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Data Protection Impact Assessment

EUROPEAN STRUCTURAL FUNDS: DATA-SHARING
REQUIREMENTS FOR LEAD PARTNERS OF STRATEGIC
INTERVENTIONS

Information Assurance and Risk

25 August 2020



Scottish Government
Riaghaltas na h-Alba
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Data Protection Impact Assessment (DPIA) – EUROPEAN STRUCTURAL FUNDS: DATA-SHARING REQUIREMENTS FOR LEAD PARTNERS OF STRATEGIC INTERVENTIONS

This template was developed by the SG Data Protection and Information Assets team.

This template was last updated in March 2018.

Before conducting the [Data Protection Impact Assessment](#), please refer to the guidance that accompanies this template.

1. Introduction

The purpose of this document is to report on and assess against any potential Privacy Impacts as a result of the requirement for Lead Partners of Strategic Interventions to share with the Scottish Government (SG) personal data on participants¹ supported on approved European Social Fund (ESF) operations and end beneficiaries such as SMEs supported on approved European Regional Development Fund (ERDF) operations. In some cases, the personal data requested falls into the category of sensitive personal data. All information received by the SG is held securely on the EUMIS IT System and/or in the SG eRDM data storage system.

2. Document metadata

- 2.1 Name of Project: European Structural Funds: Data-Sharing Requirements for Lead Partners of Strategic Interventions
- 2.2 Author of Report: Nigel Thomas from the European Structural Funds and State Aid Division
- 2.3 Date of Original Report: 25 May 2018
- 2.4 Date of Reviewed Report: 25 August 2020
- 2.5 Name of Information Asset Owner (IAO) of relevant business unit: Hilary Pearce who is Deputy Director of the European Structural Funds and State Aid Division
- 2.6 Date for next review of DPIA

Review date	Details of update	Completion date	Approval Date
31 March 2021			

¹“Participants” refers to persons benefiting directly from an ESF intervention who can be identified and asked for their characteristics, and for whom specific expenditure is earmarked. Other persons shall not be classified as participants. All data shall be broken down by gender, **REGULATION (EU) No 1304/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006**

3. Description of the project

3.1 Description of the work:

This DPIA seeks to outline the range and type of data held by the Scottish Government (SG) relating to individual participants and end beneficiaries who have been supported by the Structural Funds and which Lead Partners of Strategic Interventions are required to share with the SG. This DPIA will assess how the SG process and store this data and the purposes for which it is required. All actions introduced by the SG to minimise the risks involved in processing this data have also been outlined.

Background Information

In the 2014 – 2020 period, the European Commission originally approved Structural Fund resources totalling up to €944.867m to support investment in a range of economic development and training activities in Scotland. Structural Funds are part of the overall Cohesion policy from the EU, aimed at ensuring that growth across Europe is equally distributed between regions. The guiding principles are that a common market is only as strong as its weakest link; and that economic equality assists social equality. The Structural Funds awarded to Scotland are the European Regional Development Fund (ERDF) and the European Social Fund (ESF). ERDF supports, broadly speaking, investments in infrastructure, innovation, support for businesses (e.g. access to finance) and R&D. ESF supports investments in skills and social inclusion, aimed at accessing employment or up-skilling workers through training. The Structural Funds in Scotland are being implemented through two approved Operational Programmes. These are:

- CCI 2014UK16RFOP004 - United Kingdom - ERDF Scotland; and,
- CCI 2014UK05M9OP002 - United Kingdom - ESF Scotland.

Member States draw up operational programmes which determine what the spending priorities for these funds are, how much of the 7-year budget is allocated to each, and what programme outcomes will be achieved. This is based on rigorous socio-economic analysis and a description of the long-term changes the programmes wish to achieve. However, the payment and retention of the Structural Funds grant from the **Commission is conditional on the SG complying with a number of obligations set down in legislation**. These relate to ensuring that funds are:

- used on eligible activities and all regulations have been complied with;
- meeting information requirements regarding how the funds have been used; and;
- fulfilling publicity obligations.

