National Records of Scotland

Data Protection Impact Assessment (DPIA)

Calling in the Register Pages

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Preserving the past I Recording the present I Informing the future

Document Control

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Approved by	Anne Slater, Director of Operations and Records Services
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0.1	09/02/2021	Draft	Liam Cavanagh, Local Organisation Unit	Answers to screening questions
0.2	25/02/2021	Reviewed	John Simmons, Head of Information Governance	Decision on need for full DPIA recorded
0.3	27/01/2023	Draft	Liam Cavanagh, Local Organisation Unit	Added additional material
0.4	03/02/2023	Final Draft	Liam Cavanagh, Local Organisation Unit	Finalised Text
0.5	15/12/2023	Reviewed	Carolyn Nickels, Head of Registration	Added some questions/comments, sent to John Simmons
0.6	21/12/2023	Reviewed	John Simmons, Head of Information Governance	Refined and finalised.
0.7	15/01/2024	Reviewed	Laura Mitchell, Director of Information and Records Services and DPO	Review and DPO advice provided
0.8	17/01/2024	Draft	Jim Clark, Product Manager	Technical detail and clarifications added

1.0	xx/01/2024	Final	Anne Slater, Director of Operations and Records Services	Final sign off

Part 1: Data protection impact assessment screening questions

These questions are intended to help you decide whether a DPIA is necessary. Answering 'yes' to any of these questions is an indication that a DPIA would be a useful exercise. You can expand on your answers as the project develops if you need to. You can adapt these questions to align more closely to project you are assessing.

1. Please provide a summary / outline of the proposed project or initiative

The purpose of the project is to change how digital register pages are created from the registration system. Under the current process, paper register pages are printed at the registration offices from data captured by the Forward Electronic Register (FER) system and are then transported (by courier) to New Register House (NRH), where they are scanned back into electronic format, to be added to the Scottish Family History System (SFHS) and ScotlandsPeople. The project will eliminate the need to print the paper register pages and will replace this with the creation of digital pages directly from the source data captured by FER.

2. Will the project involve the collection of new information about individuals?

No. All we are changing is how digital register pages are created from the registration system by utilising the existing source information on the secure NRS electronic registration system (FER). We consider this will be more secure than the current extended physical system involving printing pages, couriers, storage and distribution. A new fully digital process will offer greater efficiencies and security.

3. Will the project compel individuals to provide information about themselves?

No it will not. The project will not involve collecting any personal information beyond that which is already entered into FER in the course of registration processes.

4. Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?

No it will not. The project will not increase the numbers of individuals with access to the information.

5. Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?

No. The only difference to current practice will be how digital register pages are created, eliminating physical transfer of paper pages using external couriers. The purpose for which the information is used will not change.

6. Does the project involve matching data or combing datasets from different sources?

No. The project does not involve matching data or combining datasets.

7. Does the project involve you using new technology that might be perceived as being privacy intrusive?

No. The only technology being used is existing NRS secure systems (FER and SFHS/ScotlandsPeople). No new data is being collected. The purpose of the project is to amend these existing systems, to allow existing data to be transferred electronically within a secure NRS IT environment, rather than using a physical external courier where privacy of data is arguably more exposed to risk.

8. Will the project result in you making decisions or taking action against individuals in ways that can have a significant impact on them? Will you profile individuals on a large scale?

No. The project only involves changes to how data is transferred to NRS. No decisions will be made or actions taken against individuals, and no profiling of individuals will take place.

9. Will you profile children or target marketing or online services at them?

No. The project does not involve any profiling of children and does not involve any form of marketing or target online services at children.

10. Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, special category data such as health records or criminal records, or other information that people would consider to be private.

No. The information the project focuses on is existing registration information (births, deaths, marriage, civil partnership register pages), which are public records, and can currently be obtained by anyone at any time by contacting a registration office and purchasing an extract of the record (providing they can meet a low threshold of knowledge about a specific event having occurred in Scotland). These records are currently physical records transported in bulk by an external courier, where they are vulnerable to being mislaid/lost, stolen or damaged. The project will seek to make this process more efficient and secure by keeping the data within the secure NRS IT environment, by generating the register pages electronically from the data captured by the FER system and making those digital pages available on SFHS/ScotlandsPeople.

11. Will the project require you to contact individuals in ways that they may find intrusive?

No. The project will not contact individuals at all.

12. Is the project collecting personal data from a source other than the individual without providing them with a privacy notice ('invisible processing')

The project does not involve invisible processing. Individuals are provided with a privacy notice when data is collected from them.

13. Is the project tracking individuals' location or behaviour?

No. The project involves no location or behaviour tracking of any kind.

NRS maintains a record of answers to the screening questions in order to document that the decision on whether to carry out a DPIA was properly considered. If after completing the screening questions you decided a DPIA is not necessary you must send a record your answers to the NRS Data Protection mailbox. The NRS Information Governance Team will review answers, and where appropriate ask the NRS Privacy Group for their opinion.

Decision of Information Governance Team / Privacy Group

DPIA Required: Yes
Reason for decision: This proposal has merit. Moving to a digital service will benefit the registration service and its users. The answers to the screening questions highlight that by maintaining the statutory registers in a digital format, the privacy risks associated with maintaining and transferring the register pages in a physical format will diminish. While these risks may be removed, there are clearly significant information security threats to digital systems. These will need to be mitigated by the implementation of appropriate technical and organisational measures that can ensure that the data protection principles are followed and that data subject rights are safeguarded. A privacy first approach should be followed in the design of systems to connect FER to ScotlandsPeople, in accordance with UK GDPR Article 25: Data protection by design and default. To ensure the confidentiality and integrity of data held in systems which will be accessed by a wide range of users, the 'principle of least privilege' must be followed, with user access carefully controlled and restricted. Even though no new personal data will be collected or processed for a different purpose, a full DPIA will therefore need to be carried out. The assessment will help to identify and address data protection issues during design, development and implementation phases, both for the systems and the associated business practices.

