



**TRANSPORT
SCOTLAND**
CÒMHDHAIL ALBA

TRANSPORT SCOTLAND

Extending Young Persons Free Bus Travel scheme to include 19-21 year olds

Data Protection Impact Assessment

November 2021

Contents

CHECKLIST	3
DEFINITIONS	5
STEP 1: IDENTIFY THE NEED FOR A DPIA	7
STEP 2: DESCRIBE THE PROCESSING	7
STEP 3: CONSULTATION PROCESS	9
STEP 4: ASSESS NECESSITY AND PROPORTIONALITY	10
STEP 5: IDENTIFY AND ASSESS RISKS	11
STEP 6: IDENTIFY MEASURES TO REDUCE RISK	11
STEP 7: SIGN OFF AND RECORD OUTCOMES	11
ANNEX A – DATA SHARING FLOW MAP	ERROR! BOOKMARK NOT DEFINED.

Checklist

A Data Protection Impact Assessment (DPIA) is a process for identifying and managing the data protection risks of a policy or project. There are a series of circumstances where a DPIA is a requirement, should be considered as an option, or not required at all.

In order to decide if a full DPIA is required, there are a series of questions you must ask about the new project/process. If the answer to any of these questions is yes, then you will be required to complete the DPIA template. Before doing so, you should contact the [TS DPA team mailbox](#). A member of the DPA team will be in touch to help complete the form.

If you answer no to all the questions and decide that a DPIA is not required, then should complete the form at the bottom of this page and email this document to [TS DPA team mailbox](#) for countersigning and agreement.

Project Name	Extending Young Persons Free Bus Travel scheme to include 19-21 year olds
Project Lead	Policy Lead: Craig McClymont/Sadiyah Rehman, Operational Lead: Philippa Carmichael/Gillian Kelly

This policy will extend the eligibility criteria in The National Bus Travel Concession Scheme for Young Persons (Scotland) Order 2021 (the [Order](#)) so that residents of Scotland aged 19-21 will be eligible to travel under the Young Persons Scheme.

In March 2021 the Scottish Parliament passed the Order giving the Scottish Ministers the powers to establish a national concessionary travel scheme for free bus travel for residents of Scotland aged under 19 (the Young Persons Scheme). On 8 March 2021 the Scottish Government announced that it would extend free bus travel under the new Young Persons Scheme to all residents of Scotland under the age of 22.

A full Data Protection Impact Assessment (DPIA) checklist was completed for the introduction of the scheme, this can be found [here](#). This document serves as an amendment to that DPIA highlighting the minor changes to the project/process the extension makes. I am content that the information being processed for this project contains mitigations to risks identified as high, or is low risk personal data.

Project Lead Signed	Sadiyah Rehman	Date	26 November 2021
Data Protection Officer Signed	Lorna Clark	Date	26 November 2021

You must CONSIDER whether to do a DPIA if you plan to carry out any other:

- Evaluation or scoring
- Automated decision-making with significant effects
- Systematic processing of sensitive data or data of a highly personal nature
- Processing on a large scale
- Processing of data concerning vulnerable data subjects
- Innovative technological or organisational solutions
- Processing involving preventing data subjects from exercising a right or using a service or contract
- We consider carrying out a DPIA in any major project involving the use of personal data
- If we decide not to carry out a DPIA, we document our reasons.
- We carry out a new DPIA if there is a change to the nature, scope, context or purposes of our processing.

You MUST CARRY OUT a DPIA if you plan to do any of the following:

- If there is a change to the nature, scope, context or purposes of our processing
- Use systematic and extensive profiling or automated decision-making to make significant decisions about people
- Process special category data or criminal offence data on a large scale
- Systematically monitor a publicly accessible place on a large scale
- Use new technologies
- Use profiling, automated decision-making or special category data to help make decisions on someone's access to a service, opportunity or benefit
- Carry out profiling on a large scale
- Process biometric or genetic data
- Combine, compare or match data from multiple sources
- Process personal data without providing a privacy notice directly to the individual
- Process personal data in a way which involves tracking individuals' online or offline location or behaviour
- Process children's personal data for profiling or automated decision-making or for marketing purposes, or offer online services directly to them
- Process personal data which could result in a risk of physical harm in the event of a security breach

Definitions

Below are some definitions that will help explain different aspects of data processing covered in the screening questions.

