

Equality Impact Assessment (EQIA)

The General Equality Duty and protected characteristics are detailed at the end of this form.
Refer to the EQIA Guidance Document for more Information on how to complete this form.

| | | |
|--|---|--------------------------------|
| Title of Policy, Procedure, or Relevant Practice: | Data Breach Policy and Policy/Procedure | |
| Lead Officer: | | |
| Type of Policy, Procedure, or Relevant Practice: | Data Protection New: | Existing/Reviewed/Revised: [x] |
| Date of Assessment: | 09/12/2022 | |

Step1: Outcomes and Potential Impacts

1A. What are the intended consequences (outcomes) of the policy, procedure or relevant practice?

This procedure is required to comply with Data Protection obligations. The procedure will ensure a clear data breach policy and procedure in place. Individual breaches are likely to include personal and special category data of data subjects who are affected in the breach and personal data of those included in deciding how the breach will be dealt with. The risk of the breach will determine whether individuals should be notified.

1B. Could this policy, procedure or relevant practice potentially result in differential impact on groups with protected characteristics?

Yes: If “Yes”, go to **Step 2** and then complete the remainder of this form

No: If “No”, or “Unforeseen” go to **Step 6** and then complete the remainder of this form

Step 2: Consideration of Evidence and Information

2A. What information do you plan to use as the basis of this EQIA?

(What information is available and if information is lacking, how will you address this shortfall?)

While this policy and procedure will not affect individuals with protected characteristics directly, it is possible due to the nature of the policy/procedure, the outcome can be different. The data sets containing personal and special category data being processed within the College will also differ, therefore it can have a differential impact on groups with protected characteristics. It would be difficult to state whether this would be considered positive, neutral or negative depending on the situation.

2B. Please indicate potential positive, neutral and negative impacts in relation to each protected characteristic.

(What does the information indicate about potential positive, neutral and negative impacts on people who share protected characteristics? Are the needs of people with different characteristics met? Does the policy, procedure, or relevant practice affect some groups differently?)

| Protected Characteristic | Detail the Potential Positive, Neutral, or Negative Impacts with Reference to Evidence, or Information |
|--------------------------|--|
| Age | |

| 2B. cont'd | |
|--------------------------|--|
| Protected Characteristic | Detail the Potential Positive, Neutral, or Negative Impacts with Reference to Evidence, or Information |
| Disability | |
| Gender Reassignment | |

| 2B. cont'd | |
|---------------------------|--|
| Protected Characteristic | Detail the Potential Positive, Neutral, or Negative Impacts with Reference to Evidence, or Information |
| Marriage & Civil P'ship * | |
| Pregnancy & Maternity | |

| 2B. cont'd | |
|--------------------------|--|
| Protected Characteristic | Detail the Potential Positive, Neutral, or Negative Impacts with Reference to Evidence, or Information |
| Race | |
| Religion or Belief | |

| 2B. cont'd | |
|--------------------------|--|
| Protected Characteristic | Detail the Potential Positive, Neutral, or Negative Impacts with Reference to Evidence, or Information |
| Sex | |
| Sexual Orientation | |

| | |
|--|--|
| | |
|--|--|

Step 3: Consider Alternatives and Mitigation

3A. Are you able to reduce any potential negative impacts identified above?
Yes: No: N/A: If N/A, go to Step 4

3B. If “Yes”, what arrangements could be implemented to reduce any potential negative impacts identified above?

3C. If “No”, it may be appropriate if the policy, procedure, or relevant practice affects groups differently where this is a proportionate means of achieving a legitimate aim. If this is the case, please provide explanatory details to objectively justify this decision.

(Note: you may be required to obtain legal advice to verify your decision. If you suspect this may be the case, please contact Diversity & Equalities for direction.)

Step 4: Compliance with General Equality Duty

4A. Does the policy, procedure or relevant practice comply with the three parts of the general duty:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Yes: No: For 4B- 4D, please detail relevant groups who share a protected characteristic and refer to evidence/information

4B. If “Yes”, how?

4C. If “No”, what are the negative impacts and the associated risks?

4D. If “No”, What arrangements exist, or could be implemented to better comply with the general duty?

Step 5. The Involvement of Individuals, Groups and Organisations Representing Protected Characteristics

5A. Who has been involved in the undertaking of this assessment? (Please detail the staff/student/stakeholder groups)

Data Protection Officer

5B. How successful has this been, and what changes can be made to improve this process in the future?

N/A

5C. If you have further involvement to carry out, please list who you are going to involve and how?

N/A

Step 6: Making a decision and outcome

6A. What is your decision? (Please select an option from the drop down menu options using the arrow on the right)

A. A positive impact is explicitly intended and very likely.

- B. A negative impact is not foreseen, and on the contrary the policy has the clear potential to have a positive impact by reducing and removing barriers and inequalities that currently exist.
- C. A negative impact is not foreseen. On the contrary there is potential to reduce barriers and inequalities that currently exist. There is insufficient evidence, however, for this assessment to be made with as much confidence as is desirable.
- D. A negative impact is not foreseen, but positive impact is also unlikely. [X]
- E. A negative impact is probable or certain, since certain groups will be disadvantaged, either proportionately or absolutely, or both. Remedial action is therefore necessary.
- F. A negative impact is probable or certain for some groups but the policy as a whole can nevertheless be justified as a **proportionate means of achieving a legitimate aim.**

Note: you may be required to obtain legal advice to verify your decision. If you suspect this may be the case, please contact Diversity & Equalities for direction.

6B. Are you able to introduce the policy, procedure, or relevant practice without making any changes?

Yes: No:

6C. If “Yes”, clearly explain upon which basis this decision was made

6D. If “No”, what changes will you make before implementation?

| Step 7: Taking action and monitoring |
|--|
| 7A. What action will we take? N/A |
| 7B. Who will take that action? N/A |
| 7C. When will that action be completed? N/A |
| 7D. Once implemented, how will the policy, procedure, or relevant practice be monitored? N/A |

Miscellaneous

Additional Information (please insert any supporting information, or data here)

Sign-off, authorisation and publishing

For College records, but not for publishing publically

- The information contained within this EQIA needs to be confirmed and approved as the completed EQIA will be published on the College web-site.
- As such, EQIAs must be approved by a Director or above.
- Ask a Director to review and sign off the EQIA (an electronic signature will suffice, as long as a paper copy follows).
- Following completion, send an electronic copy to both the Diversity & Equalities Manager and Director of Planning and Administration.

Name:

Position:

Signature:

Date:

Summary of the General Duty of the Equality Act 2010

| Components | Due Regard |
|---|--|
| A public authority must, in the exercise of its functions, <i>have due regard</i> to the need to: | Having due regard specifically involves taking steps to: |
| a) | Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act. |
| b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. | a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic * b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low. |
| c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. | a) Tackle prejudice. b) Promote understanding. |

‘Due regard’ comprises two linked elements: proportionality and relevance. The weight that public authorities give to equality should be proportionate to how relevant a particular function is to equality. In short, the more relevant a function is to equality, then the greater the regard that should be paid.

The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership *
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

* Although Marriage and Civil Partnership applies to section a) in employment only, this will be considered for all stakeholders