

DATA PROTECTION IMPACT ASSESSMENT

TITLE:	Covid Review	VERSION:	1.7
STAGE:	NEW	STATUS:	APPROVED
REVIEW PERIOD:	AD-HOC (Explanation Required in Summary)	NEXT REVIEW:	02/01/2024

SUMMARY:

On 16 November 2021, Tynwald unanimously approved that an independent review into the Isle of Man Government's (IOMG) handling of the Coronavirus Pandemic be commissioned and conducted by an independent chair. The objective of the Review is to scrutinise and evaluate the Isle of Man Government's handling of the response to the Coronavirus pandemic, during the period 1 December 2019, to the 1 April 2022.

A [Terms of Reference](#) was agreed by Tynwald in April 2022. Kate Brunner KC will chair the Review and is tasked with delivering a final report to Tynwald by 31 December 2023. To conduct the Review, the Chair and her team require access to records and documents relating to the Coronavirus pandemic created and held by the Isle of Man Government.

The purpose of this DPIA is to ensure that the process for collecting any personal data from Government Departments and Boards, required as part of the review, is conducted in compliance with the relevant data protection legislation.

The Independent Review Team chaired by Kate Brunner, KC have produced their own Data Protection Impact Assessment covering their data collation and processing.

VERSION SUMMARY:

Version	Comments	Date	Next Review	Reviewed By
V0.1	Initial draft	23/09/22	30/09/22	C McGarry
V0.2	Amends made following short walkthrough with DHA (Department of Home Affairs) DPO and clarifications received from Public Record Office.	03/10/22	03/10/22	C McGarry
1.0	Update following on from Attorney General's Chambers advice & Public Record Office presentation	09/11/2022	16/11/2022	A Walker
1.1	Updated following group call on 22.12.22	28/12/22	03/01/2023	A Walker
1.2	Updated by Project Lead following confirmation of data workflow and processes	05/01/2023	09/01/2023	L Quayle
1.3	Updated by Public Records Officer following feedback from Department DPOs and SIROs	10/01/2023	11/01/2023	A Skitt
1.4	Updated by Covid Review Project Team following feedback from Department DPO's	13/01/2023	16/01/2023	L Quayle



1.5	Updated by Covid Review Coordinator following advice from Attorney General's Chambers	17/01/20 23	31/01/20 23	L Quayle
1.6	Update following initial review by the Information Commissioner	20/01/20 23	31/01/20 23	L Quayle
1.7	General review of the DPIA at mid-point of Project; next review to take place at Project Closure	31/05/20 23	02/01/20 24	L Quayle

ASSOCIATED PARTIES:

<i>Contact Name</i>	<i>Org/Dept.</i>	<i>Contact Number</i>	<i>Email</i>
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FOR ANY SUPPORT REQUESTS OR FEEDBACK/ISSUES COMPLETING THIS FORM, PLEASE CONTACT:
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1. Screening Questions

To edit, double-click the Excel icon. This will open an embedded spreadsheet. When this has been completed, you can close the spreadsheet, the contents will be saved within this document. For ease of reference, the spreadsheet can be copied from the worksheet and pasted into the below box. If it is too large, reduce the size of the Yes/No column.



Ref	Screening Question	Yes/No	Explanation/Details
1.01	Will the project/process involve the collecting new information about individuals?	No	<p>No new data will be collected by the Isle of Man Government.</p> <p>Data already held by Isle of Man Government will be transferred and collated centrally by the Cabinet Office in a secure repository temporarily to enable the Review.</p> <p>Data will then be transferred to the Public Records Office (PRO) for permanent preservation under the Public Records Act 1999.</p>
1.02	Will the project/process compel individuals to provide information about themselves?	No	
1.03	Will information about individuals be disclosed to or shared with organisations/people who have not previously had routine access?	Yes	<p>Documents and records originating in departments will be collated centrally by the Cabinet Office.</p> <p>Documents and record, redacted wherever possible, will be shared with the Chair of the independent review, Kate Brunner KC, and her team.</p>
1.04	Are you using information about individuals for a purpose it is not currently used, or in a way it is not currently used?	Yes	<p>The data was originally collected and used for various purposes related to the handling of the Coronavirus pandemic.</p> <p>The information is now being collated centrally for a different purpose, that of carrying out an Independent Review of the Isle of Man Government's response to the pandemic. At the end of the Independent Review, the data will be retained for permanent preservation to comply with the Public Records Act 1999.</p>
1.05	Does the project/process involve the use of new technology, which might be perceived as privacy intruding, e.g. biometrics or facial recognition?	No	

1.06	Will the project/process result in you making decisions or taking action against individuals in ways which could have a significant impact on them?	Possibly	<p>The collation and processing of data for the purposes of the Independent Review is not intended to result in decisions or actions against specific individuals.</p> <p>It is possible that the Independent Review could uncover issues such as misconduct in the course of duties by public servants or holders of public office. In such cases, the individuals would have been acting in a professional capacity and would be subject to Isle of Man Government standard human resources procedures.</p>	
1.07	Is the information you are collecting on the individuals likely to raise privacy concerns or expectations? e.g. health records, criminal records, or other information that people are likely to consider as private? <u>[If special category data is in any way involved the answer to this question is always yes]</u>	Yes	<p>Documents related to decisions made by Isle of Man Government in response to the Coronavirus pandemic may contain special category data.</p> <p>Mitigations used to address these concerns are outlined in the remainder of this document.</p>	
1.08	Will the project/process require you to contact the individuals in ways which they may find intrusive?	No		
Result		High Risk Data - It is a legal requirement that you conduct a DPIA.		

