

Equality Impact Assessment (EqIA)

This document fulfils the ICO's requirements to conduct Equality Impact Assessments, as a requirement to have due regard under the Equality Act 2010, S75 of the Northern Ireland Act 1998 and the public sector equality duty. This document helps you to assess the equality relevance of a policy or procedure on one or more groups of people with protected characteristics. Guidance is also available for Equality Impact Assessments (EqIAs), along with a glossary of issues to consider. The purpose of an EqIA is to ensure that equality issues are identified and mitigated. The guidance and 'issues to consider' documents are intended to assist with this, but they are not a substitute for consultation with people with lived experiences of any of the protected characteristics. Therefore, you should, wherever appropriate, consult with the relevant EDI staff networks or other colleagues to discuss potential impacts.

You must read the [guidance](#) and [glossary of issues to consider](#) before completing the document.

Completed EqIAs will be published [on the ICO's website](#).

Summary

Prepared by: JS

What is the title of this piece of work? Emailing the register - Pilot 2

Briefly describe the overall purpose of this work. Sending regular, informative email communications to organisations (primarily SMEs) newly registered with the ICO, on how to comply with data protection legislation. This is to assess whether these types of communications impact on registration renewal rates, numbers of complaints or numbers of reported personal data breaches.

Initial screening questions

Q1. Does this work relate to an ICO policy, procedure, working practice or anything broadly similar? This includes both current policies and new policies under development.

Please answer Yes or No.

Yes

*If you answer **No** to this question, you may not need to complete a EqIA.*

Q2. Is this work about the explanation of the laws which the ICO regulates, or about decisions to use or not use any of our regulatory powers (eg monetary penalties, enforcement notices, information notices etc)?

Please answer Yes or No.

Yes

*If you answer **No** to this question, you may not need to complete a EqIA.*

If you answered no to both Q1 and Q2, it is best practice to rationalise why there are no negative impacts to each protected characteristic in the table below.

Impact on people with protected characteristics

Q3. For each of the protected characteristics, you should consider whether there are any **positive impacts** for people with each characteristic and set those out in the table below. If you think there are any **negative impacts**, set those out in the table below **and** explain how you will fully mitigate those impacts. It is best practice to include three mitigations per negative impact. Sign off can only be done with a minimum of two mitigations. If you think there is no impact, please explain why you think that is the case.

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
Religion or belief	Neutral – there will be no detrimental impact on anyone due to religion or belief. Any action suggested for organisations to take will be discretionary and can be completed at their own pace.	/
Race, nationality or cultural background	<p>Neutral – there will be no detrimental impact on anyone due to race, nationality or cultural background. All regions will be included by default and all language and terminology will be fully in line with ICO standards.</p> <p>Where possible, examples and scenarios used in our correspondence will be varied to be as inclusive as possible in terms of race, nationality or cultural background, and will</p>	/

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
	not use any examples that could be interpreted as stereotypes.	
Disabled people	Negative – our communications may not be accessible to all recipients.	<p>Assistive technology will be considered as part of the design process, to ensure our chosen formatting works appropriately with screen reading technology. This will be tested as part of the mail merge process, across multiple devices and browsers.</p> <p>Any images will be marked as decorative or given appropriate alt text descriptions, to ensure screen readers can pick up the necessary text.</p> <p>Alternate formats (eg PDF) will be made available upon request.</p>
Sexual orientation	Neutral – there will be no detrimental impact on anyone due to sexual orientation.	/
Sex (see note 1)	Neutral – there will be no detrimental impact on anyone due to sex. Emails will be sent to the contact held on ICE registration regardless of who that contact is, with regular checks taking place to update contact details	/

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
	<p>and remove cancelled registrations as necessary.</p> <p>All contacts will receive the same suggested actions regardless of workload or accommodation. Any actions suggested for organisations to take will be discretionary and can be completed at their own pace, so should not impact on part-time or flexible workers, or those that work from home.</p>	
Age	Neutral – there will be no detrimental impact on anyone due to age.	/
Gender reassignment (see note 2)	<p>Neutral – there will be no detrimental impact on anyone due to gender reassignment. No titles will be used on our email correspondence, only the first and last names of the ICE registration contact held on file.</p> <p>Where possible, examples and scenarios used in our correspondence will be varied to be as inclusive as possible in terms of gender.</p>	/
Marital status	Neutral – there will be no detrimental impact on anyone due to marital status.	/