Name: John Simmons, Head of Information Governance	**Date**: 25 February 2021

Part 2: Data protection impact assessment report

Use this report template to record the DPIA process and results. You can start to fill in details from the beginning of the project, after the screening questions have identified the need for a DPIA. The template follows the process that is used in the ICO code of practice. You can adapt the template to allow you to record additional information relevant to the DPIA you are conducting.

For further guidance please refer to the NRS DPIA Policy and Guidance (Objective ID: A16760358).

Step 1: Describe the project and identify the need for a DPIA

Explain what the project aims to achieve, what the benefits will be to NRS, to individuals and to other parties. You may find it helpful to link to other relevant documents related to the project, for example a project proposal or business case.

It is important to include information about the benefits to be gained from the project in order to help balance any risk identified in the DPIA. This can help inform decisions on the level of risk to privacy that is acceptable, when balanced against the benefits or other justification for the project. Is there a benefit to the public? If a statutory duty exists provide details of this. Also summarise why the need for a DPIA was identified (this can draw on your answers to the screening questions) and identify the legal basis for processing.

Aims, Benefits and Risks

Aims

This project aims to ensure that the life event registers (birth; still-birth; death; marriage; civil partnership; Register of Corrections etc) are created and held electronically, rather than on paper.

The current calling in the register pages process is a digital physical sandwich: the registrar already records the event digitally, and customers already access the records digitally, but physical pages are created in-between. The project will transform this backroom NRS process to a fully digital process. In the new process the vast majority of future register pages will be:

- digital, rather than paper copies printed by the registrar;

- signed digitally by the informant (person registering the event) and registrar using a transcribed signature, rather than a physical signature;
- kept and preserved digitally, on NRScotland, rather than as paper in the NRH Dome.

The appendix to this document indicates how the new process will differ from the current process.

Benefits

Customer Benefits

The project will ensure a better service to our customers. This is because it will eliminate potential backlogs, and the resulting gaps in availability of records, caused by the physical process.

NRS customers will potentially have access to more records quickly, as there will be fewer register pages not yet available to customers. This is because current delays associated with the physical process (such as register pages being packaged, transported, unpacked, processed and scanned) will no longer apply.

Data Security Benefits

The digital register pages will not need to be entrusted to a third party courier (who could potentially lose or damage the records during transit). This will ensure better data security as all the data will remain within NRS IT systems.

Physical Storage Space Savings

The project could save NRS valuable estate space, due to no longer having to store the physical register pages, and not having to find additional physical storage space when the current storage space, the NRH Dome, is at capacity.

In addition each of the 150+ registration offices would experience a similar storage space benefit, and would no longer have to maintain complex and costly office safes, currently required for storage of register pages.

Time Savings

The project offers significant time savings to both NRS and registrars. Processing and scanning the backlog of physical pages takes up a lot of NRS staff time (which could be used more valuably). Registrars also spend much of their busy day: printing, handling, storing, packing and shipping register pages, which takes time away from serving their customers.

Environmental Benefits

The project would help reduce the NRS carbon footprint, by eliminating the need for courier journeys to and from over 150+ registration offices (several times a year). It would also reduce our paper consumption.

Cost Savings

Moving from a physical to an electronic procedure would produce significant cost savings. Annual supply, courier and storage costs associated with the physical process would no longer apply, saving at least £100k after a five year period.

Risks relating to the project are discussed later in this document at step 5 and 6.

Why the need for a DPIA was identified

Even though no new personal data will be collected or processed for a different purpose, a full DPIA is being carried out to help to identify and address data protection issues during design, development and implementation phases, both for the systems and the associated business practices.

Step 2: Describe the processing

Describe the nature of the processing: how will you collect, use, store and delete data? What is the source of the data? Will you be sharing data with anyone? You might find it useful to refer to a flow diagram or other way of describing data flows. What types of processing identified as likely high risk are involved?

The Calling in the Registers Project plan will be delivered over four phases:

1. Legislation Phase
Legislation is amended to allow digital transcribed signatures and digital register pages:
- The Coronavirus (Recovery and Reform) (Scotland) Act 2022
- The Coronavirus (Recovery and Reform) (Scotland) Act 2022 (Commencement No. 2) Regulations 2023
- The Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Amendment Regulations 2023

The Act was passed in 2022 and associated Scottish Statutory Instruments (SSI) came into force on 1 February 2023.

2. IT Phase
IT systems are amended to:
- enable digital transcribed signatures and digital register pages.
- enable registrars to add annotations to digital register pages.
- enable examiners to audit corrections made to records.

Full end to end testing of whole process for births, deaths, marriages, civil partnerships and still-births is carried out.

Provision is made for ongoing scanning and storage of paper register pages created under unusual circumstances.

This phase was completed in November 2023, with end to end user testing being completed 14 December 2023.

3. Guidance Phase
Guidance is provided for all registrars:
- draft guidance on changes prepared and feedback obtained from stakeholders and specifically from early adopters group of 8 registration districts.
- registrars and early adopters kept updated on progress throughout the project.
- final guidance issued in 'R Letter' from Registrar General.

