)
<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 type="checkbox"/> Physical / mental health or condition	<input 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)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

*Details:*  
Data will be held in the form of the application for the certificate, which will contain contact details, and any subsequent correspondence. The correspondence will be retained on iShare for a minimum of 5 years, the period for which the certificate is valid.

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

Who the Data Controller is: Cadw Director	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors:	Data Processors –

## Privacy Impact Assessment (PIA) – Screening Tool

	Cadw's Head of Regeneration and Conservation, Inspectorate of Historic Buildings and Designations Branch.
Will the data be shared?	A copy of the certificate is sent to the local planning authority but this will refer only to the address of the building in question and not provide the personal details of the person who applied for the certificate.

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

*Details*

The Historic Environment (Wales) Bill will be introduced to the National Assembly in spring 2015 and will amend the provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990

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

No. The Bill provisions will not affect existing procedures relating to the processing of personal data.

### 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.

### 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.

*Details:*

### 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 <i>(radio-frequency identification)</i>	<input type="checkbox"/> Profiling, data mining or logging of electronic traffic <i>(process to identify patterns in large data sets)</i>

## Privacy Impact Assessment (PIA) – Screening Tool

- |  |   |
|--|---|
| <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)                   |

*Details:*

### **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:*

### **For completion by IRU:**

**Is a formal PIA assessment required for this proposal?**

- Yes       No

A formal PIA is not warranted for this proposal because, although this proposal is for more flexibility in when a certificate can be applied for, there is no change in the personal data being processed when compared to the current process. Because there is no change to the processing of personal data in terms of the type, amount and purpose, as far as the data subject is concerned, there is no change to their privacy expectations.

**Has advice on DPA compliance been provided?**

- Yes       No

Providing the process for applying for a certificate follows the procedures already established there should be no issues from a DPA compliance perspective. Cadw should review any fair processing information within application forms or accompanying literature to ensure it is still relevant or needs to be updated to include information on the new flexibility provided as a result of this proposal.

# Privacy Impact Assessment (PIA) – Screening Tool

<b>Title of Proposal:</b>	Historic Environment (Wales) Bill – <b>Heritage Partnership Agreements.</b>
<b>Department:</b>	Cadw – Economy, Science and Transport

## 1. Please describe your proposal:

- (xvii) *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.*
- (xviii) *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.*

### *Details*

Some owners including some private estates, local authorities, the National Trust and the Canal & River Trust own considerable numbers of listed buildings and scheduled monuments. These can consist of a complex of designated assets on the same site or a number of assets of the same type across a large area such as listed road bridges. Currently where consents are required for works to designated assets the owner will have to apply for listed building consent (LBC) or scheduled monument consent (SMC) for each asset or repeatedly for each phase of work.

The Historic Environment (Wales) Bill will provide for Heritage Partnership Agreements (HPAs) to be put in place between owners, the consenting bodies (local planning authorities or the Welsh Ministers) and any interested parties under which SMC and/or LBC will be granted for an agreed programme of works over a set period of years.

## 2. Will the proposal involve the processing<sup>9</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?

- Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

<sup>9</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

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

<b>Personal</b>	<input checked="" type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
	<input checked="" type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input checked="" type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input 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 type="checkbox"/> Other (please specify)
<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 type="checkbox"/> Physical / mental health or condition	<input 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)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

*Details:*  
The HPA process will mirror existing processes for applications for SMC and LBC whereby the applicants contact details and the works planned will be recorded, consulted upon and be publicly available.

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

<p>Who the Data Controller is: Local planning authorities</p> <p>The Welsh Ministers</p>	<p><i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i></p> <p>Local planning authorities have responsibility for applications for LBC other than from their own authority. The Welsh Ministers have responsibility</p>
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## Privacy Impact Assessment (PIA) – Screening Tool

	for all applications for SMC and for LBC applications from local planning authorities in respect of their own buildings
Any Data Processors: N/A	N/A
Will the data be shared?	All applicants are warned that any application for LBC or SMC may be consulted upon and be publicly available.

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

*Details*

The Historic Environment (Wales) Bill, to be introduced to the National Assembly in Spring 2015 will put in place powers to grant consent for SMC and LBC through amendments to the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990

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

No, regulations to be issued following the Historic Environment (Wales) Bill will put in place arrangements which will mirror existing arrangements for consent applications.

### 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.

### 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.

*Details:*

### 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:*

Details of the HPA will be in the public domain in the same manner as current arrangements for LBC and SMC.