2. Purpose/Aims/Objectives

Summarise your objective(s). When completing this section, please accompany your answers with your rationale. It is helpful to focus primarily on the impact this might have on the Data Subject, and secondary, the impact this might have on you, your organisation or wider Government and third-parties. If you identify any risks at this stage, please record these in [Section 5](#).

a. What do you want to achieve? Why?

We wish to achieve the central collation of all relevant information, data and records related to Isle of Man Government's response to the Coronavirus pandemic, and the sharing of that information with the Chair of the Independent Review team for the purposes of carrying an Independent Review into the Coronavirus pandemic. We must ensure that the Government can respond swiftly to requests from the Independent Review Team for record disclosures, providing all relevant evidence.

b. How do you intend on achieving this goal?

1. Departments and Statutory Boards will be asked to complete an information asset register providing a high-level overview of records and documents they hold relating to the pandemic.
2. Kate Brunner KC, Chair of the Independent Review, will review the high-level asset registers and identify relevant documents she wishes to view for the purposes of carrying out the independent review. This will minimise the data that is shared outside Isle of Man Government.
3. Documents requested by the Chair will then be securely uploaded by the departments and statutory boards to a secure Electronic Document & Records Management System 'Laserfiche' procured by the Cabinet Office for this purpose.
4. The Cabinet Office Covid Review Support team will review the information within 'Laserfiche' and redact personal and special category data wherever possible and appropriate.
5. Copies of documents, redacted where appropriate, will then be sent electronically through the 'Laserfiche' system to the Independent Review team for inspection.
6. Suitable data sharing/processing agreements will be put in place between the Cabinet Office and the departments and statutory boards, and with the Cabinet Office and Chair of the Independent Review Team.

c. What positive impact might this have on the Data Subject(s)?

The results of the Independent Review will be used to improve the Isle of Man Government's handling of future public health threats and other major incidents that require a similar cross-government emergency response. This will benefit all Island residents, including data subjects.

d. What negative impact might this have on the Data Subject(s)?

The data subject's personal data is being used in a wider context than it was originally gathered for and being shared to a wider audience than intended when it was provided.

It is possible that the Independent Review could uncover issues such as misconduct in the course of their duties by public servants or holders of public office. Whilst the data subject's in this instance were acting in a professional capacity rather than personal, this could cause reputational damage to the individual concerned and potential legal/disciplinary action by their employer.

Examination of the period of the pandemic could result in emotional responses from data subjects through re-living a traumatic and stressful period of life.

e. *What positive impact might this have on you, your organisation or wider Government?*

Lessons learned from the Independent Review will allow the Isle of Man Government to improve its response to future major emergencies. The outcomes will feed into emergency planning and improvements to public services.

f. *What negative impact might this have on you, your organisation or wider Government?*

The identification and collation of related information / records / evidence may be a time consuming exercise. Departments and Statutory Boards will be required to comply whilst managing their business as usual.

Re-examining documentary content relating to the pandemic could result in emotional responses and stress for Government employees. Staff welfare service will be available to support employees through this process.

Examination of the Isle of Man Government's actions during the pandemic could negatively impact its relations with other jurisdictions and external organisations, depending on the findings of the Independent Review.

As data is being processed in an additional Electronic & Records Management System and shared with the external Independent Review Team, this brings an increased risk of data breaches. Measures to minimise this risk are outlined in this document.

g. *Might this impact any other parties? How?*

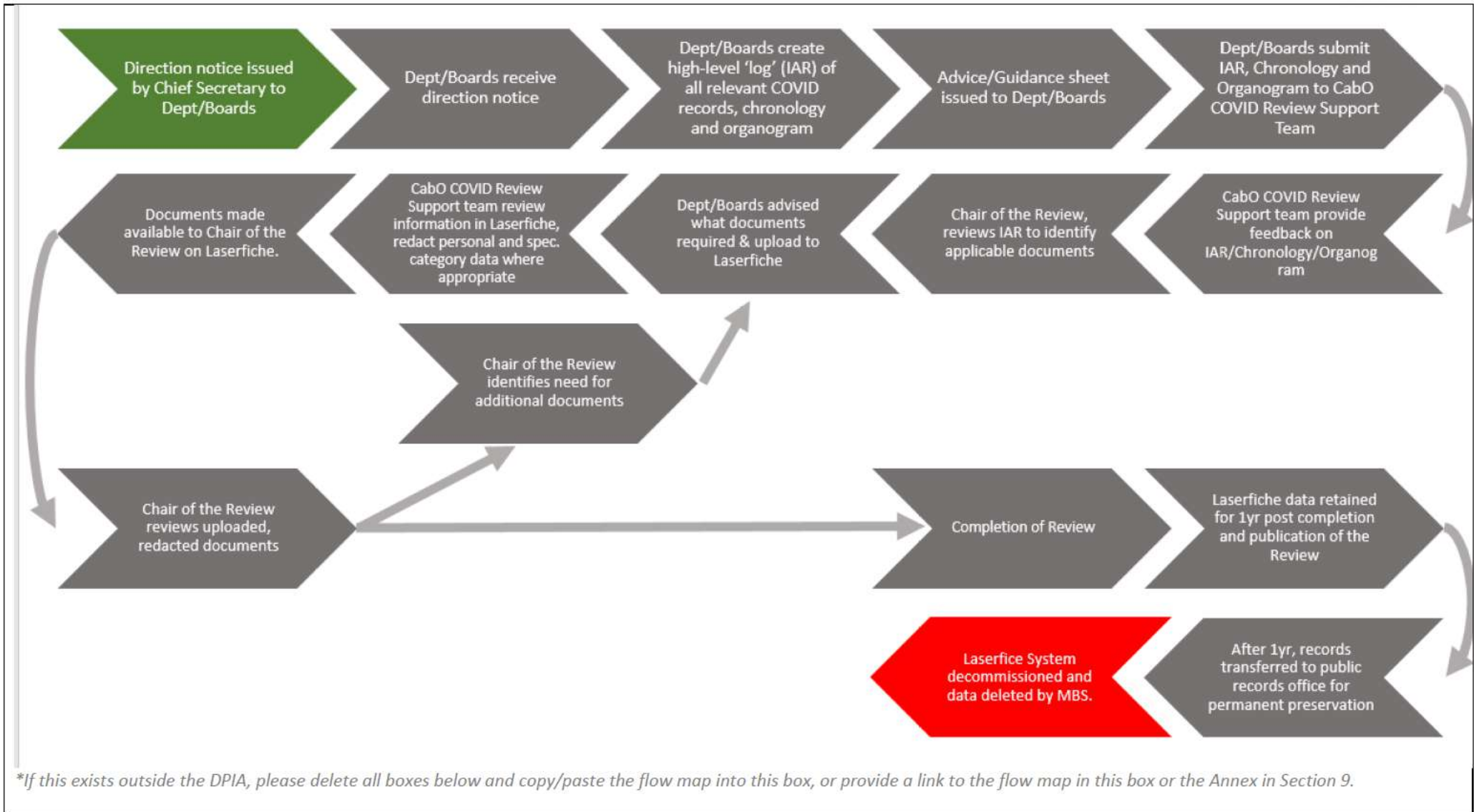
The Independent Review will positively impact Isle of Man residents. The Independent Review is intended to assess the decisions made by the Government during the pandemic, and identify any lessons to be learned. Further, the Review will make recommendations, as necessary, to ensure that the lessons learned are embedded into current working practices, and to enhance preparedness for any future emergency response to a pandemic. It should capture what worked well, and how or if this way of working ought to be continued.