This phase was completed in December 2023 with any final adjustments following the user acceptance testing to be completed by 8 January 2024.

4. Implementation Phase
Implement IT changes:
- deploy update to FER system and related IT functionality
- obtain feedback on how changes are working, specifically from early adopters group

Implement Legislation Changes:
- Sign off DPIA.
- Registrar General issues determination to allow digital birth, death, marriage, civil partnership, still-birth for early adopter districts.
- Registrar General approves use of transcribed signature of informant during in person registration for early adopter districts.
- information on website about registration arrangements is updated.

Implement project with early adopter districts (councils).
- instruct early adopter councils to obtain digital signatures during in person registrations and stop producing paper pages (except in unusual circumstances) – group 1, proposed 1 February 2024.

Implement project with remaining districts (councils) – proposed in 3 phases: group 2 w/c 19 February 2024; group 3 w/c 4 March 2024; group 4 w/c 18 March 2024).

Implement Digital Register of Corrected Entries (RCE) pages.

Update Registrars' Handbook.

Communications
- continue to provide stakeholders with updates on project.

Work to bed in project
- discuss and carry out work required to bed in project, with project stakeholders.

Describe the nature of the processing

The nature of the processing is civil registration of life events. The project will not seek to change in any fundamental way how personal data is processed for registration purposes. We will not change what data is collected or manipulated in any way. The aim of the project is instead to change how existing information is made available from an existing secure NRS electronic system: FER. Digital artifacts (register pages) will be created from the same data that is currently used to generate documents that are then physically printed by registrars. Those digital artifacts will be created into the secure digital 'holding area' on NRScotland from which they will be available to SFHS and ScotlandsPeople.

How will you collect data?

The data is collected from individuals when life events are registered. The project will not collect any new data. Existing registration processes for collection of data will be followed. It will only change how we transport and store existing data (as discussed above).

How will you use data?

The data collected is used for civil registration purposes. The project will not use, access, or manipulate any data in any new way. It will only change how we create and store digital register pages from existing data, eliminating physical transfer of paper artifacts (as discussed above).

How will you store data?

The new digital register pages will be stored in a digital holding area on NRScotland. SFHS will provide access to the information in the digital holding area.

How will you delete data?

Data in the register pages will not be deleted as it is a statutory record intended to be kept and preserved.

What is the source of the data?

The existing FER registration system. Registrars input data into this system during registrations provided by the persons who register life events.

Will you be sharing data with anyone?
Registration data is shared to support the administration of vital public services and for research purposes. No new sharing will arise directly as part of the project.

What types of processing identified as likely high risk are involved?
As discussed above, the project will not be processing data in any new ways that carry a likely high risk, it will only change how we transport and store existing data. The project's proposals keep the data within the NRS IT estate in an attempt to reduce risk.

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?

What is the nature of the data?
Existing statutory records, on the FER registration system, of birth, death, marriage, civil partnership and still-birth.

Does the data include special category or criminal offence data?
Registration records do not include special category personal data, but do include information on religious beliefs – information on religious beliefs can be inferred from place of marriage.

How much data will you be collecting and using?
Data is collected when every life event is registered in Scotland. The project will not collect, use, access, or manipulate any data in any new way. It will only change how we transport and store the data (as discussed above).

How often?
The data will be transported at the same frequency as the current physical data. Once an examination has been completed, the digital artifacts will be created from the data held in FER and placed directly in the digital holding area on NRScotland.

How long will you keep it?
Data will be kept permanently, as the existing data is a statutory record of life events.

How many individuals are affected?

The project will not collect, use, access, or manipulate any data in any new way. The existing data which the project will be transporting and storing relates to all individuals who register a birth, death, marriage, civil partnership and still-birth. This data relates to individuals from all over Scotland.

What geographical area does it cover?
In terms of the project, it does not cover any geographical area, as the project will not collect, use, access, or manipulate any data in any way. The existing data which the project will be transporting and storing relates to all individuals from all over Scotland.

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)?

Describe the context of the processing
As discussed above, the project will be making changes to the processing data only in relation to how it is transported and stored.

What is the nature of your relationship with the individuals?
NRS is responsible for the arrangements for the registration of life events. The relationship with individuals who register life events will remain unchanged. The project will only be changing the way existing data, already collected by the registration service, is transported and stored.

How much control will they have?
Individuals will have exactly the same control over their data as they do at the moment, as the project is not collecting or using the data in any way.

Would they expect you to use their data in this way?
The project is not changing the way we use the data, only changing the way we transport the data to make it more efficient and secure. Individuals currently expect this data is transported in an efficient and secure way. This was not possible during the pandemic due to the current physical process. All the project is doing is trying to improve this, to ensure we meet those expectations.

Do they include children or other vulnerable groups?
The data transported and stored includes registrations of births, deaths, marriages, civil partnerships and still-births.

Are there prior concerns over this type of processing or security flaws?
This will be done using existing secure NRS systems FER, SFHS / ScotlandsPeople and the digital holding area on NRScotland. These systems are secure and already have built in security processes to ensure against hackers and loss of data. The project will reduce some physical security risks by removing the need to carry out the majority of transfers by courier.

Is it novel in any way?
The project is building on existing procedure, rather than radically changing them, and connecting existing (tried and tested) systems, rather than building brand new ones.

What is the current state of technology in this area?
There are already existing systems in place: FER, SFHS / ScotlandsPeople, the digital holding area on NRScotland. They just needed to be connected. IT have done this in house using our own experts on the systems. Therefore most of the technology and expertise was already there, it just needed some alterations.