### **For completion by IRU:**

#### **Is a formal PIA assessment required for this proposal?**

- Yes       No

A formal PIA is not warranted for this proposal because, although this proposal will allow for Heritage Partnership Agreements (HPAs) to be put in place, there is no change in the personal data being processed for when compared to the current process for individually applying for apply for listed building consent (LBC) or scheduled monument consent (SMC). Because there is no change to the processing of personal data in terms of the type, amount and purpose, as far as the data subject is concerned, there is no change to their privacy expectations.

Where the owner is not a private individual e.g. a Local authority; the National Trust, any personal data processed will be due to the individuals work role within an organisation. The Information Commissioner recognises that there is a distinction between personal data relating to an individuals professional life (public / work role) and their private life. The Information Commissioner also recognises that within an individuals' public role some information would be more sensitive or genuinely personal than other e.g. an individuals contact details for a job compared with details of an individuals sickness absence. The personal data identified above is in the former category and so does not impact adversely on the privacy expectations of the individual (data subject). As such, a formal PIA is not warranted.

## Privacy Impact Assessment (PIA) – Screening Tool

**Has advice on DPA compliance been provided?**

Yes       No

The DPA puts the onus of compliance on the data controller. Where Local Planning Authorities are the data controller they will need to be satisfied that the processing of personal data is compliant with the DPA.

However, providing the process for applying for consent follows the procedures already established for applying for listed building consent (LBC) or scheduled monument consent (SMC) there should be no issues from a DPA compliance perspective.

# Privacy Impact Assessment (PIA) – Screening Tool

<b>Title of Proposal:</b>	Historic Environment (Wales) Bill – <b>Temporary stop notices for listed buildings.</b>
<b>Department:</b>	Cadw – Economy, Science and Transport

## 1. Please describe your proposal:

- (xix) *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.*
- (xx) *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.*

### *Details*

The Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a criminal offence to carry out unauthorised works to a listed building. Local planning authorities have a number of enforcement powers but to halt unauthorised works which are in the process of being carried out to a listed building, their only formal power is to seek an injunction against the works from the courts. The Historic Environment (Wales) Bill introduces a new power for local planning authorities to serve a temporary stop notice requiring specified works to cease for a period of 28 days whilst the matter is resolved.

Temporary stop notices are already widely used by local planning authorities in respect of activities being carried out in breach of planning regulations and the provision seeks to bring controls in respect of listed buildings into the same enforcement process.

The temporary stop notice must be served on the person carrying out the works and a copy displayed on the building. Therefore, service of the notice does not require the processing of data under the requirements of the Bill. However, in most cases, it is likely that local planning authorities will need to acquire data on the name of the property owner and any tenant or occupier in order to ensure that enforcement is effective.

## 2. Will the proposal involve the processing<sup>10</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?

- Yes – Please provide details below.  No

*Details of completed PIA (date; outcomes)*

<sup>10</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

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

<b>Personal</b>	<input checked="" type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
	<input checked="" type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input checked="" type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input 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 type="checkbox"/> Other (please specify)
<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 type="checkbox"/> Physical / mental health or condition	<input 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 checked="" type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

**Details:**

Although not a requirement of the service of a temporary stop notice it is likely that local planning authorities will seek the name and address of the owner and occupier of the building so that the notice can be issued to them directly. Unauthorised works to a listed building are a criminal offence, so it is possible that the fact that an alleged offence has occurred will be recorded although in most cases the issue will be resolved without the need for prosecution.

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

Who the Data Controller is: Local planning authority	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: N/A	N/A

## Privacy Impact Assessment (PIA) – Screening Tool

Will the data be shared?	It is not envisaged that the data will be shared but there is potential for the address of the building subject to the temporary stop notice to be recorded in reports to Planning Committees which are public documents.
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### 6. What is the legal basis for processing the data?

#### *Details*

The Historic Environment (Wales) Bill, to be introduced to the National Assembly in Spring 2015 will provide local planning authorities with powers to serve temporary stop notices for listed buildings.

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

Although the service of the temporary stop notice does not require a change in the processing of personal data, it is likely that the proposal will result in the recording of the name of the owner/occupier and an address in the council's records. This information will however already be collected as part of a council's efforts to stop works given that unauthorised works are a criminal offence and may lead to prosecution. As such the proposal will not involve significantly changed processing of personal data on those carrying out unauthorised works given existing processing relating to the control of unauthorised works and enforcement in respect of listed building and in general planning control.