Depending on the findings of the Independent Review, the process could potential impact allied countries who we worked with during the pandemic and private sector organisations involved in the emergency response and supply chains.

3. Understanding the New/Changed Process

Data Flow Map

(Optional) A simple arrow/flow diagram may help illustrate the process. Producing this and understanding the process will help us answer questions in Section 4.



4. Identify the Personal Data for Processing

4.1. Data Collation

Ref	Question	Additional Information	Aligned Principle(s)	
4.1.1	<p>What Personal Data will be collected?</p> <p><i>As Defined in Article 4 (1) of the Applied GDPR</i></p>	Name <input checked="" type="checkbox"/>	<p>At this stage (project initiation) it is not known what types of personal data will be collected, but it is likely that the majority of these types of personal will be present with the records and documents relevant to the pandemic.</p> <p>Departments and Statutory Boards will be asked to complete an Information Asset Register indicating where records contain personal data.</p>	3, 4
		Date of Birth <input checked="" type="checkbox"/>		
		Age <input checked="" type="checkbox"/>		
		Gender <input checked="" type="checkbox"/>		
		Passport No. <input checked="" type="checkbox"/>		
		Contact Number <input checked="" type="checkbox"/>		
		Email Address <input checked="" type="checkbox"/>		
		Location <input checked="" type="checkbox"/>		
		Online Identifier <input checked="" type="checkbox"/>		
		Other Unique Identifier <input checked="" type="checkbox"/>		
		Other Personal Data <input checked="" type="checkbox"/>		
None <input type="checkbox"/>				
4.1.2	<p>What Special Category Data will be collected?</p> <p><i>As Defined in Article 9 (1) of the Applied GDPR</i></p>	Race/Ethnicity <input checked="" type="checkbox"/>	<p>As the independent review relates to a public health emergency, it is likely that many types of special category data will be included in documents relating to the pandemic.</p> <p>Departments and Statutory Boards will be asked to complete an Information Asset Register indicating where records contain special category data.</p>	3, 4
		Sexuality <input checked="" type="checkbox"/>		
		Political Opinion <input checked="" type="checkbox"/>		
		Religious Belief <input checked="" type="checkbox"/>		
		Union Membership <input checked="" type="checkbox"/>		
		Physical/Mental Health <input checked="" type="checkbox"/>		
		Biometric/Genetic Data <input checked="" type="checkbox"/>		
		Criminal Record <input checked="" type="checkbox"/>		
		Commission/Alleged Commission of an Offence <input checked="" type="checkbox"/>		
		Proceedings of any offence committed or alleged <input checked="" type="checkbox"/>		
		Other Sensitive Data <input checked="" type="checkbox"/>		
None <input type="checkbox"/>				
4.1.3	<p>Where/From whom is the Personal Data sourced?</p>	Data will be collected from Isle of Man Government Department and Statutory Boards.	2, 4	
<p>How is the Personal Data collected, and how often?</p>	<p>During the discovery phase, material will be identified by Departments and Boards which is relevant to the Review (using the Terms of Reference and Topic Lists). This will be logged on individual Information Asset Registers per Department/Board.</p> <p>The Information Asset Registers will be given to the Chair of the Independent Covid Review Team, who will advise which documents and records they wish to review.</p>			