Are there any current issues of public concern that you should factor in?
The main driver for the project, was public concern that due to the pandemic backlog, records were not available from NRS when required. The project aims to address this. While data security is also obviously a public concern, the project will address by ensuring that robust technical and organisational measures continue to be implemented Appropriate access controls are already applied to the data held in the digital holding area at both storage and systems levels. The change entirely revolves around how the digital artifacts reach that holding area.

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 NRS, and more broadly?
Describe the purposes of the processing As discussed above, the project will not be processing new data, it will only change how we transport and store existing data. **What do you want to achieve?** The project's aims are outlined in step 1 of this document above. In summary, the project aims to change how NRS transports and stores register pages: • <u>from a physical process</u>: which contains risks such as: backlogs during pandemics and bad weather - which prevents NRS customers accessing these records; and data security by entrusting the data to a third party. • <u>to a digital process</u>: where register pages are transported digitally - automatically and remotely - ensuring records are always available to our customers, despite any physical crises, and data never leaves the possession of NRS. **What is the intended effect on individuals?** To improve and speed up the availability of records for our customers, and ensure data is transported in a modern and secure way. **What are the benefits of the processing – for NRS, and more broadly?** As discussed above, the project will not be processing data, it will only transport and store existing data. The project's benefits are outlined in step 1 of this document above. In summary, the benefits of the project are: • customer benefits; • data security benefits; • time savings; • cost savings; • environmental savings; • physical storage space savings.

Step 3: Consultation process
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? Describe the groups you will be consulting with and their interest in the project. Who should be consulted internally and externally? Explain the method you will use for consultation with any stakeholder groups and how you will communicate the outcomes of the DPIA back to them. How will you carry out the consultation? Explain what you learned from the consultation process and how they shaped your approach to the management of privacy risks. Explain what practical steps you will take to ensure that you identify and address privacy risks. You should link this to the relevant stages of your project management process. You can use consultation at any stage of the DPIA process.
Consider how to consult with relevant stakeholders The project has consulted with a wide variety of internal and external stakeholders from the beginning. **Describe when and how you will seek individuals' views – or justify why it's not appropriate to do so.** The project will not seek the views of individual members of the public because the purpose of the project is to modernise a backroom function in NRS that doesn't negatively affect the public. However, later in the year we will be putting out a communications piece on our website and social media about the project. **Who else do you need to involve within your organisation?** The project has already contacted and involved all the key stakeholders within NRS Registration Division. We have also involved colleagues in IT, ScotlandsPeople, Digital Imaging Unit and Archive colleagues, along with the NRS Customer and Operations Board and NRS IT Project Intake Approval Group. **Do you need to ask your processors to assist?** As discussed above, the project will not be processing new data, it will only change how we transport and store existing data. **Do you plan to consult information security experts, or any other experts?** The project has already approached NRS Information Governance colleagues, and NRS IT Security colleagues for advice. We have also engaged with NRS IT experts on FER, SFHS / ScotlandsPeople and the digital holding area on NRScotland, who will be doing the IT work.

Describe the groups you will be consulting with and their interest in the project.
Who should be consulted internally and externally?

Internal
- NRS Registration Division (runs and manages the process, policy and training of the Registration Service)
- NRS IT (run and manage FER, SFHS / ScotlandsPeople and digital holding area on NRScotland, and will be doing the IT work the project requires)
- NRS ScotlandsPeople (interested in the customer benefits the new process will generate)
- Digital Imaging Unit (currently scan the register pages and upload to SFHS. They will benefit from time savings in the new process and have helped advise on what the new process should look like)
- Archive colleagues primarily in Digital Records Unit (interested in long term preservation of these born digital records, and have advised on appropriate file formats to achieve this and ensure the data can be preserved and made accessible permanently)
- NRS Customer and Operations Board (to achieve project approval)
- NRS IT Project Intake Approval Group (to achieve IT approval and resource)
- NRS Dome Project colleagues (to discuss any crossover between the two projects)

External
- Scottish Government policy colleagues in Family Law Policy (who have advised the project on policy considerations, helped draft policy instructions, and helped us piggy back onto the Coronavirus (Recovery and Reform) (Scotland) Bill)
- Scottish Government Legal Directorate colleagues (who have helped include the project requirements into the Coronavirus (Recovery and Reform) (Scotland) Bill, and help with secondary legislation required).
- Registrars in local authorities (run and manage the public facing part of the registration service - the project has engaged: directly with chief/senior registrars in all 32 local authorities; with all registrars (via communication pieces and emails; with The Association of Registrars of Scotland.)
- Humanist Society Scotland (to reassure them that marriage and civil partnership ceremonies would not change as a result of the project).

Explain the method you will use for consultation with any stakeholder groups and how you will communicate the outcomes of the DPIA back to them.
How will you carry out the consultation?
The project has used a variety of methods of communication from: Microsoft Teams meetings; email; and communications pieces. Different methods have been used depending on the audience, their level of interest in the project and the information to be communicated, or issue discussed. The project will use these same methods to communicate the outcomes of the DPIA.

Explain what you learned from the consultation process and how they shaped your approach to the management of privacy risks.
The project has learned from the consultation that privacy risks are minimal. IT colleagues have reassured us that there are already the necessary security and backup processes in the existing systems (FER, SFHS and digital holding area on NRScotland) the project will be using.