The Structural Funds are distributed in Scotland via approved operations within a Strategic Intervention implemented by a Lead Partner Organisation and their designated delivery agents². Proposals for operations are submitted by Lead Partners and assessed for technical eligibility and merit by SG staff located in the European Structural Funds and State Aid Division (ESFSAD)

²The term Delivery Agents includes both contractors and delivery organisations.

operating in the Managing Authority (MA) and using agreed appraisal procedures. Following this process and approval by Scottish Ministers, the Scottish Government issue formal Grant Approval Letters to the Lead Partners of successful operations detailing the maximum level of assistance awarded from the Structural Funds and outline the conditions associated with receiving that grant.

3.2 Personal data to be processed.

Variable	Data Source
Data held on individual ESF participants and ERDF end beneficiaries included in grant claims or supporting information submitted by Strategic Intervention Lead Partners and/or their designated Delivery Agents.	Data received from Strategic Intervention Lead Partners and/or their designated Delivery Agents is held on the EUMIS IT system and the SG eRDM data storage system. All stored data relating to the implementation of Structural Fund programmes will be destroyed by the Scottish Government once the final audit retention date set by the European Commission for that specific programme has elapsed.

3.3 Describe how this data will be processed:

In order to meet its regulatory reporting, evaluation and control obligations, the Scottish Government requires the Strategic Intervention Lead Partners to collect a range of specific personal data relating to individual participants and grant beneficiaries who are supported through the Structural Fund Programmes and share it with them. The data received by the SG is held on the EUMIS IT System and/or in the SG eRDM data storage system.

The personal and/or potentially sensitive data is processed by the SG at the time a Lead Partner submits a grant claim for payment. At this time, ESFSAD staff are required to undertake a number of checks to confirm the reality and eligibility of the reported activity and ensure that expenditure complies with the agreed national expenditure rules, the approved grant application form for that operation and the approved conditions of grant. In the implementation of these verification/compliance checks, it may be required to sample the details of individual participants and grant beneficiaries to verify the inclusion of their achievements in a specific grant claim.

Data is collected in the first instance from the grant beneficiaries and individual participants at the time of their enrolment or instance of assistance **by the Lead Partners of approved operations and/or their designated Delivery Agents**. This is necessary to ensure the eligibility of the potential grant beneficiaries and individual participants to receive assistance where an operation is targeted at a specific client group. For audit purposes, Lead Partners need to ensure that they and/or their designated Delivery Agents maintain a full and transparent record of the Registration process and any necessary supporting documentation in a secure location. All data that is sent to the SG from Lead Partners and their designated Delivery Agents at the time they submit their grant claim is done so via:

- SFTP file transfer;
- CSV file transfer directly into the EUMIS system;
- the Web Server Interface of the EUMIS system;

- or e-mail direct to a secure SG inbox

All data relating to the implementation of approved Structural Fund operations that is processed by ESFSAD staff will also be subject on a sample basis, to be shared with officers of the SG Internal Audit Division and Audit Scotland to ensure all rules on eligibility and compliance are being adhered to. The SG may also get information from certain third parties such as Police Scotland or share your information with them in order to verify its accuracy, prevent or detect crime, protect public funds or where required by law.

In addition, the data held on approved operations and their reported achievements may also be subject to additional scrutiny as required by European Commission Audit services and/or the Court of Auditors to enable them to execute their audit/compliance duties in line with the Structural Fund Regulations. Where this data on individual participants and grant beneficiaries has to be accessed by SG staff or external auditors, strict guidelines will be followed to ensure its security and usage. No individual personal or sensitive information will be transferred outside Scotland. Where auditors from the European Commission or the European Court of Auditors require access to source data and evidence trail to undertake their audit work to ensure Member State Compliance, they will be given read-only access rights to view information on both the EUMIS IT system and the eRDM data storage system.

In order to ensure the efficient closure of the Structural Fund programmes and fulfil legacy obligations, this audit and scrutiny requirement will still apply to the UK and its devolved administrations even when it has formally left the European Union and after any agreed exit transition period has elapsed.