		<p>Once notified of the documents and records required by the Covid Review the Departments and Boards will upload these to the Electronic Document and Records Management system 'Laserfiche'.</p> <p>This transfer of data is scheduled to take place in January and February 2023. Further uploads may take place during 2023 as documents are requested by the Independent Review team.</p>	
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4.1.4	<p><i>What is your (Department/ Offices') relationship with the Data source?</i></p>	<p>The source of the data is Isle of Man Government departments and statutory boards. Each of the Departments and Boards are a controller in their own right for the information and data they hold for their own purposes. The Direction Notice instructs the Departments and Statutory Boards to "exercise their respective functions so as to assist the appointed person to gather and analyse evidence for the purpose of meeting the requirements of the Terms of Reference for the Independent Review."</p> <p>Departments and Boards are requested, via the Direction Notice, to provide documents to the Covid Review Project Team under that legal obligation of the direction, (Article 6(1)(c)).</p> <p>The Cabinet Office central Covid Review Project Team is coordinating the central receipt and collation of all relevant documents and data from across the Isle of Man Government and the transfer of data to the Independent Review team. A separate Data Sharing Agreement between the Cabinet Office and Independent Review Team covers this transfer.</p>	2, 4
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Data Collation (continued...)

4.1.5	<p><i>Can the same outcome be achieved <u>without</u> processing <u>any</u> Personal Data?</i></p>	No	<p>No. Many documents relating to the Coronavirus pandemic contain personal data and it is not possible to identify and collate these without processing the data. The Government must retain complete copies of the original documents, with personal data included, for its own operational purposes and preservation under the Public Records Act 1999.</p>	3
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4.1.6	<p><i>Is <u>all</u> of the above Personal Data required to carry out this processing activity?</i></p>	No	<p>Government departments and statutory boards will transfer records and documents to the Cabinet Office in their entirety.</p> <p>The Cabinet Office Covid Review Support team will then undertake the redaction of personal data and special category data before sharing the documents with the Independent Review Team.</p>	3
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4.1.7	What is the intended use of the Personal Data collected?	The intended use of the data collected is to enable the Independent Review into the Isle of Man Government’s handling of the Coronavirus pandemic. The objective of the Review is to scrutinise and evaluate the Government’ handling of the response to the Coronavirus pandemic, during the period 1 December 2019 to 1 April 2022.	1, 2
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4.1.8	Are individuals informed of the usage of their Personal Data (e.g. Privacy Notice)?	Yes	<p>Data subjects will be informed of the usage of their personal data through privacy notes.</p> <p>The Cabinet Office Privacy Notice will be updated with access to the DPIA similar to example: https://www.gov.im/about-the-government/departments/health-and-social-care/external-quality-regulation</p> <p>The Independent Review Team will also publish their own Privacy Notice online and will be handling their own press publicity relating to the Independent Review.</p>	1
	If your answer to 4.1.8 was ‘No’, what is the reason for not disclosing?	<i>provide further detail...</i>		

4.1.9	Will any Personal Data be transferred offsite or shared with another party (Controller/ Processor)?	Within Department	<input type="checkbox"/>	Yes. Outside Departments: Personal data will be transferred from Isle of Man Government departments and	1, 6
		Outside Department	<input checked="" type="checkbox"/>		
		Outside Government	<input checked="" type="checkbox"/>		
		Outside IOM	<input checked="" type="checkbox"/>		

<p><u>**IF THERE IS ANY SHARING OUTSIDE YOUR DEPARTMENT, YOU MUST COMPLETE THE DATA SHARING PROTOCOL**</u></p>	<p>Outside EEA</p>	<input type="checkbox"/>	<p>statutory boards to the Cabinet Office, under the direction of the Council of Ministers under section 6(2) of the Government Departments Act 1987 and paragraph 12 of schedule 2 of the Statutory Boards Act 1987.</p>
	<p>No / N/A</p>	<input type="checkbox"/>	<p>Data sharing agreements will be put in place between departments, statutory boards, and the Cabinet Office for this purpose.</p> <p><u>Outside Government and the Isle of Man:</u></p> <p>Data will be uploaded, processed, and stored through an Electronic Document & Records Management system 'Laserfiche' provided to the Cabinet Office by Manx Business Solutions Ltd. (MBS) and utilising AWS Cloud storage on servers in Ireland.</p> <p>A data processing agreement is in place between the Cabinet Office and Manx Business Solutions.</p> <p>Access to the Laserfiche application will be restricted through role-based access and appropriate to review process i.e. only Department "A" can upload and review information owned by Department "A" and will not be able to access information that is uploaded and owned by Department "B" etc. Only the Cabinet Office Covid Review Support team will have access to all the uploaded Isle of Man Government Laserfiche content.</p> <p><u>Outside Government and the Isle of Man:</u></p> <p>The Cabinet Office will review and redact documents. Copies of the documents will then be shared with the Chair of the Independent Review, Kate Brunner KC and her team. The Independent Review team is external to Government and based in the UK.</p> <p>A data sharing agreement will be in place between the Cabinet Office and the independent review team.</p>

				The Independent Review team will be using AWS storage in Ireland provided by Manx Business Solutions. A data processing agreement will be in place between the Independent Review team and Manx Business Solutions.	
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4.2. Lawful Basis for Processing

Ref	Question	Additional Information		Aligned Principle(s)
4.2.1	What is the lawful basis for processing this Personal Data?	<i>Consent</i>	<input type="checkbox"/> If selected, answer question 4.2.2	1
		<i>Contract</i>	<input type="checkbox"/> If selected, answer question 4.2.3	
		<i>Legal Obligation</i>	<input type="checkbox"/> If selected, answer question 4.2.4	
		<i>Vital Interests</i>	<input type="checkbox"/> If selected, answer question 4.2.5	
		<i>Public Task</i>	<input checked="" type="checkbox"/> If selected, answer question 4.2.6	
		<i>Legitimate Interests</i>	<input type="checkbox"/> If selected, answer question 4.2.7	