Explain what practical steps you will take to ensure that you identify and address privacy risks.
We asked NRS IT security colleagues to explain and confirm the IT security and backup processes, in the existing systems. We then provided this information to Scottish Government policy colleagues, who need to be prepared for such questions from ministers, regarding changes to legislation as a result of the project. In addition, following the advice of NRS Information and Governance, we added to our formal list of IT requirements, that a 'privacy first approach' should be followed in the design of systems to connect FER to SFHS and the digital holding area on NRScotland.

Testing has now been done by NRS IT, and with registrars. In addition, there has been regular discussion with IT to ensure the system is secure, and assess and address any privacy risks.

Step 4: Assess necessity and proportionality
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?
What is your lawful basis for processing? The lawful basis for processing is UK GDPR Article 6(1)(e) "processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller". The basis in law is for this public task is the Registration of Births, Deaths and Marriages (Scotland) Act 1965 section 1(3) "The Registrar General shall exercise the functions pertaining to the said office by virtue of this or any other Act; and subject to that general duty, shall have power to do all such things as appear to him necessary or expedient for maintaining the utility and efficiency of the registration service in Scotland." As discussed above, the project will not be processing new data, it will only change how we transport and store existing data. The existing data is collected due to a statutory requirement. Specific legislation relating to the Calling in the Register Pages Project is listed below: • Section 32(1A) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 - which contains the power for the Registrar General to determine that a register of births, deaths, still-births or marriages or the Register of Corrections Etc. may be electronic rather than paper-based. • Section 29 of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 - which amends the Civil Partnership Act 2004 so that the Registrar General can determine that a civil partnership register may be electronic rather than paper-based. The following SSI commenced this power: The Coronavirus (Recovery and Reform) (Scotland) Act 2022 (Commencement No. 2) Regulations 2023: SSI 2023/3 (C. 1). • Sections 25 and 27 of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 - which contain powers for the Birth (and still-birth) and Death Registration Forms to be attested on behalf of an informant by the district registrar in a manner approved by the Registrar General.

• The Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Amendment Regulations 2023: SSI 2023/4 - SSI to amend the Register of Corrections Etc. in regard to digital storage.

Does the processing actually achieve your purpose?
As discussed above, the project will not be new processing data, it will only change how we transport and store existing data. The transportation of the existing data is necessary to meet the statutory requirement.

Is there another way to achieve the same outcome?
We could leave the current physical process in place. But that involves risks of further backlogs and NRS customers being unable to access records from NRS. It also poses risks to data security, due to registrars' lack of space to store large volumes of paper securely, and the requirement for a third party courier to transport the data.

How will you prevent function creep?
"Function creep" is defined as occurring "when information is used for a purpose that is not the original specified purpose". As the project will not use the data in any new way, and will only change how we transport it and store it, function creep doesn't apply.

How will you ensure data quality and data minimisation?
As discussed above, the project will not collect or process data in any new way, it will only change how we transport and store existing data. Therefore this is not an issue. Our existing processes ensure data quality and the principle of data minimisation is respected.

What information will you give individuals?
The project will not come into contact with individuals in new ways as it is not collecting any new data. It will only change how we transport and store existing data. Individuals are already provided with a [registration privacy notice](#) when they register a life event.

As discussed above, the purpose of the project is to modernise a backroom function in NRS that doesn't negatively affect the public. However, later in the year we will be putting out a communications piece on our website and social media about the project.

How will you help to support their rights?

The project will not collect or process data in any new way. The project will be taking steps to identify and address privacy risks, as discussed above. Data subjects will continue to be able to exercise their rights to the extent they are currently able to.

What measures do you take to ensure processors comply?
As discussed above, the project will not collect or process data in any new way, it will only change how we transport and store existing data. NRS uses processors for the provision of data hosting services. Its use of processors is covered by contracts and ongoing supplier assurance is carried out to ensure compliance.

How do you safeguard any international transfers?
The project will not be making any international transfers. All data will stay within the UK.

Step 5: Identify and assess risks

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary. Larger-scale DPIAs might record this information on a more formal risk register.

Likelihood and Severity of Harm Matrix:

	Minimal	Significant	Severe
Remote	Low	Medium	Medium
Possible	Low	High	High
Probable	Medium	High	High

No.	Risk and potential impact of project	Likelihood of harm (Remote, possible or probable)	Severity of harm (minimal, significant or severe)	Overall risk (low, medium or high)
	Risks to individuals • harm or distress to an individual or group of individuals			
1	**Unauthorised disclosure of information – IT** There is a risk that data stored and processed on NRS systems could be compromised. This could result in personal data being compromised or lost or subject to misuse or identity fraud.	**Possible**	**Significant**	**High**

2	**Unauthorised Access of information – Personnel** There is a risk that personal data will be accessed by unauthorised staff (at NRS and Local Registration Offices). This could result in a possible breach of confidentiality causing potential distress and frustration to individual whose data has been accessed by unauthorised means.	**Remote**	**Significant**	**Medium**
3	**Personal Risk – Storage/Transfer loss** There is a risk that personal data is lost due to poor storage and/or transfer processes. This could result in potential harm, compromised data and identity fraud to those whose personal data is involved in the breach.	**Possible**	**Severe**	**High**
4	**Personal Risk (Insider Threat)** There is a risk that employees, who are authorised to access data, may exploit their access to misuse or steal personal data. This could result in harm, identity fraud, financial loss and distress and upset to the relevant data subject or household involved.	**Remote**	**Severe**	**High**