3.4 Explain the legal basis for the sharing with internal or external partners:

The lawful bases under GDPR used by the Scottish Government to be allowed to process a range of information on supported participants and end beneficiaries from Lead Partners relating to the implementation of approved operations is under **Article 6(1)(e) – public task** as the processing is necessary for the performance of a task carried out in the public interest and to enable the SG to exercise the official authority vested in them as Member State. The Grant Approval Letter issued by the Scottish Government requires the Lead Partners of approved Structural Fund operations to agree to provide sufficient information to the SG about the implementation of their operations including details of supported participants and end beneficiaries to enable them to fulfil these tasks which are laid down in law.

The lawful bases under GDPR used by the Scottish Government to be allowed to process a range of sensitive personal data from Lead Partners relating to the implementation of approved operations is under **Article 9(2)(g) – processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.** This processing is necessary to enable the SG to fulfil its official functions, and the task has a clear basis in law.

The Scottish Government have to comply with the Common Provision Regulation (CPR), the European Social Fund (ESF) Regulation and the European Regional Development Fund (ERDF) Regulation for the 2014 - 2020 programming period (respectively Regulation nos. 1303/2013, 1304/2013 and 1301/2013) which lay down the requirements for the monitoring of ESF and ERDF operations and subsequent reporting by Member States. The Commissions' Implementing Regulations (EU) No. 1011/2014 and No. 184/2014 specifies the detailed rules for Member States to fulfil these obligations. Article 125(2)(d) and (e) of the CPR requires the SG to establish a computerised system to record and store the data on each operation necessary for monitoring, evaluation, financial management, verification and audit, including data on individual participants in operations where applicable, and to ensure that the relevant data is collected and stored in this system. These points are reiterated in Annex XIII of the CPR as one of the conditions for designation of a Managing Authority.

The need to process this data is also required for compliance reasons to ensure that the Structural Funds are being correctly spent and correctly targeted. Monitoring of ESF in the 2014 - 2020 programme period is being undertaken through a series of common indicators, which are set out in Annex I of the ESF Regulation (1304/2013). Annex II of the same Regulation defines a further set of indicators for operations linked to the Youth Employment Initiative (YEI). The YEI indicators have to be provided in addition to the common indicators. The SG have previously circulated these requirements to the Lead Partners of the Strategic Interventions and uploaded copies for information on the Structural Funds Division webpage of the SG website.

4. Stakeholder analysis and consultation

4.1 List all the groups involved in the project, and state their interest.

Group	Interest
SG staff located in the ESFSAD Division	SG staff have to process data received to ensure that Member State obligations laid down in Structural Funds regulations are fully complied with.
Individual Participants and end beneficiaries of supported Structural Funds operations	Assistance from the Structural Funds can help improve the skill levels and employment opportunities for individual participants and the overall business efficiency of SMEs. Strategic Intervention Lead Partners gather data from these groups at the time of their enrolment or instance of assistance.
Strategic Intervention Lead Partners	Lead Partners are required as a condition of grant to provide a range of information to SG on individual participants and end beneficiaries supported in approved Structural Funds operations.
SG Internal Audit Division (IAD) and Audit Scotland	These organisations have audit obligations to ensure SG compliance in the areas of overall eligibility, performance monitoring, meeting information requirements and fulfilling publicity duties. This scrutiny will still remain during programme closure even when the UK has formally left the European Union and after any agreed exit transition period has elapsed.

European Commission and European Court of Auditors	These organisations have audit obligations under the Structural Funds regulations to ensure Member State compliance in the areas of overall eligibility, performance monitoring, meeting information requirements and fulfilling publicity duties. This external scrutiny will still remain during programme closure even when the UK has formally left the European Union and after any agreed exit transition period has elapsed.
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4.2 Method used to consult with these groups when making the DPIA.

This DPIA has been prepared by the ESFSAD of the Scottish Government and aims to assess the data requirements arising from the implementation of Structural Fund programmes in Scotland against the new General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) which comes into force on 25 May 2018. It will also highlight how and when consent is given by individual participants and end beneficiaries for their data to be shared with the Scottish Government and what safeguards are in place to protect it and ensure it is not misused. The clarification of what data the Scottish Government requires from Strategic Intervention Lead Partners and the purpose and justification for it has also been requested by a number of Lead Partners.