4.2.3	<p><u>Contract</u> DEFINITION: Necessary for the performance of a contract to which the Data Subject is party, or necessary for taking steps (as a preliminary data collection process) before entering into a contract and at the request of the Data Subject.</p> <p><i>NOTE: If a contract is already in place, linking it along with a brief summary is preferred.</i></p>	provide further detail...	1
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4.2.4	<p><u>Legal Obligation</u> DEFINITION: Necessary for compliance with a legal obligation laid down by Manx law or Union law as applied to the Island to which the controller is subject.</p> <p><i>NOTE: Provide reference(s) to the legislation to applicable to this processing activity.</i></p>	provide further detail...	1
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4.2.5	<p><u>Vital Interests</u> DEFINITION: Necessary in order to protect the vital interests of the Data Subject or of another natural person.</p> <p><i>NOTE: This lawful basis is not usually used for any 'business as usual' process.</i></p>	N/A	1
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<p>4.2.6</p>	<p style="text-align: center;"><u>Public Task</u> <i>DEFINITION: Necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller, which is laid down by Manx law.</i></p>	<p>An independent review of the Isle of Man Government’s handling of the Coronavirus pandemic was ordered by resolution of Tynwald on 16 November 2021.</p> <p>Subsequently, a Direction notice was issued by Chief Secretary on behalf of the Council of Ministers on 23rd December 2022 under the Government Departments Act 1987 section 6(2) ad paragraph 12 of schedule 2 of the Statutory Boards Act 1987.</p> <p>The Direction Notice instructs the Departments and Statutory Boards to “exercise their respective functions so as to assist the appointed person to gather and analyse evidence for the purpose of meeting the requirements of the Terms of Reference for the Independent Review.” And specifically states that “Departments and Boards shall (a) supply such information and render such other assistance as the Council of Ministers or the appointed person may from time to time require; (b) permit the appointed person to inspect and make copies of its accounts, books, documents and papers and; (c) afford such explanation as the appointed person may reasonably require.” The Cabinet Office, Covid Review Project Team will be responsible for the public task in ensuring that the Chair of the Review is provided with the documentation identified, collated and transferred by Departments and Boards.</p> <p>Special category data will not be requested, but where it is collected it will be collated and retained in accordance with this DPIA. Article 9(1) of the Applied GDPR prohibits the processing of special category data, unless the processing is carried out or is necessary for one of the grounds set out in Article 9(2). In terms of the project, special category data will therefore be processed in the ‘substantial public interest’ which is an Article 9(2)(g) ground, in compliance with regulation 12 of the IOM GDPR and LED Implementing Regulations 2018 (“the Regulations”). This requires compliance with Regulation 12(3) which requires a condition in Part 2 of Schedule 2 of the Regulations to be met, and in this case, paragraph 5 provides that</p>	<p style="text-align: center;">1</p>
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		<p>a condition is met if the processing is necessary for reasons of substantial public interest. Paragraph 6 sets out that the condition for processing is met if the purposes for the processing are the exercise of a function conferred on a person by an enactment, or the exercise of a function of the Crown, a Department, or Statutory Board. The Independent Review in utilising a direction under the Government Departments Act 1987 and Statutory Boards Act 1987, together with incidental powers under section 69(3) of the Interpretation Act 2015 are exercising their functions.</p>	
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Lawful Basis for Processing (continued...)

4.2.7	<p style="text-align: center;"><u>Legitimate Interest</u></p> <p>DEFINITION: Necessary for the purposes of the legitimate interests pursued by the controller, except where such interests are overridden by the interests or fundamental rights and freedoms of the Data Subject, which require protection of Personal Data, in particular where the Data Subject is a child.</p>	N/A	1
4.2.2	<p style="text-align: center;"><u>Consent</u></p> <p>DEFINITION: The Data Subject has given consent to process their Personal Data for one or more specific purposes.</p> <p>This section should detail;</p> <ul style="list-style-type: none"> • The method and context in which the consent was given • How the Data Subject can withdraw their consent • (where multiple processing activities are taking place) Whether the consent is provided separately • How the above is communicated to the Data Subject. <p>NOTE: To rely on consent, a controller must demonstrate they have obtained valid (freely given, specific, informed and unambiguous) consent.</p>	N/A	1
4.2.8	<p>Provide reference to any Legislation or other public function conferred upon the Department/ Board/ Office that grants your Department/ Board/ Office the powers to undertake this processing activity?</p>	<p>By direction of the Council of Ministers under the Government Departments Act 1987 section 6(2) and paragraph 12 of schedule 2 of the Statutory Boards Act 1987: for the provision and sharing of documents, (including those containing personal data) by Government departments and statutory boards.</p> <p>By resolution of Tynwald on 16 November 2021:</p> <p>‘That Tynwald is of the opinion that an independent review should be held which should publish a report to Tynwald by the last day of December 2023 on the Isle of Man Government’s handling of the coronavirus pandemic; and that it should cover the period December 2019, when the first case of Covid19 was reported in China, to the end of April 2022, the end of the term of office of the 2016- 2022 administration; and that Terms of Reference for</p>	1

		<p>the review should be agreed by the Council of Ministers and the Public Accounts Committee, subject to the approval of Tynwald; and That Tynwald waives privilege in relation to any evidence relating to the Covid-19 pandemic held by the Public Accounts Committee and Tynwald Policy Review Committees at the date of this resolution; and that such evidence may be provided on terms decided by the relevant Committee to an independent review if requested'</p> <p>The Public Records Act 1999 section 3(4): in relation to the transfer of collated data to the Public Record Office for permanent preservation at the end of the Independent Review period.</p>	
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4.3. Information Integrity & Security