Step 6: Identify measures to reduce risk			
Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5.			
No.	**Options to reduce or eliminate risk of project**	**Effect of risk** (eliminated, reduced or accepted)	**Residual risk** (low, medium or high)	**Measure approved** (yes, no)

	Measures – Risks to individuals			
1	**Measures – Unauthorised disclosure of information – IT** • Detailed discussion and design of solution with NRS IT Services and Cyber Security to prevent risks, and use of existing, tried and tested NRS systems, rather than a new one designed. • A comprehensive security programme of policies and procedures are implemented which are aligned to current regulatory legislation and industry standards e.g. UK and EU GDPR, Data Protection Legislation, National Cyber Security Centre (NCSC) etc. • Strong, auditable security controls between NRS' Common Operating Platform (COP), FER, SFHS and the SCOTS network have been put into place. • Frequent audits, penetration tests, vulnerability scanning and monitoring is of NRS IT infrastructure will be implemented whilst assurance of Scottish Government network will be requested and validated frequently. • Role Based Access is the standard approach. • Backups of data stored in NRScotland are encrypted at rest and in transit. Backup copies are synced between NRS sites for redundancy and a tertiary copy is synced to a layered, virtually air-gapped, immutable solution which integrates secure and restrictive account access and data isolation.	Reduced	Medium	Yes

	• Physical site environment secure both at NRS and Local Registration Offices.			
2	**Measures – Unauthorised access of information – Personnel** • Access control policies have been put in place at NRS to ensure only relevant key staff have access to FER. • Named individuals only are allowed to work on FER data (Role-based Access Control) • All NRS staff must complete mandatory data protection training • NRS staff must complete any relevant role-based training as requested. • Regular IT audit access reviews are implemented to monitor access privileges and joiner, movers and leavers.	**Reduced**	**Low**	**Yes**
3	**Measures Personal Risk – Storage/Transfer loss** • Appropriate storage policies/procedures that outline specific physical security controls are in place within NRS and at Local Registration Offices to manage data received. • Frequent physical security assessments will be conducted by NRS to ensure NRS sites processing data are safe and secure. Security Improvement Plans will be formed to track mitigation actions. • Data captured locally by registrars via the FER registration system is communicated to NRS servers using the Transport Layer Security (TLS) 1.3 communications protocol, which encrypts the traffic between registrars and NRS and vice-versa.	**Reduced**	**Medium**	**Yes**

	• Register pages will now be generated as digital pages directly from the data held on FER by NRS at NRS, at the appropriate point in time (i.e. after examination of the registration record has been completed). The printing of pages and subsequent transfer will be eliminated. • Appropriate security and Information Governance training is in place and has been provided to NRS staff. • All personal data will only be stored in the UK. • Access to personal data will be based on job role requirements only. • All staff have Baseline Personnel Security Standard (BPSS) clearance. • We aim to ensure that security controls for the storage, transfer and destruction of data will be aligned to UK and EU GDPR, the ISO 27001 Security standard, the ISO 15489 Records Management Standard and guidance from the National Cyber Security Centre (NCSC). • NRS have a business continuity plan			
4	**Measures – Personal Risk (Insider Threat)** • A comprehensive security programme of policies and procedures are implemented which are aligned to current regulatory legislation and industry standards e.g. UK and EU GDPR, Data Protection Legislation, National Cyber Security Centre (NCSC) etc. • All NRS employees have a minimum level of security clearance to Baseline Personnel Security Standard (BPSS).	**Reduced**	**Medium**	**Yes**

	- All NRS employees receive mandatory Information Governance Training. - NRS employees will only have access to data required to perform their role (Role based access) - NRS Security incident and event monitoring tools are implemented. - All NRS staff are subject to the Civil Service Code - All NRS Staff must conform to the Scottish Government Confidentiality and Official Information Policy.			

Step 7: Sign off and record outcomes		
Item	**Name/date**	**Notes**
Measures approved by:	Anne Slater, Director of Operations and Customer Services, xx/01/2023	Integrate actions back into project plan, with date and responsibility for completion
Residual risks approved by:	Anne Slater, Director of Operations and Customer Services, xx/01/2023	If accepting any residual high risk, consult the ICO before going ahead
DPO advice provided:	Laura Mitchell, Director of Information and Records Services and DPO, 15/01/2024	DPO should advise on compliance, step 6 measures and whether processing can proceed

Summary of DPO advice:

The Calling in the Register Pages project will deliver significant public benefits by implementing a digital end-to end service that meets users' needs. The project does not seek to change the purposes for which personal data will be processed, but instead to introduce efficiencies to the registration process. It addresses aspects of the process that have become outdated and reduces the risks associated with physical transfers. Joining up the digital elements of the service will improve the availability of registration information for citizens. The necessity and proportionality of the changes to processing have been demonstrated. In running a digital service which involves large scale processing of personal data, ensuring that effective cyber security remains an upper most concern. The risk assessment in this DPIA shows that proper consideration has been given to the secure design of the service and to ensuring its ongoing security.

DPO advice accepted or overruled by:	Anne Slater, Director of Operations and Customer Services, xx/01/2023	If overruled, you must explain your reasons

Comments:		
Consultation responses reviewed by:	N/A	If your decision departs from individuals' views, you must explain your reasons
Comments:		
This DPIA will kept under review by:	Carolyn Nickels, Head of Registration	The DPO should also review ongoing compliance with DPIA

Part 3: Linking the DPIA to the GDPR data protection principles

Answering these questions during the DPIA process will help you to identify where there is a risk that the project will fail to comply with the GDPR or other relevant privacy legislation, including the Human Rights Act.

