Information Commissioner’s Office

Consultation:

GDPR DPIA

guidance

Start date: 22 March 2018

End date: 13 April 2018



Introduction

The General Data Protection Regulation (GDPR) will apply in the UK from May 2018 and replaces the Data Protection Act 1998 (DPA).

The General Data Protection Regulation (GDPR) will require controllers to undertake a Data Protection Impact Assessment (DPIA) when their processing is likely to result in a high risk to individuals.

Our draft guidance provides further detail on how to assess risk, and also includes a list of processing operations were DPIAs will be mandatory. The guidance also refers to what circumstances controllers will have to consult the ICO prior to processing.

We are now running a short consultation on the draft guidance to gather the views of stakeholders and the public. These views will inform the published version of the guidance.

We are provisionally aiming to publish this guidance in early May 2018. We intend to publish this guidance as a series of linked webpages that can be downloaded as a pdf. To see an example of this format, take a look at the documentation guidance [on our website.](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/documentation/)

As the GDPR is a new regulation which applies consistently across the EU, our published guidance will need to continue to evolve to take account of any guidelines issued in future by relevant European authorities (including the Article 29 Working Party of European data protection authorities and the EDPB), as well as our developing experience of applying the law in practice.

Responses to this consultation must be submitted by 13 April 2018. You can submit your response in one of the following ways:

**Download this document and email to** [DPIAconsultation@ico.org.uk](mailto:DPIAconsultation@ico.org.uk)

**Print off this document and post to:**

DPIA Guidance consultation

Information Commissioner’s Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

If you would like further information on the consultation please telephone 0303 123 1113 and ask to speak to Ian Deasha or email [ian.deasha@ico.org.uk](mailto:ian.deasha@ico.org.uk).

**Privacy statement**

Information people provide in response to our consultations, including personal information, may be disclosed in accordance with the Freedom of Information Act 2000 and the Data Protection Act 1998. If you want the information that you provide to be treated as confidential please tell us, but be aware that we cannot guarantee confidentiality.

Section 1: Your views

Please provide us with your views by answering the following questions. We will be publishing this guidance as a series of linked webpages that can be downloaded as a pdf, so please do not include comments about the format as you see it

1. **Is the draft guidance clear and easy to understand?**

|  |  |
| --- | --- |
|  | Yes |
|  | No Please explain why not: |

1. **Does the guidance contain the right level of detail?**

|  |  |
| --- | --- |
|  | Yes |
|  | No  Please explain why not: |

1. **Does the guidance provide enough clarity on circumstances when a DPIA will be required?**

|  |  |
| --- | --- |
|  | Yes |
|  | No If not what do you believe is missing? |
|  |  |

1. **Does the guidance provide enough clarity on circumstances when you will need to consult the ICO?**

|  |  |
| --- | --- |
|  | Yes |
|  | No If not what do you believe is missing? |

**5. Based on this guidance, do you consider it likely that you may need to consult the ICO in the first year of GDPR?**

|  |  |  |  |
| --- | --- | --- | --- |
|  | | Yes (please proceed to question 6) | |
|  | | No (please proceed to question 7)  **6. If so, do you anticipate consultation with the ICO in the first year of GDPR?**    1-5 times?  5-10 times  10-20 times  20+ times | |
| **7. Do you have any examples of where the application of the PIA process in your organisation has assisted in data protection compliance and/or overall project delivery risk, that you think would be useful to include in the guidance?**   |  |  | | --- | --- | |  | Yes | |  | No Please outline your examples: | | |

**8. Please provide any further comments or suggestions on our draft guidance.**

|  |
| --- |
|  |

Section 2: About you

**Are you:**

|  |  |
| --- | --- |
| A member of the public who has used our service? |  |
| A member of the public who has not used our service? |  |
| A representative of a public sector organisation?  Please specify: |  |
| A representative of a private sector organisation?  Please specify: |  |
| A representative of a community, voluntary or charitable organisation, or of a trade body?  Please specify: |  |
| An ICO employee? |  |
| Other?  Please specify: |  |

**Thank you for completing this consultation.**

**We value your input.**