In undertaking this DPIA, ESFSAD staff have considered the following key questions:

- What is the legal bases under GDPR for SG sharing this data?
- What Data is required by the SG from Lead Partners?
- When is the Data Collected by Lead Partners?
- How is the Data Received from Lead Partners by the SG and how is it stored?
- Who does the SG share the data with?
- How long will data on approved operations be held by the SG?
- What changes to Structural Fund programme documentation and business processes have been made by SG to ensure compliance with GDPR?
- How will SG communicate this DPIA document with Lead Partners?
- What happens if an assisted participant or end beneficiary withdraws consent for their details to be shared with the SG?

As the first point of contact for enrolment and assessment of eligibility for support, Strategic Intervention Lead Partners and/or their designated Delivery Agents are required to liaise with individual participants and end beneficiaries and **gain consent at this point for their information to be shared with the Scottish Government**. A Privacy Notice is included in Section 6.6 which outlines the reasons why the Scottish Government require to use this data.

4.3 Method used to communicate the outcomes of the DPIA.

The Scottish Government published the original version of the DPIA on the Structural Funds Division webpage of the SG website which is the main source of communication with stakeholders regarding the implementation of the Structural Funds. This updated version will also be published there. An article on the DPIA also appeared in the Structural Funds newsletter at the time GDPR came into force which was issued to all internal and external stakeholders. The Scottish Government also

contacted everyone on their Structural Funds Information Mailing list and asked them to confirm whether they still wished to receive information updates.

The Scottish Government will also communicate directly with all Strategic Intervention Lead Partners to ensure a formal Data Sharing Agreement between the two parties is signed which confirms the detailed data requirements and outlines the roles and responsibilities of both sides in this process.

Information awareness sessions will also be held internally with ESFSAD staff regarding this DPIA highlighting the importance of ensuring data protection in their implementation of required business processes.

5. Questions to identify privacy issues

5.1 Involvement of multiple organisations

Strategic Intervention Lead Partners operate in the public sector environment and are either Scottish Government divisions, its agencies, arms of Government, Scottish Funding Council, NDPBs, local authorities and the Big Lottery (an arm of Government) who will not require to be procured. Their responsibilities include to:

- oversee performance of approved Operations and ensure that results for the Strategic Intervention are being delivered (including implementation of the agreed change process);
- collate and ensure the eligibility and robustness of claims information from Delivery Agents for submission to the Managing Authority;
- ensure the retention and availability of all documentation with a full and complete audit trail for all activity/expenditure funded and performance data reported;
- forwarding of grant to Delivery Agents. (In the event of any recovery of grant the Managing Authority will pursue the Lead Partner for payment);
- ensure that Lead Partner and their Delivery Agents comply with all appropriate rules and regulations; and,
- ensure that Delivery Agents are eligible organisations (see below under 'Delivery Agent'), with the capacity and financial standing to deliver Operations.

Delivery Agents can be the Lead Partner, where operations are delivered in-house, use a procured contractor or as a recipient of a challenge fund. Delivery Agents must be eligible organisations i.e. public bodies, third sector or not for profit organisations. Their responsibilities include to:

- deliver Operations within a Strategic Intervention;
- Monitor and report on the progress and performance of Operations to the Lead Partner;

- Ensure that appropriate documentation is retained to evidence expenditure and all performance monitoring data and fulfil compliance obligations; and,
- comply with all appropriate rules and regulations.

All grant approval letters are issued to Strategic Intervention Lead Partners for Approved Operations who are required to ensure that all legal obligations are complied with as a Condition for accepting a grant award.

5.2 Anonymity and pseudonymity

All reporting on Structural Fund programmes to the European Commission as required by regulatory requirements is provided on an aggregated basis in line with programme targets and **no personal details** of individual participants will be identified in these reports. Where the SG or the Commission appoint agents to undertake programme evaluations, they will be given read-only access to the EUMIS and eRDM systems and where appropriate, anonymisation techniques will be used. Where surveys or participant interviews are required, guidance will be issued to staff undertaking the research to ensure that an ESF Participants Survey Privacy Notice is undertaken **to gain the specific consent of the individual to participate**. The guidance note for the Privacy notice is included for information below:



ESF Participants
Survey Privacy Notice

The Structural Fund Regulations also require Member States to undertake a range of publicity and communication activities to promote the use of the funds in their area. In fulfilling this requirement, the Scottish Government will ensure **that a consent form for each participant to “opt-in” is completed prior to using them in any publicity activities**. At the request of the SG, the Lead Partner and/or their designated Delivery Agent will arrange for this consent form to be signed and a copy sent to the SG at europeanstructuralfunds@gov.scot. The consent form will be stored in the communications folder on eRDM. Copies of the Case Studies ERDF and ESF consent forms are included for information below:



CASE STUDIES_
European Social Fund



CASE STUDIES_
European Regional Development Fund

5.3 Technology

The EUMIS IT system has been developed by the Scottish Government to support the management and administration of the 2014 – 2020 Structural Fund Programmes in Scotland. Although the appraisal of individual operations is done off-line, Lead Partners of Strategic Interventions are required to ensure that the key financial and performance monitoring data relating to these approved operations is recorded on the EUMIS IT system. Following approval of an operation, Lead Partners are required to submit grant claims on the EUMIS IT system once agreed payment milestones have been achieved.

At the time grant claims are submitted, Lead Partners and/or their designated Delivery Agents are required to provide the SG with detailed performance monitoring data and information on individual participants and grant beneficiaries as defined on the IT system. Following the completion by SG staff of pre-payment grant checks, the Lead Partner will receive grant reimbursement in line with their Grant Approval Letter. The data received by the SG is stored on the EUMIS IT system. In the undertaking of their verification activity, the SG may also receive additional evidence from Lead Partners and/or their designated Delivery Agents to confirm eligibility which will be stored in the SG eRDM data storage system to demonstrate a clear audit trail. Scottish Government staff will only request sufficient data from Lead Partners of Strategic Interventions to enable them to complete their required business tasks and the information will only be used for Structural Funds purposes. Both EUMIS and eRDM are **user-controlled systems** which can only be accessed via user permissions and user roles.

5.4 Identification methods

The data required by the SG is in respect of individuals and companies assisted on approved operations and may include National Insurance numbers and other personal identifiers, company registration numbers, bank details and contract information. It is done to verify who has received assistance and to avoid duplication in reporting.

5.5 Sensitive/Special Category personal data

The data to be collected by Lead Partners covers a range of personal information (gender, age, labour status, level of education, etc.), including some variables that are considered as special categories of personal data (i.e. those related to ethnicity, health disadvantages, details of criminal convictions and/or other Barriers to Employment). This is required where a supported operation is targeted at a specific client group and evidence is needed to confirm eligibility. This data is accessed from the grant beneficiaries and individual ESF participants at the time of enrolment or instance of assistance by the Lead Partner and/or their designated Delivery Agent who are required to check the details provided to satisfy themselves regarding both their authenticity and their eligibility to receive assistance under an approved operation.

5.6 Changes to data handling procedures

In preparation for GDPR, the SG reviewed its internal desk instructions and a note on complying with data protection requirements was added to our four main business processes. This was done to emphasise the importance of safeguarding the various data that is processed by the SG in the execution of their tasks. These relate to the:

- Strategic Intervention Application Process;
- Operation Application Process;
- Grant Claims Process; and;
- Verification Processes.

The SG have also added the note to other business processes such as:

- Withdrawn and De-commitment Guidance; and,

- Article Check Guidance.

Other internal desk instructions will have the data protection wording added as and when they are developed. To reinforce these revisions, specific guidance has also been issued to ESFSAD staff relating to the implementation of approved business processes and the handling of personal or sensitive data in source documentation submitted by the Lead Partner. Where a document is printed-off in hard copy to assist work processing it will never be left out in public view on desks and will be shredded once the SG staff member has completed their work. SG staff have also been instructed not to take such documentation outside SG offices in either hard copy or other format.

A revision to the Grant Approval Letter to ensure compliance with GDPR is also being made and will be incorporated in all new offers of grant made to Lead Partners after 25 May 2018.

5.7 Statutory exemptions/protection

Data stored by the Scottish Government relating to individual participants and end beneficiaries of approved Structural Funds operations will only be used to fulfil Member State legal obligations. Data will be stored in secure “user-controlled” systems only for as long as is required to meet audit retention dates and will be destroyed thereafter.