Evaluation & Scoring

- Aspects concerning the data subject's performance at work, economic situation, health, personal preferences or interests, reliability or behaviour, location or movements

Automated-decision making

- Processing that aims at taking decisions on data subjects producing "legal effects concerning the natural person"

Systematic monitoring

- Processing used to observe, monitor or control data subjects (e.g.) CCTV monitoring of road network

Sensitive data or data of a highly personal nature

- Includes special data categories as defined in Article 9 (i.e.) racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, health data, or sexual orientation/life data

Large scale processing

- No clear definition of what constitutes as large scale, though recital 91 offers some guidance
 - Based on number of subjects concerned (specific number or portion of population)
 - Volume/range of data being processed
 - Duration/permanence of data processing activity
 - Geographical extent of processing

Matching or combining datasets

- Data originating from two or more different processing purposes in a way that would exceed the reasonable expectations of the data subject

Vulnerable data subjects

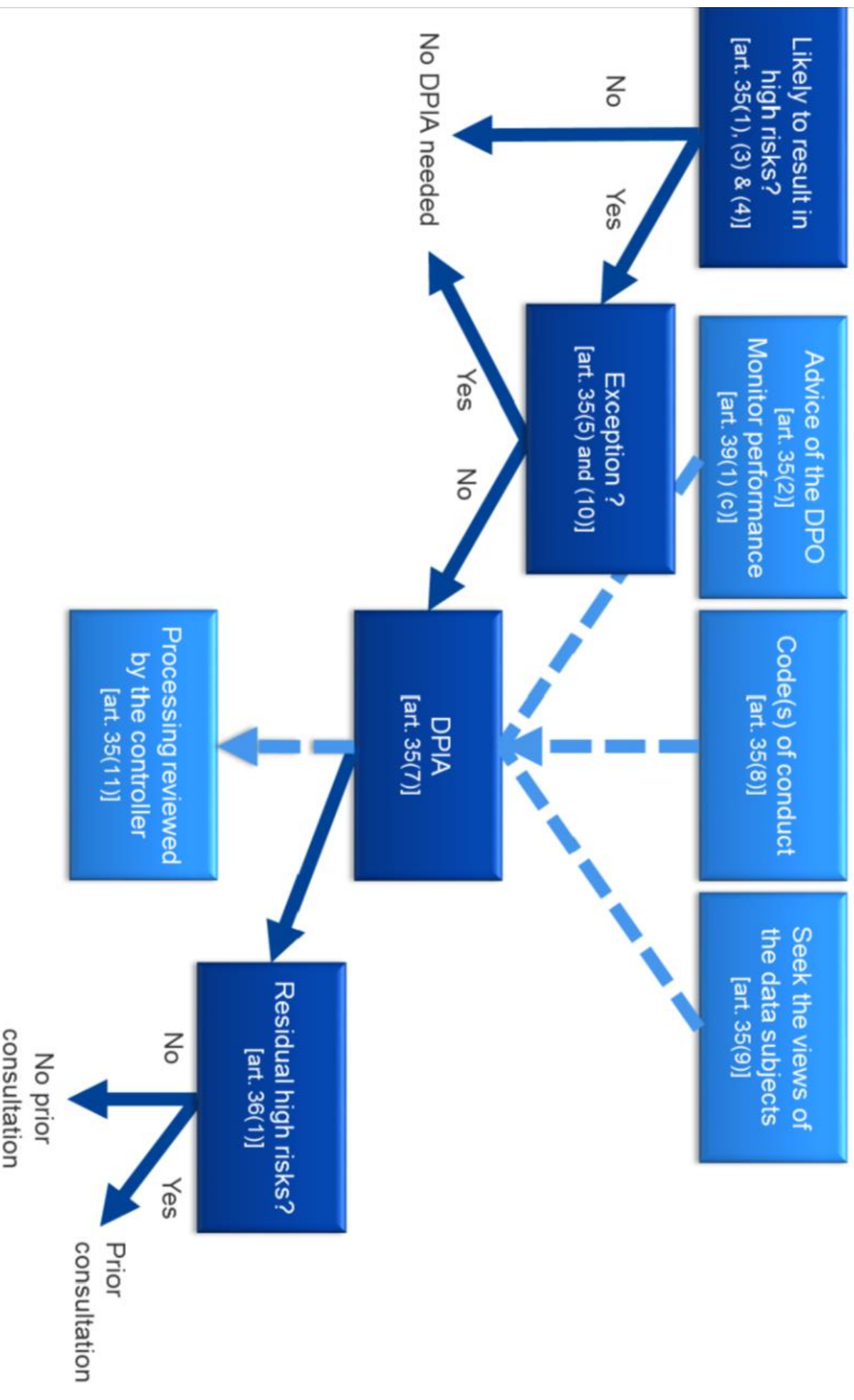
- As outlined in recital 75, this is the processing of personal information which may create a power imbalance between data controller and data subjects (e.g.) children, or those who require special protection (disability, mentally ill, elderly)