### **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.

### 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.

*Details:*

### **Technology**

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

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

## Privacy Impact Assessment (PIA) – Screening Tool

- |   |  |
|---|--|
| <input type="checkbox"/> Smart cards  | <input type="checkbox"/> Digital image and video recording   |
| <input type="checkbox"/> RFID tags<br><i>(radio-frequency identification)</i> | <input type="checkbox"/> Profiling, data mining or logging of electronic traffic<br><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)  |

*Details:*

### **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:*

As indicated above, where a property owner is carrying out unauthorised, illegal, works to a listed building it is possible they could be identified. However, parallel, existing, enforcement procedures already allow for such owners to be identified. It is also anticipated that listed building temporary stop notices will be used very infrequently, as a last resort, compared to their use in general development control.

### **For completion by IRU:**

#### **Is a formal PIA assessment required for this proposal?**

- Yes       No

A formal PIA is not required for this proposal because the privacy expectations of the data subjects (individuals being served with a temporary stop notice) can be managed by providing them with appropriate fair processing.

#### **Has advice on DPA compliance been provided?**

- Yes       No

## Privacy Impact Assessment (PIA) – Screening Tool

The DPA puts the onus of compliance on the data controller. The response to Q5 indicates that the Local Planning Authority will be the data controller and so the onus will be on them to ensure this processing is DPA compliant. The proposal does not indicate that the Welsh Government will be processing any personal data, which means the Welsh Government has no obligations from a DPA perspective.

Whenever an organisation processes personal data it needs to ensure it is compliant with the DPA. The DPA sets out 8 [data protection principles](#) that need to be satisfied and, in terms of this proposal, although it is something for the Local Planning Authority to ultimately consider and address, I would see the key issues being as follows.

### First Principle

The first data protection principle states:

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

*(e) at least one of the conditions in [Schedule 2](#) is met and,*

*(f) in the case of sensitive personal data, at least one of the conditions in [Schedule 3](#) is also met.*

The fair aspect of the first principle will be satisfied by ensuring appropriate fair processing is provided to those data subjects whose personal data is being processed. Fair processing should include details of who the data controller is, what personal data is needed, why, who will have access to it (this includes that personal data may be put into the public domain via published council records), what use will be made of it and how long it will be retained. The information to be communicated is the change to the Act in that temporary stop notices can now be issued in respect of unauthorised works to a listed building.

### Seventh Principle

The seventh data protection principle states:

*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.*

Given unauthorised works to a listed building are a criminal offence, so it is possible that the fact that an alleged offence has occurred will be recorded, there is the potential for sensitive personal data (as defined by the DPA) to be processed. The Local Planning Authority therefore needs to ensure the data is stored securely with access restricted to those officials who require them for their job role. Robust processes should also be put in place for ensuring the correct personal data appears in any notices / records put into the public domain.

# Privacy Impact Assessment (PIA) – Screening Tool

<b>Title of Proposal:</b>	Historic Environment (Wales) Bill – <b>Extending the scope of urgent works notice and imposing a land charge.</b>
<b>Department:</b>	Cadw – Economy, Science and Transport

## 1. Please describe your proposal:

- (xxi) *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.*
- (xxii) *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.*

### *Details*

The Planning (Listed Buildings and Conservation Areas) Act 1990 gives local planning authorities powers to serve an urgent works notice on an unoccupied listed building which is considered to be a risk requiring the owner to carry out specified urgent repairs. The local planning authority also has the power to carry out the works itself if the owner fails to do so and then recover its costs.

The Historic Environment (Wales) Bill will extend the scope of buildings that can be subject to an urgent works notice so that they can be served on all listed buildings provided that the works would not interfere unreasonably with residential use. The Bill will also allow the local planning authority to place a local land charge on the property in respect of any costs it has incurred in carrying out the works required by the notice and which it was unable to recover from the owner.

The extension of the existing scope of when an urgent works notice can be served will not involve any new processes. The introduction of the ability to impose a local land charge will be a new power, although one that a local authority will use in other circumstances.

## 2. Will the proposal involve the processing<sup>11</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?

- Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

<sup>11</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

## 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 type="checkbox"/> Date of Birth
	<input checked="" type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input 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 type="checkbox"/> Other (please specify)
<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 type="checkbox"/> Physical / mental health or condition	<input 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)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

*Details:*  
The urgent works notice must be served on the owner of the building in question and so their contact details may gathered and used in the service of the notice.

