

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 experience 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:

FG, Principal Policy Adviser, Online Tracking

What is the title of this piece of work?

ICO letter and report for DSIT: A viable approach to creating online advertising exceptions to regulation 6 PECR

Briefly describe the overall purpose of this work.

We have reviewed where the Privacy and Electronic Communications Regulations (PECR) regulation 6 consent requirements were preventing developments in more privacy-preserving advertising models. This was a deliverable under our Online Tracking strategy, as well as being one of our January 2025 commitments to support the government's ambition for sustainable economic growth.

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.

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)?

Yes – while this work will not change the way the ICO regulates in the immediate term, it will potentially inform government decisions on legislative change. If there are any changes to regulation 6 PECR, this work would also inform future ICO policy and guidance.

*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	<p>As described above, in the immediate term there are no anticipated impacts to any UK data subjects as the ICO's approach to regulating the use of storage and access technologies for online advertising purposes is not changing.</p> <p>However, should legislative change occur in line with the approach we have recommended in this project, there will be impacts on UK data subjects. They could receive some online advertising lawfully without granting their consent.</p> <p>To ensure that we understood people's expectations and anticipated impacts of any change, we commissioned</p>	
Race, nationality or cultural background		
Disabled people		
Sexual orientation		
Sex (see note 1)		
Age		

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.
Gender reassignment (see note 2)	citizens' juries to inform this work. As part of this, we wanted to consider any potential impacts (positive or negative) to people with protected characteristics.	
Marital status		
Pregnancy and maternity	At our request, our research supplier created a sample of participants that was intentionally designed around diversity of representation, with the aim of bringing together a broad mix of experiences rather than proportionally mirroring the UK population. It is important to note that qualitative research is not intended to be statistically representative of the UK population.	
Political opinions		
People with dependants		
People without dependants		
Socio-economic groups or social classes (see note 3)	Our research supplier proposed a detailed quota framework covering:	
Multiple protected characteristics (see note 4)	<ul style="list-style-type: none"> • age • gender • socio-economic group • ethnicity • disability • sexual orientation • migration status • household composition 	

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.
	<ul style="list-style-type: none"> • work status • digital confidence. <p>These quotas were used to ensure coverage of key groups and to reflect population diversity, and the chosen locations were selected to capture regional variation across Britain. The quotas also intentionally included minimum numbers of participants from groups commonly under-represented in research, including ethnic minorities, LGBTQ+ people, disabled people or those with long-term health conditions, migrants, and individuals with low digital confidence.</p> <p>The detail of the sample is detailed in the full report, which is publicly available on the ICO website.</p> <p>The findings of our citizens' juries were a key factor in our decision-making for this work, giving us confidence that there will be no adverse impacts on groups with protected characteristics.</p> <p>If the approach developed in this project were to become law, it would offer service providers new way to deliver compliant online advertising. This could have positive</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.
	<p>impacts on individuals with protected characteristics compared to the current legislation.</p> <p>This is because harms can occur from non-compliance with regulation 6 PECR and the UK GDPR, including when people do not have a meaningful choice as to whether or not their online activity is tracked. This can impact those with protected characteristics, such as being targeted with adverts that distress them, or discriminated against due to that characteristic which has been inferred via the unlawful use of cookies or other storage and access technologies.</p> <p>Incentivising a shift towards more privacy-friendly online advertising approaches could reduce the likelihood of such harms occurring. However, it is important to note that it is the government's decision as to if and how the law may change, so this outcome is not guaranteed.</p>	

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?

No

*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.

N/A

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: We will represent the communities and societies we serve We believe that diverse teams make better decisions, boost creativity and innovation, enable greater professional growth and increase our understanding of the communities we regulate. As a workforce, we are</p>	<p>As discussed in Q3, we leaned on findings from our representative Citizens' Juries research which took place in England, Scotland and Wales to inform our decision-making. We also made use of other ICO research including Data Lives and Children's Data Lives – ethnographic studies to understand behaviour and</p>

Objective	Contribution to objective
<p>the most effective and have the greatest impact when we are representative and consider different perspectives.</p>	<p>culture – to ensure our decisions reflected the communities we serve.</p>
<p>Objective 2: Our culture will be inclusive We're at our best when we support and look out for one another, and when we trust and empower each other to be ourselves. That applies whether it's within the workplace or in the work that we do.</p> <p>We have measures in place to support our diverse workforce, such as reasonable adjustments. However, we will do more to remove the barriers that are preventing people from developing and progressing.</p>	<p>A cross-ICO team collaborated on this project, with different expertise and backgrounds, including: Technology, Economic Analysis, Legal and Regulatory Policy. In particular, a series of options workshops invited the cross-office team to share their perspectives and inform decisions. The project was also governed by a cross-office Project Board.</p>
<p>Objective 3: We will better understand the needs of everyone to deliver services that are accessible to all We target our regulatory interventions on the areas of greatest harm and to make a real difference to people's lives. Technological innovation by businesses means the landscape we regulate is constantly transforming. We know we're at our best when we understand the needs of all our customers, including those who experience vulnerability and communities of unmet need.</p>	<p>We conducted a public call for views to invite perspectives from a wide range of stakeholders, and used the findings to inform our decision-making. We also held an in-person technical workshop to discuss online advertising industry requirements and challenges facing the sector in more detail, to further build our understanding.</p>

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?

This work will not impact how we regulate the law as it stands, so impacts should be minimal. However, we will monitor reactions to our published work for any indication of unforeseen equality impacts. We will also monitor impacts more broadly through the impact analysis of the Online Tracking strategy, due to conclude in Autumn 2026. If government makes changes to regulation 6 in future, we will conduct a new EqIA to ensure we consider and monitor any impacts of subsequent guidance and any other regulatory activity on equality.

Commented [AM1]: Gemal might also capture this in his impact analysis in September and beyond?

Q8. How long will these arrangements be in place?

Ongoing

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.

We will review the EqIA if secondary legislation progresses in this area and the ICO goes on to create regulatory policy in this area, and/or if any policy development takes place that builds on findings of this project.

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.

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:

<i>Signed by:</i> F M G <i>Date:</i> 25 March 2026

Approved by line manager:

<i>Signed by:</i> A M <i>Date:</i> 25 March 2026

You **must** send your completed form to inclusionandwellbeingteam@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 for advice via inclusionandwellbeingteam@ico.org.uk.

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 the Inclusion and wellbeing team

EqIA version control (to be updated by the person completing the EqIA)

Version number	1.0
Status	To publish

Relevant or related policies	Equality Impact Assessment Guidance
Author/owner	FG
Approved by	
Date of sign off	
Review date	

Version	Changes made	Date	Made by
0.1	First draft	19/03/2026	FG
1.0	Minor changes from AM review	25/03/2026	FG