

## Data Protection Impact Assessment Statement of Principles – Gambling Act 2005

**Explain broadly what project aims to achieve and what type of processing it involves.** You may find it helpful to refer or link to other documents, such as a project proposal. Summarise why you identified the need for a DPIA.

Winchester City Council's Statement of Principles is required to be reviewed every three years under the Gambling Act 2005. The current Statement has effect from 2019 to 2022, and the revised Statement is intended to have effect from 2022 to 2025. The Statement outlines processes as defined by the relevant legislation and guidance, and local procedures as decided by the Council to ensure the fair and transparent administration of applications.

Applications procedures require the applicant(s) to submit personal data, such as their full name, date of birth, address, contact telephone number, and email address. The legislation allows these details to be submitted either via hard copy or electronic application.

The Council also requires applicants to provide proposed plans of premises with some applications. These documents may also include personal data.

The legislation also requires, for some applications, for the Council to publish notice of the application in the public domain (i.e. on its website). There is potential for personal data to be published in doing so if the application details are not correctly redacted.

I have identified a need for a Data Protection Impact Assessment as the application processes include the collection and publication of personal data; this needs to be controlled.

**Describe the scope of the processing:** what is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

### **Personal data collected for each application**

Full name of applicant; date of birth; home/business address; telephone number and email address for applicant and/or their agent.

The applicant, in some circumstances, is required to prove that they have the right to work in the UK. The vast majority of documentation submitted to demonstrate this contains personal data.

Individuals may submit representations with respect to an application, which will require their full name and address.

### **Data retention**

The above data will be retained for the duration of the licence (some permits are held for 12 months only, others are held in perpetuity until they are surrendered or revoked), including renewed licences. Email correspondence relating to the application or licence will be retained in accordance with the City Council's Mailmeter system (2 years).

### **Frequency of data collection**

It is difficult to say how often this type of data will be collected, as there is no limit on who can apply for a licence/permit and when the application can be made.

### **Individuals affected**

Personal data is collected from the applicant (an individual or company). Personal data of additional individuals may be present on supplementary documents required with the application. Persons making representations with respect to applications must include their full name and address.

**Geographical area affected**

Applicants for licences/permits must own or occupy a premises within the Winchester district. The applicant, however, does not need to be based in the district. Individuals making representations in relation to the application may also live within or outside of the Winchester district.

**Describe the context of the processing:** what is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in? Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?

Personal data is collected and retained purely for the purposes of administrating the application processes for licences/permits under the Gambling Act 2005. Application forms include a statement confirming that personal data may be passed to other agencies in the processing and consultation of the application (i.e. responsible authorities).

Applicants must declare that they are age 18 or over at the time of making an application, and/or provide their date of birth depending on the statutory application form required to be completed. Applications which do not include this declaration will be rejected.

**Describe the purposes of the processing:** what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing – for you, and more broadly?

Personal data is collected and retained purely for the purposes of administrating the application processes for licences/permits under the Gambling Act 2005.

A full name and address is required to ensure that any licence/permit granted is attributed to an individual or business. These details are printed on the licence paperwork.

Contact details for the applicant are retained to assist with undertaking compliance and enforcement action (i.e. delivery of warning notices or similar).

The main benefit from processing this personal data is that it allows an individual or business to obtain a licence/permit under the Gambling Act 2005, which ultimately will assist in the production of income.

**Consider how to consult with relevant stakeholders:** describe when and how you will seek individuals' views – or justify why it's not appropriate to do so. Who else do you need to involve within your organisation? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

Where required, full applications and any supplementary documents are forwarded to Responsible Authorities via email for their consideration. Applications are not redacted for the purposes of consultation, giving Responsible Authorities opportunity to contact applicants and discuss their proposals and concerns with them directly.

Where required, notification of applications are sent to Ward Councillors and the Parish Council (where relevant). This notification is limited to the type of application, name and address of applicant, name and address of premises and days/times of proposed activities; the application form and any supplementary documents containing personal data are not shared.

Where required, notification of applications and grant/refusal of applications are sent to the Gambling Commission. This notification is limited to the type of application, name and address of applicant, name and address of premises and days/times of proposed activities, and the outcome of the application. The application form and any supplementary documents containing personal data are not shared. A copy of the licence/permit, where granted, may be shared.