It is the responsibility of the Strategic Intervention Lead Partner and/or their designated Delivery Agents to ensure the accuracy of the individual participant and beneficiary data that is reported to the Scottish Government. Where data errors are identified, the SG should be formally advised in order to enable corrections to be made on records held in the EUMIS and/or eRDM data storage systems.

Data held will only be shared with those external organisations that the Scottish Government are required to share with to meet Structural Funds Regulations.

5.8 Justification

The storage of individual participants records must allow a Member State to perform the tasks it is legally required to perform, i.e. the data shall be recorded and stored in a way that allows the managing authorities to perform the tasks related to monitoring and evaluation in conformity with the requirements set out in Article 56 of the CPR and Articles 5 and 19 and Annexes I and II of the ESF Regulation. Therefore all participant records should include, as a minimum: an operation identifier (i.e. a name or unique identifier for each operation that allows it to link a participant to a specific operation); some sort of unique personal identifier that allows an individual to be traced and re-contacted (in case they are selected for a representative sample); and dates of starting and leaving an operation. In addition, participant records should include values for all variables needed for indicators in a format that allows for effective assessment of completeness. Participation records may be stored in a single database or in distributed data sources which can be linked via the personal identifier.

The collection and processing of personal data is controlled by legislation at EU and national level. The new GDPR provides Member States with the legal basis to justify collection and processing of personal data for the purposes of monitoring and reporting on ESF funded operations. This means

that all personal variables required to complete the ESF common indicators should be collected by Lead Partners of Strategic Interventions for all participants on approved ESF operations. However, the collection of this data should be subject to a number of safeguards to ensure it is not abused and that GDPR is fully complied with.

The risks of the Scottish Government processing this data is reduced as it is securely held within **user-controlled systems** which can only be accessed via user permissions and user roles. In addition, internal business processes are regularly reviewed to emphasise the importance of protecting data held and only using it fairly and for the defined purposes required.

5.9 Other risks

No new risks have been identified.

6. General Data Protection Regulation (GDPR) Principles

Principle	Compliant Yes/No	Description of how you have complied
6.1 Principle 1 – fair and lawful, and meeting the conditions for processing	Yes	<p>The Scottish Government will only request and store data on individual participants and end beneficiaries supported in approved Structural Funds operations sufficient to meet its regulatory obligations. This is in line with Article 6(1)(e) and Article 9(2)(g) of the GDPR.</p> <p>As the first point of contact for enrolment and assessment of eligibility for support, Strategic Intervention Lead Partners and/or their designated Delivery Agents are required to liaise with individual participants and end beneficiaries and gain consent for their information to be shared with the Scottish Government.</p> <p>Where individual participants and end beneficiaries are requested to participate in evaluation or publicity activities, specific consent will be required by the Scottish Government.</p>
6.2 Principle 2 – purpose limitation	Yes	The Scottish Government will only use data for defined Structural Funds purposes as required by regulation.
6.3 Principle 3 – adequacy, relevance and data minimisation	Yes	Data on individual participants and end beneficiaries is only stored by the Scottish Government to confirm their eligibility for support under an approved Structural Funds operation, for performance monitoring purposes and to demonstrate compliance.

6.4 Principle 4 – accurate, kept up to date, deletion	Yes	During implementation, it is the responsibility of the Lead Partners of an approved operation within a Strategic Intervention and/or their designated Delivery Agents to ensure the accuracy of the individual participant and beneficiary data that is reported on the EUMIS IT System in processed grant claims. Where data errors are identified, the Scottish Government should be formally advised in order to enable corrections to be made on records held in the EUMIS and/or eRDM data storage systems.
6.5 Principle 5 – kept for no longer than necessary, anonymisation	Yes	<p>All data held by the Scottish Government to support Member State compliance with Structural Funds regulations will only be kept for as long as it is required. Currently, the audit retention period for the 2014 – 2020 Structural Fund programmes requires that all records and documentation will need to be kept by the Lead Partners of Strategic Interventions until at least 31 December 2025. If there is any change to this final date as a result of delays experienced by the Scottish Government in closing the 2014 – 2020 programmes, then all Lead Partners of Strategic Interventions will be advised in advance of this date. All data relating to these programmes will be destroyed by the Scottish Government once the final audit retention date has elapsed.</p> <p><u>Data Collected in 2007 – 2013 Programme Period</u></p> <p>There were four Structural Funds Programmes approved in Scotland during the 2007 – 2013 programming period. These were:</p> <ul style="list-style-type: none"> - CCI 2007UK162PO001 – Lowlands and Uplands of Scotland ERDF; - CCI 2007UK161PO001 – Highlands & Islands Scotland ERDF; - CCI 2007UK052PO002 – Lowlands and Uplands of Scotland ESF; and; - CCI 2007UK051PO001 – Highlands & Islands Scotland ESF