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

Who the Data Controller is: Local planning authorities	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: N/A	N/A
Will the data be shared?	It is not envisaged that the data will be shared but there is potential for the address of the building subject to the urgent works notice to be recorded in reports to Planning Committees

# Privacy Impact Assessment (PIA) – Screening Tool

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

### *Details*

The Historic Environment (Wales) Bill, to be introduced to the National Assembly in Spring 2015 will amend the Planning (Listed Buildings and Conservation Areas) Act 1990 to provide local planning authorities with wider powers to serve urgent works notices and to impose a land charge in respect of any costs that they have incurred.

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

No. Urgent works notices were introduced in 1990 and are widely used. The provision will simply widen their scope in order to apply to a greater range of listed buildings. The power to impose a land charge is a new provision and the existence of the charge against the building will be revealed by anyone carrying out a local land charge search.

### **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.

## 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.

### *Details:*

### **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 <i>(radio-frequency identification)</i>	<input type="checkbox"/> Profiling, data mining or logging of 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)

*Details:*

# Privacy Impact Assessment (PIA) – Screening Tool

## **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:*

## **For completion by IRU:**

**Is a formal PIA assessment required for this proposal?**

Yes       No

A formal PIA is not warranted for the extending the scope of urgent works part of the proposal because, although this proposal extends the scope of buildings that can be subject to an urgent works notice, there is no change in the personal data being processed when compared to the current process. Because there is no change to the processing of personal data in terms of the type, amount and purpose, as far as the data subject is concerned, there is no change to their privacy expectations.

With regard to the imposition of local land charge part of the proposal, a formal PIA is not required because the privacy expectations of the data subjects can be managed by providing them with appropriate fair processing.

**Has advice on DPA compliance been provided?**

Yes       No

The DPA puts the onus of compliance on the data controller. The response to Q5 indicates that the Local Planning Authority will be the data controller and so the onus will be on them to ensure this processing is DPA compliant. The proposal does not indicate that the Welsh Government will be processing any personal data, which means the Welsh Government has no obligations from a DPA perspective.

Whenever an organisation processes personal data it needs to ensure it is compliant with the DPA. The DPA sets out 8 [data protection principles](#) that need to be satisfied and, in terms of this proposal, although it is something for the Local Planning Authority to ultimately consider and address, my view is as follows.

To review any fair processing information within forms or accompanying literature to ensure it is still relevant or needs to be updated to include information on the changes to the scope of urgent works and the potential for the imposition of a local land charge as a result of this proposal.

## Privacy Impact Assessment (PIA) – Screening Tool

Providing the current process for urgent works follows the procedures already established there should be no issues from a DPA compliance perspective.

# Privacy Impact Assessment (PIA) – Screening Tool

<b>Title of Proposal:</b>	Historic Environment (Wales) Bill – <b>Historic Environment Records</b>
<b>Department:</b>	Cadw – Economy, Science and Transport

## 1. Please describe your proposal:

(xxiii) *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.*

(xxiv) *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.*

### *Details*

Currently there are four Historic Environment Records (HERs) which were established, and maintained, by the Welsh Archaeological Trusts (WATs) which are charitable trusts. The heritage records that they contain on designated and non-designated historic assets and historical information is used to provide advice for local planning authorities, developers and the general public.

The Historic Environment (Wales) Bill seeks to secure their future by placing a duty on local planning authorities to create and maintain the HER for their area, discharging this duty through the WATs or another appropriate body.

The HER includes information on the location of historic assets, research and general historical information about their area. This is supported by an on-line database and mapping.

## 2. Will the proposal involve the processing<sup>12</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?

Yes – Please provide details below.  No

### *Details of completed PIA (date; outcomes)*

N/A

<sup>12</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

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

<b>Personal</b>	}	<input type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
		<input type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
		<input type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
		<input type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
		<input 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 type="checkbox"/> Other (please specify)
<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 type="checkbox"/> Physical / mental health or condition	<input 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)
		<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

*Details:*

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

Who the Data Controller is:	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: (see notes section for the definition of a Data Processor).	
Will the data be shared?	

## Privacy Impact Assessment (PIA) – Screening Tool

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

Details:

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

### 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.

### 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.

Details:

### 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 (radio-frequency identification)	<input type="checkbox"/> Profiling, data mining or logging of electronic traffic (process to identify patterns in large data sets)
<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)

Details:

### Identity

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

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

## Privacy Impact Assessment (PIA) – Screening Tool

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

Yes – Please provide details below.       No

*Details:*

### **For completion by IRU:**

**Is a formal PIA assessment required for this proposal?**

Yes       No

No personal data being processed.