Ref	Question	Additional Information	<u>Aligned Principle(s)</u>
4.3.1	Where will the Personal Data collected be stored?	<p>Data will be uploaded and processed using an Electronic Document & Records Management system 'Laserfiche' and AWS Cloud Storage provided by Isle of Man based company Manx Business Solutions (MBS). The Laserfiche system and storage was procured via market tender in late 2022, meeting technical and security specifications required by Government Technology Services and recommended by OCSIA.</p> <p>Manx Business Solutions are certified to ISO 27001 (information security).</p> <p>The full Laserfiche data sheet on information security measures can be found here.</p> <div style="text-align: center;">  <p>Laserfiche Cloud Security Datasheet.pdf</p> </div>	4, 6
4.3.2	Who will have access to the Personal Data?	<p><u>Internal to Isle of Man Government:</u></p> <ol style="list-style-type: none"> 1. Named, authorised officers from the originating Government departments and statutory boards will continue to have access to their own documents containing personal data. 2. Members of the Cabinet Office Covid Review Support team, including the Public Records Officer, will have access to the personal data to carry out review, redaction, and transfer of data to the Independent Review team, and to carry out preservation actions as required under the Public Records Act 1999. <p><u>External to Isle of Man Government:</u></p> <ol style="list-style-type: none"> 3. Manx Business Solutions and AWS are providing the Laserfiche application and storing the data on behalf of the Cabinet Office under a contract and data processing agreement. 4. Kate Brunner KC has been appointed to Chair of the Independent Review and will have access to some personal data. Documents shared with Kate Brunner will be redacted to remove special category data and unnecessary personal data, unless the data is essential to the meaning of the document in the context of the review. <p>Kate Brunner KC will appoint and employ other members of the Independent Review Team who will also have access to shared personal data. Support will be provided by Isle of Man Government employees, but will be independent of Cabinet Office.</p> <p>A full Data Protection Impact Assessment has been carried out by</p>	4, 6

		the Independent Review team to cover their own processing of any shared personal data.	
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4.3.3	What security measures have been implemented to secure access and use of the Personal Data?	<i>Username & Password</i>	<input checked="" type="checkbox"/>	Role based access controls and password policies are in place within the 'Laserfiche' system	4, 5, 6
		<i>Encryption</i>	<input checked="" type="checkbox"/>	The Laserfiche solution encrypts data at rest and in transit	
		<i>Smart Card</i>	<input type="checkbox"/>	provide further detail...	
		<i>Secure Token</i>	<input type="checkbox"/>	provide further detail...	
		<i>Restricted Access</i>	<input checked="" type="checkbox"/>	<p>Role based access controls are being used within the Laserfiche solution to ensure only authorised and appropriate access to personal data. Roles are set as follows:</p> <ol style="list-style-type: none"> 1. Officers from originating departments will only have access to their own department's data for the purposes of uploading and arranging the records ready for review. 2. Cabinet Office Review Support team and the Public Record Office will have access to all data uploaded by Government Departments and statutory boards to enable them to carry out redaction and transfer data to the Independent Review team. 3. Kate Brunner, KC and her team will only have access to copies of redacted documents sent to them by the Cabinet Office. 	
		<i>Physically Secure Location</i>	<input checked="" type="checkbox"/>	AWS secure cloud storage provided within the EU in Ireland.	
		<i>Other</i>	<input checked="" type="checkbox"/>	Laserfiche security includes an isolated tenant, penetration testing, vulnerability testing, firewalls, intrusion detection.	

4.3.4	How will the Personal Data be kept up to date and checked for accuracy and completeness?	<p>It is important that data is reflected 'as is' for the purposes of the independent review and for the later preservation at the Public Record Office ('archiving in the public interest'). Rectification or erasure of data may alter the value and meaning of the information and records as evidence. The Independent Review also requires that evidence submitted to the review be retained in full for one year in case of query or clarification. For the reason, the project does not intend to actively check for accuracy and completeness of data within the records.</p> <p>On receipt of a request from a data subject for rectification of personal data, each request will be considered on a case by case basis to determine whether the request can be met,</p>	4, 5, 6
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		<p>or whether to do so would destroy the meaning and value of the record or document within which the data sits. Schedule 9 Part 6 of the Isle of Man GDPR and LED Implementing Regulations 2018 provides exemptions from the data subject rights to rectification where data is to be retained for 'archiving in the public interest' (e.g. permanent preservation at the Public Record Office as part of the national archive collections). Each request from a data subject will be assessed to determine if these exemptions should be used, or whether the request can be carried out.</p>	
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4.3.5	<p><i>Is a system level security policy in place for the proposed system? Or... Is there a quality control policy in place to ensure procedures are followed correctly?</i></p>	Yes	<p>Yes, see 4.3.1 for comprehensive product specifications in relation to security.</p> <p>The system meets Government Technology Services specifications and the Office of Cyber-Security and Information Assurance recommendations for information and cyber-security.</p> <p>Testing of role based access is being has been carried out by Manx Business Solutions with results reported to Cabinet Office prior to go live.</p> <p>Quality assurance processes will be implemented by the Covid Support Review team for redaction and transfer tasks.</p> <p>The 'Laserfiche' solution and storage are subject to regular penetration and vulnerability testing against cyber-security threats.</p>	4, 5, 6
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4.3.6	<p><i>Is training for the following areas in place for all staff who will be using the system/following the procedure?</i></p>	<p>Personal Data Collection</p>	<input checked="" type="checkbox"/>	<p>System usage training will be rolled out across Isle of Man Government Departments and Statutory Boards between 09 to 11 January 2023. All nominated system users will receive dedicated support throughout the review process (as required). This training and support will cover the uploading of personal data and secure processing of data for the purposes of this project.</p> <p>All Government employees undertake regular Data Protection</p>	6
		<p>System Usage</p>	<input checked="" type="checkbox"/>		
		<p>Collecting consent</p>	<input type="checkbox"/>		
		<p>Secure Processing</p>	<input checked="" type="checkbox"/>		