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
Pregnancy and maternity	<p>Neutral – there will be no detrimental impact on anyone due to pregnancy or maternity.</p> <p>Should contact details need to be updated due to pregnancy or maternity leave, we will accommodate this.</p> <p>Any actions suggested for organisations to take will be discretionary and can be completed at their own pace, so should not impact on part-time or flexible workers, or those that work from home.</p>	/
Political opinions	<p>Neutral – there will be no detrimental impact on anyone due to political opinion.</p> <p>We will be providing factual advice on the legislation and how to apply it in practice, which will need to be considered regardless of political opinions. Should the legislation change, we will advise on any updates in a factual manner and will remain politically neutral at all times.</p>	/
People with dependants	Neutral – there will be no detrimental impact on anyone with dependants.	/

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
	Any actions suggested for organisations to take will be discretionary and can be completed at their own pace, so should not impact on part-time or flexible workers, those that work from home, or those with caring responsibilities.	
People without dependants	Neutral – there will be no detrimental impact on anyone without dependants.	/
Socio-economic groups or social classes (see note 3)	<p>Neutral – there will be no detrimental impact on anyone due to socio-economic groups or social classes.</p> <p>Our recommended actions will be broken down into simple steps to take and will not require specific education, qualifications or equipment to implement. Organisations can also be flexible with how they implement our suggestions within their business, depending on what suits them best and what is proportionate in their circumstances.</p>	/

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
Multiple protected characteristics (see note 4)	Neutral – there will be no detrimental impact on anyone due to multiple protected characteristics.	/

Note 1: you may also wish to consider gender while considering sex, although gender is not a protected characteristic under the Equality Act or s75 of the Northern Ireland Act 1998.

Note 2: you may wish to consider the impact on transgender people while considering the protected characteristic of gender reassignment. This includes if the person is proposing to undergo, is undergoing or has undergone a process.

Note 3: Socio-economic group or social class is not a protected characteristic, but we would still like to ensure that we consider the impact of our work in this area.

Note 4: Multiple protected characteristics is an opportunity to consider whether there are issues which affect people with most or all of the protected characteristics, or where there may be different impacts of the same issue on different characteristics (eg the same issue has a positive impact on people with one protected characteristic but a negative impact on people with another protected characteristic).

Q4. The ICO has a number of legal obligations in relation to the provision of Welsh language services. Is this work being delivered in Wales, or to the people of Wales, and if so will there be a need to consider the impact on the Welsh language?

Please answer Yes, No or Don't Know

Yes, to a degree. As part of a previous pilot, we consulted on this and agreed that Welsh correspondence would not form part of that work, in part due to the number of organisations being contacted (roughly 30,000) and the manual intervention required to identify Welsh postcodes on the ICE register.

Under our current proposals, the number of organisations being contacted is substantially smaller (roughly 450). Therefore, for those that have a Welsh registration marked on ICE Registration, we will translate our correspondence into Welsh and provide this along with an English copy. However, based on current data for the organisations that registered in April 2023, there are no organisations in this group that have requested Welsh correspondence. This is subject to change once any late registration payments are processed, but it is unlikely that this number will change drastically.

Discussions took place with the Welsh office to advise on the above approach, as the manual intervention required to identify Welsh postcodes on the register of fee payers remains. No concerns raised.

*If you answer **Yes or Don't Know** to this question or would like further information, please contact the Welsh Regional office to discuss next steps via wales@ico.org.uk.*

Q5. In interests of best practice, you should consider whether this work may have a negative impact on or contravene any Human Rights. Click this link to find an overview of each of the human rights and further details about each. The Human Rights Act itself is available at this link. Please confirm that you have considered this and set out any actions you will take to mitigate any impacts.

Answer: The work being proposed will not have a negative impact on, or contravene, any human rights.

Contributing towards the ICO's equality objectives

Q6. How does this work contribute towards the ICO's equality objectives? Please explain contributions, state ways contribution could be increased, or state 'no contribution'.