GDPR Principle (a) (Article 5(1)(a))

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

a) at least one of the conditions in Article 6 is met, and

b) in the case of special category personal data, at least one of the conditions in Article 9 is also met.

Have you identified the purpose of the project?

Yes. See Part 2 Step 1 and the Business Case approved by the NRS Customer and Operations Board (COB).

How will you tell individuals about the use of their personal data?

Individuals are already informed about the use of their personal data in the privacy notice which is given out when a life event is registered. As discussed above, the project will not change the use of the data, it will only change how register pages are created, transported and stored.

Do you need to amend your privacy notices?

The registration privacy notice will be reviewed to ensure it accurately describes how personal data is processed following the changes.

Have you established which conditions for processing apply?

> Yes. The lawful basis for processing is Article 6(1)(e) 'public task'.

If you are relying on consent to process personal data, how will this be collected and what will you do if it is withheld or withdrawn?

> NRS does not rely on consent to process personal data.

If your organisation is subject to the Human Rights Act, you also need to consider:

Will your actions interfere with the right to privacy under Article 8?

> No. As discussed above, the project will not change the data we collect, use and process, it will only change how we transport and store the data we collect.

Have you identified the social need and aims of the project?

> Yes. See the Business Case approved by the NRS Customer and Operations Board (COB). The requirement to transport and store register pages are a statutory duty. The project will improve citizens access to their data.

Are your actions a proportionate response to the social need?

> Yes. We are trying to improve the current process to better serve our customers, while at the same time ensuring we don't do anything to negatively affect the public.

GDPR Principle (b) (Article 5(1)(b))

Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.

Does your project plan cover all of the purposes for processing personal data?

> The project plan covers all changes to processing of personal data. As discussed above, the project will not use or process data for different purposes, it will only change how we transport and store existing data.

Have you identified potential new purposes as the scope of the project expands?

> No. As discussed above, the project will not change how we use or process data for registration purposes, it will only change how we transport and store existing data in order to achieve those purposes.

GDPR Principle (c) (Article 5(1)(c))

Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

Is the quality of the information good enough for the purposes it is used?

> Yes, As discussed above, the project will collect use or process the same data for existing purposes.

Which personal data could you not use, without compromising the needs of the project?

> None. As discussed above, the project will not use or process data for different purposes, it will only change how we transport and store data. The minimum data necessary for registration purposes is collected as required by statute.

GDPR Principle (d) (Article 5(1)(d))– accurate, kept up to date, deletion

Personal data shall be accurate and, where necessary, kept up to date.

If you are procuring new software does it allow you to amend data when necessary?

> No new software is being procured. Changes will be implemented to existing systems to enable delivery of the proposed changes to how we transfer and store data.

How are you ensuring that personal data obtained from individuals or other organisations is accurate?

> The collection of personal data from individuals follows existing arrangements for civil registration which includes checks to verify the accuracy of data.

GDPR Principle (e) (Article 5(1)(e))

Personal data processed for any purpose or purposes shall not be kept for longer than necessary for that purpose or those purposes.

What retention periods are suitable for the personal data you will be processing?

> NRS has a statutory obligation to keep and preserve register pages.

Are you procuring software that will allow you to delete information in line with your retention periods?

> It is not necessary to procure software for this purpose. As discussed above, NRS has a statutory obligation to keep and preserve register pages. Data can be corrected if required.

GDPR Articles 12-22

Personal data shall be processed in accordance with the rights of data subjects under this Act.

Will the systems you are putting in place allow you to respond to subject access requests more easily?

> The new process will make register pages available to customers in a timelier manner, reducing the potential for backlogs (experienced during the pandemic). NRS has an existing process to respond to subject access requests.

If the project involves marketing, have you got a procedure for individuals to opt out of their information being used for that purpose?

> The project does not involve marketing.

GDPR Principle (f) (Article 5 (1)(f))

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.

Do any new systems provide protection against the security risks you have identified?

> The systems we are using do provide protection against the security risks. We are specifically using tried and tested systems to ensure this.

What training and instructions are necessary to ensure that staff know how to operate a new system securely?

> As existing systems are being used (and slightly altered), rather than new ones created from scratch, little in the way of training will be required. However the project will provide testing and training on the new system, update the Registrars' Handbook guidance, and will phase the project in a quarter of councils at a time, to ensure there is time and resource to provide support where it is needed, and learn lessons quickly.

GDPR Article 24

Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country of territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Will the project require you to transfer data outside of the European Economic Area (EEA)?

No.

If you will be making transfers, how will you ensure that the data is adequately protected?

Not applicable. No international transfers will be made.

Appendix: Calling in the Register Pages Process

The tables on the following pages, outline how the new process would work, showing the 6 stages of the registration process that the project will affect.

The tables compares the current process to the new process, showing where the changes would occur, in green shaded boxes.

Registration Process (Stages 1-6)

Stage 1: Registration Office

Current Process	New Digital Process	New Paper Process
1. Registration details entered into FER Forms of Particulars (FOPS).	1. Registration details entered into FER Forms of Particulars (FOPS).	1. Registration details entered into FER Forms of Particulars (FOPS).
	New management information fields will be completed by the registrar.	New management information fields will be completed by the registrar.
2. Register page printed by registrar.	2. Register page **not** printed by registrar. (Digital register page created at examination stage).	2. Register page printed by registrar.
3. Register Page signed in wet ink by informant(s) and registrar.	3. Register Page signed via transcribed signature by informant(s) and registrar.	3. Register Page signed in wet ink by informant(s) and registrar.
4. Paper register pages stored in registration office until after examination.	4. Data from the registration is held in FER database and new digital register pages then	4. Paper register pages stored in registration office until after examination.

	created from this data at examination stage.	