			<p>training as a mandatory requirement.</p> <p>Louise Quayle, Covid Review Coordinator within the Cabinet Office, will have overall oversight of data processing procedures, training, and system use.</p>	
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4.3.7	<p><i>If this function should stop, are there plans in place for how the information will be retained/archived/transferred or disposed of?</i></p>	Yes	<p>Once the Review is concluded the information will be retained by the Cabinet Office for one year within the Laserfiche system. The records have been selected for permanent preservation under section 3 of the Public Records Act 1999. After one year, the records will be migrated from the Cabinet Office Laserfiche platform to the Public Record Office 'Preservica' system for continued preservation for the purposes of 'archiving in the public interest'.</p>	5, 6
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Information Integrity & Security (continued...)

<p>4.3.8</p> <p><i>Are arrangements in place for the following? Please provide comments on how Data Subject can invoke these rights.</i></p> <p><i>Note: If you cannot fulfil these requirements, the processing activity CANNOT take place.</i></p>	<p><i>Data Subject Access Requests</i></p>	<p><input checked="" type="checkbox"/></p>	<p>Yes.</p> <p><u>Data subject access requests</u></p> <p>Data Subject Access requests will be processed through existing departmental and Cabinet Office procedures.</p> <p>Each controller will be responsible for complying with DSARs in accordance with Article 13 and 14. The Privacy Notice will contain detail in this regard for data subjects.</p>	<p>1, 4, 5, 6</p>
	<p><i>Right to Rectification</i></p>	<p><input checked="" type="checkbox"/></p>	<p><u>Rights to rectification, right to be forgotten, right to data portability, right to notification, right to object</u></p> <p>It is important that data is retained 'as is' for the purposes of the independent review and for the later preservation at the Public Record Office ('archiving in the public interest').</p> <p>On receipt of a request from a data subject, each request will be considered on a case-by-case basis to determine whether the request can be met, or whether to do so would destroy the meaning and value of the record or document within which the data sits.</p> <p>Schedule 9 Part 6 of the Isle of Man GDPR and LED Implementing Regulations 2018 provides exemptions from the data subject rights to rectification, erasure, notification, objection, and data portability where data is to be retained for 'archiving in the public interest' (e.g. permanent preservation at the Public Record Office as part of the national archive collections). Each request from a data subject will be assessed to determine if these exemptions</p>	

			should be used, or whether the request can be carried out.	
		<i>Right to be Forgotten</i>	<input checked="" type="checkbox"/> Yes- each request will be considered and responded to on a case by case basis – see above under ‘Right to rectification’	
		<i>Right to Portability</i>	<input checked="" type="checkbox"/> Yes - each request will be considered and responded to on a case by case basis – see above under ‘Right to rectification’	
		<i>Right to Notification</i>	<input checked="" type="checkbox"/> Yes- each request will be considered on a case by case basis – see above under ‘Right to rectification’	
		<i>Right to Object</i>	<input checked="" type="checkbox"/> Yes - each request will be considered on a case by case basis – see above under ‘Right to rectification’	

4.3.7	Have you had a Personal Data retention policy defined for the collected Dataset?	Yes	Yes – data is selected for permanent preservation under section 3 of the Public Records Act 1999.	1, 5
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4.3.8	How will you ensure the secure disposal of Personal Data at the end of the retention period?	All records, including personal data, will be migrated to the Public Record Office secure digital preservation system and storage ‘Preservica’ for permanent preservation. The Laserfiche system will then be decommissioned and Manx Business Solutions will delete any copies of data held by them.		2, 5, 6
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4.3.9	Is the Personal Data being used for a different purpose it was originally collected for?	Yes	<p>The personal data was collected throughout the Review period 1 December 2019, to 1 April 2022 for the purposes of the Isle of Man Government’s handling of the pandemic, providing a variety of services.</p> <p>The data is now being collated and processed for the purposes of carrying out an independent review into the Isle of Man Government’s handling of the pandemic, and as a secondary purpose, for archiving in the public interest under the Public Records Act 1999.</p>	2, 6
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4.3.10	Have all relevant stakeholders with an interest in the project/process/agreement been identified and consulted?	<p>YES- The following key stakeholders have been consulted:</p> <ul style="list-style-type: none"> Isle of Man Information Commissioner The Independent Review Team chaired by Kate Brunner KC Attorney Generals Chambers Chief Officers Group Government Departments, Boards and Offices Government Technology Services Office of Cyber Security and Information Assurance Isle of Man Government Data Protection Officers Network 		6
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	<p><i>If not, when and how will you seek these views? If it is not appropriate to seek these views, please provide an explanation as to why this is so...</i></p>	<p>Isle of Man Government Senior Information Risk Owners Registrar General, Central Registry Public Records Officer</p> <p>The views of data subjects and the Isle of Man public have not been sought. Processing is being undertaken to comply with legal obligations and under the direction of Tynwald. Consultation with data subjects and the public at this stage would not alter these obligations.</p>	
<p>4.3.11</p>	<p><i>Do you need to ask processors to assist? If yes, is there a processing agreement in place?</i></p>	<p>Yes.</p> <p>Manx Business Solutions are acting as a data processor for the Cabinet Office for provision of the Laserfiche Electronic Document and Records Management system and storage. A Data Processing Agreement is in place between Manx Business Solutions and the Cabinet Office.</p> <p>Manx Business Solutions are also providing the Laserfiche solution and cloud storage to Kate Brunner, KC and the Independent Review team. A data processing agreement is being put in place between the Independent Review team and Manx Business Solutions.</p>	<p>2</p>
<p>4.3.12</p>	<p><i>Do you plan to consult information security experts, or any other subject matter experts</i></p>	<p>Yes – The following subject matter experts have been consulted:</p> <p>Isle of Man Information Commissioner Attorney Generals Chambers Chief Officers Group Government Departments, Boards and Offices Government Technology Services Office of Cyber Security and Information Assurance Isle of Man Government Data Protection Officers Network Isle of Man Government Senior Information Risk Owners Registrar General (Central Registry) Public Records Officer</p>	<p>6</p>