		<p>As the European Commission have still not formally closed these four operational programmes, the audit retention date for all projects supported in these programmes is currently estimated to be at least 31 December 2023. All data relating to these programmes will be destroyed by the Scottish Government once the final audit retention date has elapsed.</p>
<p>6.6 GDPR Articles 12-22 – data subject rights</p>	<p>Yes</p>	<p>As part of their Registration process, potential grant beneficiaries and individual participants should be advised at this time that the Lead Partner is required as a condition of their grant award to share some key personal information about them with the SG and their consent sought and evidenced. If queried, it should be stressed to the grant beneficiaries and individual participants that the sharing of personal data will be done only to enable the SG to meet legal obligations and under strict conditions relating to proportionality, storage and usage.</p> <p>A formal Data Sharing Agreement between the Scottish Government and Lead Partners is currently being finalised to confirm the data requirements and to outline the roles and responsibilities of both sides in this process.</p> <p>Where an individual participant or end beneficiary supported by the Structural Funds refuses to allow the Lead Partner to retain or share their details with the SG and the Lead Partner is unable to provide adequate alternative assurance to the SG to enable it to fulfill its various compliance or evaluation obligations under the Structural Fund Regulations, then the outcome for that participant or end beneficiary cannot be counted as a successful output and/or result in the final grant claim for that operation or project.</p> <p>The updated Privacy Notice prepared by the Scottish Government is attached below:</p> <div style="text-align: center;">  <p>Data Sharing Privacy Notice - 25 A</p> </div>

6.7 Principle 6 - security	Yes	<p>Both EUMIS and eRDM are user-controlled systems which can only be accessed via user permissions and user roles. Only authorised Scottish Government staff can access these systems and can only do so in accordance with their defined user roles.</p> <p>The EUMIS IT system is an internally built system within the SG and was subject to full functional and security testing including pen testing prior to its release and complies and conforms with a range of accepted UK and European standards. These include:</p> <ul style="list-style-type: none"> - W3C; - Level AA of WCAG; - e-GIF; - e-GMS; - e-Government Framework for Information Assurance (minimum level 1); - OSIAF; - SSL; and, - that the possibility of CSRF attacks have been mitigated. <p>The SG eRDM data storage system is the location where all SG staff are required to save documents in specific folders linked to the appropriate SG Department and Division. Only SG staff have access to this system. Only ESFSAD staff have access to the folders where the data received in support of approved ESF and ERDF operations are stored.</p> <p>The SG has also reviewed and revised its internal desk instructions and a note on complying with data protection requirements has been added to our four main business processes. This has been done to emphasise the importance of safeguarding the various data that is processed by the SG in the execution of their tasks. In addition, information awareness sessions will also be held internally with ESFSAD staff regarding this DPIA highlighting the importance of ensuring data protection in the implementation of required business processes.</p>
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		All Scottish Government staff have been instructed to complete an updated e-learning module on Data Protection on the corporate Saltire Intranet. This module was updated in April 2018 to account for the new GDPR. This training is a mandatory annual requirement for Scottish Government staff, whether they are employed on a permanent, temporary or contract basis.
6.8 GDPR Article 24 - Personal data shall not be transferred to a country or territory outside the European Economic Area.	Yes	The data held on approved operations and their achievements may be subject to additional scrutiny as required by European Commission Audit services and/or the Court of Auditors to enable them to execute their audit/compliance duties in line with the Structural Fund Regulations. No individual personal or sensitive information will be transferred outside Scotland. Where auditors from the European Commission or the European Court of Auditors require access to source data and evidence trail, they will be given read-only access rights to view information on both the EUMIS IT system and the eRDM data storage system.