**Has advice on DPA compliance been provided?**

Yes       No

N/A – No personal data being processed.



# Privacy Impact Assessment (PIA) – Screening Tool

<b>Title of Proposal:</b>	Historic Environment (Wales) Bill – <b>Statutory Advisory Panel for the Welsh Historic Environment</b>
<b>Department:</b>	Cadw – Economy, Science and Transport

## 1. Please describe your proposal:

- (xxv) *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.*
- (xxvi) *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.*

### *Details*

Although the Welsh Ministers have formerly had advisory bodies on specific areas of its work on the historic environment, it has never had a body of appointed members to advise them on overall historic environment policy and the development and delivery of strategic work programmes.

The Historic Environment (Wales) Bill proposes a statutory duty on the Welsh Ministers to establish the 'Advisory Panel for the Welsh Historic Environment' to provide such advice.

Appointments to the panel will be made in line with the Nolan Principles and appointed in accordance with the Code of Practice for Ministerial Appointments to Public Bodies. It will comprise of a maximum of 15 members with its secretariat provided by Cadw.

## 2. Will the proposal involve the processing<sup>13</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?

- Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

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

Name

Telephone Numbers

<sup>13</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

<b>Personal</b>	<input checked="" type="checkbox"/> Home Address <input checked="" type="checkbox"/> Business Address <input checked="" type="checkbox"/> Postcode <input checked="" type="checkbox"/> Email Addresses  <input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Date of Birth <input type="checkbox"/> Driving Licence Number <input type="checkbox"/> Passport / ID Card Number <input type="checkbox"/> Photographs / images (which could be used to identify an individual)  <input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	<input type="checkbox"/> Racial / Ethnic Origins  <input checked="" type="checkbox"/> Political opinions  <input type="checkbox"/> Religious beliefs  <input type="checkbox"/> Trade Union membership <input type="checkbox"/> Physical / mental health or condition <input type="checkbox"/> Sexual life  <input type="checkbox"/> Criminal & court records (inc. alleged offences)  <input type="checkbox"/> Educational records	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints  <input type="checkbox"/> Personal financial information ( e.g. bank or credit card details) <input type="checkbox"/> Mother's maiden name  <input type="checkbox"/> NI Number (or equivalent) <input type="checkbox"/> Tax, benefits or pensions records <input type="checkbox"/> Health or social service records e.g. Housing or Child Protection  <input type="checkbox"/> Employment records (inc. self-employment and voluntary work)  <input type="checkbox"/> Other (please specify)

*Details:*  
 The data will be contained on the standard Welsh Government application form which requires contact detail work and other history demonstrating suitability for appointment as well as information on political activity.

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

Who the Data Controller is: Cadw Director	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors:	Data Processors – Cadw
Will the data be shared?	No

# Privacy Impact Assessment (PIA) – Screening Tool

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

### *Details*

The Historic Environment (Wales) Bill will be introduced to the National Assembly in spring 2015 and will place a duty on the Welsh Ministers to establish the advisory panel.

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

Yes. The Advisory Panel for the Welsh Historic Environment will be a new body and will involve the public recruitment of members and performance appraisal when in post

### **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.

## 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.

### *Details:*

### **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<br><i>(radio-frequency identification)</i> | <input type="checkbox"/> Profiling, data mining or logging of electronic traffic<br><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)  |

### *Details:*

# Privacy Impact Assessment (PIA) – Screening Tool

## **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:*

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)

## **For completion by IRU:**

**Is a formal PIA assessment required for this proposal?**

Yes       No

A formal PIA is not required for this proposal because the privacy expectations of the data subjects (individuals applying to be appointed to the panel) can be managed by providing them with appropriate fair processing. Furthermore, as the decision to go ahead with applying is made by the data subject, any personal data is processed with the consent of the data subject meaning they have full control over the extent of, and the processing of, any personal data they provide.

**Has advice on DPA compliance been provided?**

Yes       No

Providing appointments to the panel are made in line with the Nolan Principles and appointed in accordance with the Code of Practice for Ministerial Appointments to Public Bodies, there should be no issues from a DPA compliance perspective. The process should cover the importance of providing appropriate fair processing to individuals wishing to apply for appointment on the panel. The provision of appropriate fair processing is also critical because this proposal will be relying on the data subjects consent to process the personal data. In order for consent to be valid it needs to be fully informed meaning the data subject has to be fully aware (via the fair processing) what they are consenting to.