Objective	Contribution to objective
<p>Objective 1: Spreading knowledge and taking action: We will raise awareness of information rights across the community and take action to ensure that organisations fulfil their obligations. We will have particular focus on groups and sectors where knowledge gaps may cause information rights inequalities or vulnerabilities. We will ensure that in our actions as a regulator we do not create inequalities or discriminate.</p>	<p>The work being proposed will show the ICO is taking proactive action to ensure organisations fulfil their obligations, by bringing those obligations to an organisation's attention within the first few months of trading and getting them to build data protection into their procedures from the start.</p> <p>We will also offer two virtual events, such as an Ask the Regulator or Q&A session, to ensure we account for different learning styles, and all recipients will be invited to attend to make sure everyone has an equal opportunity to engage with the regulator.</p>
<p>Objective 2: Accessible services: Our services and information will be accessible for users and potential users of our services, and we will provide our staff with the skills and knowledge they need to provide high quality services for all. We will try to anticipate customer needs and we will take action to remove barriers to our services when possible.</p>	<p>Our communications will be written in an accessible style, based on the ICO style guide and government accessibility rules. Screen readers will be accommodated, alt text will be included and alternative formats can be supplied on request, to make sure all customer needs are met and any barriers to getting data protection right are removed. Offering different types of virtual events will also support this.</p>
<p>Objective 3: Encouraging others: We will use our status as a regulator, advisory body and purchaser of</p>	<p>By ensuring that all organisations have the basics of data protection in place from the start, this will ensure</p>

Objective	Contribution to objective
services to influence improvements in equality by other organisations and across society.	their customers, staff, clients and service users are treated equally – both within that organisation and across the sector more generally.
Objective 4: Employer: Our workplaces and practices will be accessible, flexible, fair and inclusive. We will value the diversity, skills, backgrounds and experience of our people, enabling them to perform to their best in a welcoming and supportive environment.	No contribution

Monitoring and evaluation

Q7. What arrangements are in place, or will be put in place, to monitor and evaluate the impact of the work on equality?

Answer: We will monitor the number of objections we receive and how quickly these are actioned, to ensure every requester is treated equally. We will also seek feedback in our final survey and during any ual events to understand how organisations are taking on board our advice and how this is impacting their customers and service users.

Q8. How long will these arrangements be in place?

Answer: For the duration of the pilot, until July 2024

Q9. When do you intend to review this EqIA? This should usually be done upon any change that is made to the original piece of work that this EqIA is for.

Answer: Regularly during the design process, then on a quarterly basis during the pilot itself

Publication

Q10. As stated above and in the guidance, we intend to publish all completed EqIAs on the ICO's website. Please provide detail of any necessary redactions and the intended publication date.

You should also review the wording to ensure that it is as clear as possible for any staff or public to read.

Answer: No redactions required

Governance and sign-off

The person who completes this document must be content that all potential equality issues have been identified and considered, that appropriate monitoring will be in place and the publication issues have been considered.

Please tick here to confirm that you have consulted with other colleagues and those it would largely impact where appropriate.

Please state here who has completed the EqIA:

Signed by: JS
Date: 09 June 2023

Approved by line manager:

Signed by: MJ
Date: 10 June 2023

You **must** send your completed form to corporategovernance@ico.org.uk for storage and publication.

The EDI Board provides overall assurance that the EqIA process is operating effectively, but it is not for them to review or approve EqIAs.

If you have identified any negative impacts to any protected characteristics that you cannot fully mitigate, please contact Inclusion and Wellbeing.

Section 75 The Northern Ireland Act

To meet the NI section 75 consultation requirement, we must incorporate the following into our EqIA process. Please read through the below and implement as appropriate whilst completing your EqIA

1. We will externally publish a list of all EqIA screenings we complete. We should publish these quarterly. The spreadsheet will be 'housed' on the ICO website [Equality and diversity | ICO](#) (these will include **all** EqIA screenings we complete)
2. Where an EqIA screen results in the need for a full EqIA on a policy, procedure or change that relates directly to the ICO carrying out its external statutory functions; we will consult with key stakeholders at the earliest opportunity for 12 weeks. By law we must consult with the Northern Ireland stakeholder list, but good practice would be to include other relevant stakeholders from across the UK. The author/approval manager will be best places to determine who these should be.
3. We have clarified that if we don't receive a response from these stakeholders to a consultation, that is fine. We record no response and move on with the policy, procedure or change.
4. We have clarified that we do not need to consult under s75 for policies that only impact our staff. Whilst its good practice to consult with staff, TU etc about changes that impact employees, ways of working etc, this type of internal change would not engage s75. We should of course complete an EqIA at the earliest opportunity, it's just that the s75 consultation requirement is unlikely to be engaged.
5. We have agreed that it would be for the manager who approves the EqIA to determine if a s75 consultation is needed. The Inclusion and Wellbeing team can provide support, but the author and manager will know

their business area and will be best placed to assess if a new/change to a policy impacts external customer and stakeholders as part of our statutory function and should therefore be consulted on.

6. We have agreed that it should be for the author/approving manager to send the EqIA screening form or full EQIA form to corporate governance.