7. Risks identified and appropriate solutions or mitigation actions proposed

Is the risk eliminated, reduced or accepted?

Risk	Ref	Solution or mitigation	Result
Data is not safely transferred to the Scottish Government from Strategic Intervention Lead Partners and is not stored properly	001	<p>Lead Partners transfer data to the Scottish Government via:</p> <ul style="list-style-type: none"> - SFTP file transfer - CSV file transfer directly into the EUMIS system; - the Web Server Interface of the EUMIS system; - or e-mail direct to a secure SG inbox <p>All data received by the Scottish Government is stored on the EUMIS IT system and the eRDM data storage system which are both user-controlled systems.</p>	Risk reduced

Data is not processed by the Scottish Government in line with agreed purposes	002	All internal desk instructions have been reviewed as a result of GDPR and a note on complying with data protection requirements has been added to key business processes. All data processed by the SG will only be used to fulfill Structural Funds obligations. In addition, information awareness sessions will also be held internally with ESFSAD staff highlighting the importance of using data fairly and safely in the implementation of required business processes.	Risk reduced
There is a risk when Data is shared by Scottish Government with Other External Agencies	003	In fulfilling their compliance, reporting and publicity obligations, the Scottish Government are required to share on occasions participant and end beneficiary data with external auditors and agents undertaking programme evaluations. This sharing will only be done under strict conditions and all programme reporting is provided on an aggregated basis. When required, external auditors and evaluators will be given "read-only" access to the EUMIS IT system and the eRDM data storage system. No individual personal or sensitive information will be transferred outside Scotland.	Risk reduced

8. Incorporating Privacy Risks into planning

Explain how the risks and solutions or mitigation actions will be incorporated into the project/business plan, and how they will be monitored. There must be a named official responsible for addressing and monitoring each risk.

Risk	Ref	How risk will be incorporated into planning	Owner
Data is not safely transferred to the Scottish Government from Strategic Intervention Lead	001	There is an annual maintenance support contract in place for the EUMIS IT system between ESFSAD and the SG IT Division.	Information Asset Owner

Partners and is not stored properly		All data-transfer methods have been fully tested by SG before “roll-out” and detailed user guidance and technical support given to internal staff and Strategic Intervention Lead Partners. Any technical issues identified by Strategic Intervention Lead Partners and/or their designated Delivery Agents should be reported to eumis@gov.scot	
Data is not processed by the Scottish Government in line with agreed purposes	002	A formal Data Sharing Agreement between the Scottish Government and Lead Partners is currently being finalised to confirm the data requirements and to outline the roles and responsibilities of both sides in this process.	Information Asset Owner
There is a risk when Data is shared by Scottish Government with Other External Agencies	003	All audit missions undertaken by Commission Auditors and the Court of Auditors operate to strict guidance relating to Data Protection and confidentiality. These are outlined in all Notification Letters issued to the Scottish Government.	Information Asset Owner

9. Authorisation and publication

The DPIA report should be signed by your Information Asset Owner (IAO). The IAO will be the Deputy Director or Head of Division.

Before signing the DPIA report, an IAO should ensure that she/he is satisfied that the impact assessment is robust, has addressed all the relevant issues and that appropriate actions have been taken.

By signing the DPIA report, the IAO is confirming that the impact of applying the policy has been sufficiently assessed against the individuals’ right to privacy.

The results of the impact assessment must be published in the eRDM with the phrase “DPIA report” and the name of the project or initiative in the title.

Details of any relevant information asset must be added to the Information Asset Register, with a note that a DPIA has been conducted.

I confirm that the impact of EUROPEAN STRUCTURAL FUNDS: DATA-SHARING REQUIREMENTS FOR LEAD PARTNERS OF STRATEGIC INTERVENTIONS has been sufficiently assessed against the needs of the privacy duty:

Name and job title of a IAO or equivalent	Date each version authorised
Hilary Pearce Deputy Director, European Structural Funds and State Aid Division	Version 1 authorised on 23 May 2018 Version 2 authorised on 25 August 2020