The vast majority of applications undergo a public consultation period of 28 days. During this time, any person may request to view the application form and supplementary documents. Personal data will be redacted prior to any application form or supplementary documents being viewed.

Representations may be received with respect to an application, which may contain personal data. Representations can be submitted in either hard copy or electronic format.

The Council's Data Protection Officer will review this DPIA.

**Describe compliance and proportionality measures, in particular:** what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

The Council's lawful basis for collecting and processing personal data in these circumstances is the requirement for the licensing authority to process applications under the Gambling Act 2005. The Council has specified the form of application in accordance with the relevant legislation.

**Function creep:** Prevented by each application under the Gambling Act 2005 having its own unique reference number on Uniform. The type of reference number specifically relates to applications for gambling licences/permits and is not shared with any other type of application.

**Data minimisation:** All data will be adequate to fulfil the requirements for processing applications, relevant only to that type of application, and limited to only what is necessary for processing said applications.

**Data quality:** The accuracy, completeness and reliability of the data collected depends on the applicant's ability to provide quality data. However, the application forms include mandatory fields for name, address and contact details that must be completed before the application is submitted. Furthermore, the applicant must declare on the application form that they understand that any false statement made in connection with the application will result in the application being refused. Only relevant data will be collected; the Council has specified the form of application in such a way to reduce the amount of personal data collected to the bare minimum required for processing the application. The consultation and determination periods for applications under the Gambling Act 2005 range between 7 days and 28 days, depending on the type of application.

#### Identify and assess risks

<b>Describe source of risk and nature of potential impact on individuals.</b> Include associated compliance and corporate risks as necessary.	<b>Likelihood of harm</b>	<b>Severity of harm</b>	<b>Overall risk</b>
Illegitimate access to personal data held in connection with an application	Possible	Significant	Medium
Loss of personal data by City Council	Possible	Minimal	Medium
Modification of personal data by City Council or third party	Possible	Significant	Medium

<b>Identify measures to reduce risks</b>				
<b>Risk</b>	<b>Options to reduce or eliminate risk</b>	<b>Effect on risk</b>	<b>Residual Risk</b>	<b>Measure approved</b>
Illegitimate access to personal data held in connection with an application	<ul style="list-style-type: none"> <li>- City Council has secure network, can only be accessed with staff username/password.</li> <li>- Vast majority of applications submitted electronically</li> <li>- Personal data only forwarded to responsible authorities for consultation purposes. These authorities will have their own data protection policies/procedures to prevent illegitimate access to data.</li> <li>- All personal data redacted from application and supplementary documents before provided to third parties upon request (e.g. Ward Councillors, members of public)</li> </ul>	Reduced	Low	
Loss of personal data by City Council	<ul style="list-style-type: none"> <li>- Data is subject to organisation's data retention policies. No deletion of data is necessary as the data retention tools in Outlook and IDOX do this automatically.</li> </ul>	Reduced	Low	
Modification of personal data by City Council or third party	<ul style="list-style-type: none"> <li>- Data does not need to be amended by case officer or any other City Council staff member during the processing of the application, unless the applicant specifically requests that details are updated (i.e. change of address). In which case these changes will have an audit trail.</li> <li>- Uniform has function that allows officers to record changes to name/address/contact details to ensure an audit trail.</li> </ul>	Reduced	Low	

<b>Sign off and record outcomes</b>		
<b>Item</b>	<b>Name/position/date</b>	<b>Notes</b>
Measures approved by:		<i>Integrate actions back into project plan, with date and responsibility for completion.</i>
Residual risks approved by:		<i>If accepting any residual high risk, consult the ICO before going ahead</i>
DPO advice provided:		<i>DPO should advise on compliance, step 6 measures and whether processing can proceed.</i>
Summary of DPO advice:		
DPO advice accepted or overruled by:		<i>If overruled, you must explain your reasons</i>
Comments:		
Consultation responses reviewed by:		<i>If your decision departs from individuals' views, you must explain your reasons</i>
Comments:		
This DPIA will be kept under review by:		<i>The DPO should also review ongoing compliance with DPIA.</i>