Stage 2. Examination Process and Corrections to FER Data

Current Process	New Digital Process	New Paper Process
1. District Examiner examines FER data.	1. District Examiner examines FER data.	1. District Examiner examines FER data.
2. District Examiner asks registrar to correct any mistakes to FER data.	2. District Examiner asks registrar to correct any mistakes to FER data.	2. District Examiner asks registrar to correct any mistakes to FER data.
3. District Examiner asks registrar to correct mistakes on paper register page.	3. The registrar no longer holds a paper register page.	3. District Examiner asks registrar to correct mistakes on paper register page.
4. District Examiner asks Local Organisation Unit (LOU) to call in the examined register pages.	4. District Examiner presses a button in the Examiners System to create the digital register pages.	4. District Examiner asks LOU to call in the examined register pages.
		A digital holding page is created representing the paper register page. (The paper register page will be scanned on receipt at NRH and replace the holding page – see stage 4 Imaging Process).

Stage 3: Registers in Transit

Current Process	New Digital Process	New Paper Process
1. Paper register pages of birth, death, marriage, civil partnership, and still-birth are transported to NRH by courier. (The paper register page is scanned upon reaching NRH. The scanned copy is added to SFHS in TIF format, and the paper page is archived in the NRH Dome. – see stage 4 Imaging Process.)	Digital register pages of birth, death, marriage, and civil partnership, will automatically be added to Digital Imaging Unit servers in JPG format by FER (for upload to SFHS / ScotlandsPeople). Digital register pages of birth, death, marriage, civil partnership, and still-birth will automatically be added to the digital holding area in PDF/A -2b format by FER (for transfer to the permanent archives).	1. Paper register pages of birth, death, marriage, civil partnership, and still-birth are transported to NRH by courier. (See stage 4 Imaging Process.)

Stage 4 Imaging Process

Current Process	New Digital Process	New Paper Process
1. Register pages are scanned and saved to Digital Imaging Unit (DIU) servers in TIF format.	1. Register pages will no longer be scanned, as the digital images will automatically be added to DIU servers in JPG format by FER.	1. Register pages will be scanned and saved to DIU servers in TIF format, and saved in high resolution PDF/A -2b format to the digital holding area (overwriting the digital holding page).
2. The scanning software names each image file sequentially (based on a template file name input at the start of the batch).	2. FER will name each image file automatically.**Error! Reference source not found.**	2. Due to paper pages only being produced occasionally, and therefore not in sequence, these may need to be named manually.
3. A 2021 birth register page from RD 200, entry 1, would be named: B2021_200_00_0001Z.	3. A 2021 birth register page from RD 200, entry 1, would be named: B2021_200_00_0001Z.	3. A 2021 birth register page from RD 200, entry 1, would be named: B2021_200_00_0001Z.
4. The folder format on the servers is: • Year (the root folder); • RD number and suffix (subfolders – where all the images are stored).	4. The folder format on the DIU servers will remain the same. The folder format in the digital holding area will follow this format too.	4. The folder format on the DIU servers will remain the same. The folder format in the digital holding area will follow this format too.

Stage 5 Permanent Record

Current Process	New Digital Process	New Paper Process
1. Paper register pages of birth, death, marriage, civil partnership, and still-birth are kept and preserved in the NRH Dome. (Still-birth register pages are kept in a locked area due to sensitivity.)	1. Digital register pages of birth, death, marriage, civil partnership, and still-birth will be stored in the digital holding area until such time as they can be transferred to the permanent archives. (Access to the digital holding area will be tightly controlled ensuring still-birth records remain restricted).	1. Digital register pages of birth, death, marriage, civil partnership, and still-birth will be stored in the digital holding area until such time as they can be transferred to the permanent archives. (Access to the digital holding area will be tightly controlled ensuring still-birth records remain restricted). Any paper register pages will be temporarily stored in the NRH Dome, as a backup, while the new system beds in).

Stage 6 Corrections to Permanent Record Process

Current Process	New Digital Process	New Paper Process
1. DIU edit the image on to add an RCE annotation.	1. DIU edit the image on SFHS to add an RCE annotation.	1. DIU edit the image on SFHS to add an RCE annotation.**Error! Reference source not found.**
2. NRS Registration staff add an RCE annotation to the paper register page in the NRH Dome.	2. DIU also save the edited JPG as a PDF/A - 2b file, and add to the digital holding area (to sit alongside the original digital register page.**Error! Reference source not found.**	2. DIU also save the edited JPG as a PDF/A - 2b file, and add to the digital holding area (to sit alongside the original digital register page.
3. NRS Registration staff create an RCE page. A digital image of the RCE page is added to SFHS by DIU.	3. NRS Registration staff create an RCE page. A digital image of the RCE page is added to SFHS by DIU.	3. NRS Registration staff create an RCE page. A digital image of the RCE page is added to SFHS by DIU.
4. The paper RCE page is kept and preserved in the NRH Dome.	6. A paper RCE page will no longer be created (as per legislation). The digital RCE page will be stored on ERDM until such time as it can be transferred to the permanent archives.	6. A paper RCE page will no longer be created (as per legislation). The digital RCE page will be stored on ERDM until such time as it can be transferred to the permanent archives.