5. Risk Considerations

To edit, double-click the Excel icon. This will open an embedded spreadsheet. When this has been completed, you can close the spreadsheet down, the contents will be saved within the document. Please refer to the Risk Factors below to attribute to your identified risks and mitigation factors. This will guide you in making informed decisions.



risk_calculator

POSSIBILITY RISK FACTOR

Level	Rating	Example
5	Almost Certain	Will occur given existing controls
4	Very Likely	Will probably occur given existing controls
3	Possible	Could occur given existing controls
2	Unlikely	Not expected to occur, except for in exceptional circumstances, given existing controls
1	Very Unlikely	Not expected to occur given existing controls

IMPACT RISK FACTOR

Level	Rating	Example
5	Catastrophic	Complete breakdown of a critical service / Significant underperformance against key targets.
4	Major	Intermittent failures of a critical service underperformance against key targets.
3	Moderate	Failure of support services / underperformance against other key targets.
2	Minor	Service disruption.
1	Insignificant	Minor service disruption.

Risks identified and documented in spreadsheet above (Risk Calculator) on page 24.

6. Data Protection Officer Review

Initial review and of document accepted however would benefit from peer review from the DPO Officer Forum and any key stakeholder.

RECOMMENDED ACTIONS:

<i>Ref</i>	<i>Identified Recommended Action(s)</i>	<i>Responsible for Action</i>	<i>Delivery Date</i>	<i>Link/Additional Information</i>
1.1	Data Processing Agreement: Manx Business Solutions with Cabinet Office	Louise Quayle	10/01/2023	Complete
1.2	Data Sharing Agreement: Cabinet Office with Departments and Statutory Boards	Louise Quayle	20/01/2023	In progress
1.3	Data Sharing Agreement: Cabinet Office with Kate Brunner KC and the Independent Review Team	Cabinet Office & Kate Brunner, KC	04/01/2023	Complete

1.4	Data Processing Agreement: Kate Brunner KC with Manx Business Solutions	Kate Brunner, KC	TBC	In progress
2.1	Updated Cabinet Office Privacy Notice	Cabinet Office DPO	16/01/2023	In progress
2.3	Kate Brunner, KC and Independent Review Team to publish own Privacy Notice	Kate Brunner, KC		Complete
3.1	Testing of applied Role Based Access Controls before 'go live' of Laserfiche system	Manx Business Solutions	16/01/2023	Complete
4.1	Quality assurance procedure for redaction and transfer of records to the Independent Review Team	Louise Quayle	20/01/2023	In progress
4.2	Training of all users on how to use the 'Laserfiche' system.	Louise Quayle/Manx Business Solutions	17/01/2023	Complete
5.1	Department and Statutory Board Record Of Processing Activities (ROPAs) to be updated	Department SIROs/DPOs	20/01/2023	
6.1	Circulate staff welfare guidance for all Government employees involved in the Covid-19 review process	Julie Bradley, Director of OHR	30/12/2022	Julie Bradley has emailed senior public servants across all IOMG departments and boards. Staff Welfare contact details have been provided to Kate Brunner to issue also.

7. Sign-Off/Approvals

Organisational Signatories:

Name: Caldric Randall	Signature:
Position: Chief Secretary	
Organisation: Isle of Man Government	
Date: 17/01/2023	

Name:	Signature:
Position:	
Organisation:	
Date:	

SIRO Signature:

Name: Kirsty Hemsley	Signature:
Position: Executive Director	
Organisation: Cabinet Office	
Date: 17/01/2023	

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8. Appendix

This section can be used to link or embed any additional documents, reference material or other legislation relevant to the DPIA.

8.1. Annex

Document	Description	Link

8.2. Glossary – Aligned Principles

The principles relating to the processing of personal data are set out in Article 5 of the Applied GDPR and can be summarised as:

ID	Principle	Description
1	Lawful, Fair & Transparent	Processed lawfully, fairly and in a transparent manner in relation to the data subject.
2	Purpose Limitation	Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
3	Data Minimisation	Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
4	Accuracy	Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
5	Storage Limitation	Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
6	Integrity & Confidentiality	Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
7	Accountability	The controller shall be responsible for, and be able to demonstrate compliance with principles 1 to 6.

For more information, please see the full detail as outlined by the Information Commissioner - https://www.inforights.im/media/1895/principles_reviewed-january-2021.pdf