Innovative use or applying new technological/organisational solutions

- For example using facial and finger print scanners to improve physical access control

Prevents data subjects from exercising a right or use of a contract

- Processing operation that aim at allowing, modifying or refusing a data subjects' access to a service or entry into a contract



Step 1: Identify the need for a DPIA

Project aim

Explain broadly what project aims to achieve and what type of processing it involves. You may find it helpful to refer or link to other documents, such as a project proposal. Summarise why you identified the need for a DPIA.

This policy will extend the eligibility criteria in The National Bus Travel Concession Scheme for Young Persons (Scotland) Order 2021 (the [Order](#)) so that residents of Scotland aged 19-21 will be eligible to travel under the Young Persons Scheme.

In March 2021 the Scottish Parliament passed the Order giving the Scottish Ministers the powers to establish a national concessionary travel scheme for free bus travel for residents of Scotland aged under 19 (the Young Persons Scheme). On 8 March 2021 the Scottish Government announced that it would extend free bus travel under the new Young Persons Scheme to all residents of Scotland under the age of 22.

The Young Persons Scheme is expected to benefit 770,000 people under the age of 19. By extending it to under 22s, the scheme is now expected to benefit a further 160,000.

A [full DPIA](#) was conducted for the under 19s scheme. The extension to the existing scheme includes a new group of individuals, 19-21 year olds, this group does not contain children who are vulnerable data subjects. We will not process data related to disabilities for this scheme, this was addressed in the [initial DPIA](#) (scope of the processing). We have not identified the need for any further control measures or mitigations that were identified in the [initial DPIA](#).

This document should be read alongside the [initial DPIA](#) for under 19s.

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?

Data collected for 19-21 year olds will be processed in the same way as data collected for under 19 year olds. Please refer to the [original DPIA](#) for more details.

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?

The nature of the data collected for these additional people will be the same as the data collected for under 19 year olds. Please refer to the [original DPIA](#) for more details.

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)?

Personal data for 19-21 year olds will be collected and processed in the same way as data from under 19 year olds. Please refer to the [original DPIA](#) for more details.

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 you, and more broadly?

The benefits of the scheme and processing the data are the same as the under 19s scheme. Please refer to the [original DPIA](#) for more details.

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?

We consulted with various groups of people for the under 19s scheme, please refer to the [original DPIA](#) for more details. We have consulted with the ICO on the draft regulations for the extension to the scheme who is content that this update does not introduce any additional risks. We have not identified any issues relating to 19-21 year olds that we think merit further engagement with individuals.

Step 4: Assess necessity and proportionality

Describe compliance and proportionality measures

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?

The extension of the scheme to include under 22 year olds will not affect how data will be processed, this will be the same as how data is processed for under 19 year olds. Please refer to the [original DPIA](#) for more details.

Step 5: Identify and assess risks

Please refer to the [original DPIA](#) for more details about the risks that have been identified. We have not identified any additional risks in relation to the extension of the scheme.

Step 6: Identify measures to reduce risk

Please refer to the [original DPIA](#) for more details about the measures taken to reduce risks. We have not identified any additional risks in relation to the extension of the scheme and therefore no additional measures are needed.

Step 7: Sign off and record outcomes

DPO Comment
<p>Comment: I am content that this update to the policy and legislation does not result in any material change to the processing of personal data or additional risks to the rights and freedoms of individuals. Therefore the content of the original DPIA which set out the ways in which we would ensure compliance with the DPA principles and identified actions to minimise privacy risks remains appropriate and proportionate.</p>
<p>Name: Lorna Clark</p>
<p>Date: 26 November 2021</p>

DPIA Approved by IAO
<p>Name: Laura Murdoch</p>
<p>Date: 29 November 2021</p>

Version	Date Reviewed	Reviewed By
1.0	6 August 2021	Tom Davy
1.1	24 November 2021	Tom Davy