

ELA'S DATA PROTECTION IMPACT ASSESSMENT PROCEDURE**1. Scope**

All projects that involve processing personal data, or any activities (both internal and external) that affect the processing of personal data and impact the privacy of data subjects are within the scope of this procedure and will be subject to a data protection impact assessment (DPIA).

2. Responsibilities

- 2.1 The Managing Partner is responsible for performing necessary checks on personal data to establish the need for conducting a DPIA.
- 2.2 The Managing Partner is also responsible for checking that appropriate controls are implemented to mitigate any risks identified as part of the DPIA process and subsequent decision to proceed with the processing.
- 2.3 The owners of processes in regards of which risks were identified shall be responsible for implementing any privacy risk solutions identified.

3. Procedure

- 3.1 The Managing Partner identifies the need for a DPIA at the start of each project, assessing the project and type of personal data involved, or processing activity, against the following screening questions:
 - (a) Is this a new project/workstream?
 - (b) Will the project involve the collection of new information about individuals?
 - (c) Will the project compel individuals to provide information about themselves?
 - (d) Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?
 - (e) Is information about individuals used for a purpose it is not currently used for, or in a way it is not currently used?
 - (f) Does the project involve you using new technology which might be perceived as being privacy intrusive?
 - (g) Will the project result in making decisions or taking action against individuals in ways which can have a significant impact on them?
 - (h) Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations?
 - (i) Will the project require contacting of individuals in ways which they may find intrusive?
- 3.2 In function of the number of affirmative answers to the questions above, the likelihood and impact matrix may have the following configuration:

DATA PROTECTION GOVERNANCE DOCUMENTS

Likelihood	3	0	3	6	9
	2	0	2	4	6
	1	0	1	2	3
		0	1	2	3
		Impact			

where the risks to rights and freedoms of data subjects may situate at the following levels:

Risk Level	From	To	GDPR Assessment
High	6	9	Highest unacceptable risk
Medium	3	5	Unacceptable risk
Low	1	2	Acceptable risk
Zero	0	0	No risk

4. Data processing workbook

- 4.1 Epure, Lizac si Asociatii SCA (“ELA”) shall record key information about all personal data processed for each project in a ***DPIA workbook***, which will include a description of the processing and purposes; legitimate interests pursued by the controller; an assessment of the necessity and proportionality of the processing; an assessment of the risks to the rights and freedoms of data subjects (as per the matrix and risk level definitions in clause 3.2 above). The referenced DPIA workbook may be implemented as part of a ***DPIA Tool***.
- 4.2 ELA shall mention the type of processing activity associated with the personal data being processed as part of the project in the ***DPIA workbook***, these being categorised as:
 - Collection
 - Transmission
 - Storage
 - Access
 - Deletion
- 4.3 ELA shall establish on what lawfulness basis (consent, contractual obligation, legal obligation, vital interests, public interest, legitimate interest) the data is being processed and its appropriate retention period (in line with the ***Retention of Records Procedure***).

DATA PROTECTION GOVERNANCE DOCUMENTS

- 4.4 ELA shall identify the category of data processed, whether it is personal, special or that of a child's, and the format of such data (plain text – paper; plain text – digital; PDF; audio; video; picture).
- 4.5 ELA shall identify who has access to the data (individuals, teams, third-parties or data processors) or who are involved in the processing of personal data, or processing activity, recording the geographic location of where the processing takes place and / or if it is transborder processing.

5. Identify privacy risks

- 5.1 ELA shall assess the privacy risks for each process activity as described in clause 3 above by:
 - 5.1.1 Identifying and describing the privacy risk associated to that process activity
 - 5.1.2 Using the likelihood criteria (1 – low, 2 – medium and 3 - high), scoring the likelihood of the risk occurring
 - 5.1.3 Using the impact criteria (0 – zero impact, 1 – low, 2 – medium and 3 - high) of the risk should it occur
 - 5.1.4 Producing a calculated risk, identifying the risk to the rights and freedoms of data subjects.
- 5.2 In assessing the privacy risks, ELA shall consider: risks to the rights and freedoms of natural persons resulting from the processing of personal data; risks to the business (including reputational damage); and its objectives and obligations (both regulatory and contractual).
- 5.3 ELA shall identify solutions to privacy risks, assign risk treatment owners and set target dates for completion.
- 5.4 ELA shall prioritise analysed risks for risk treatment based on the risk level criteria established in clause 3.2 above.
- 5.5 Each risk owner, in consultation with the MANAGING PARTNER, approves each DPIA for each data processing activity.

6. Prior consultation (Article 36, GDPR)

- 6.1 Where the DPIA identifies that processing of personal data will result in high risk to the data subject, in the absence of risk mitigating measures and controls, ELA shall consult with the Romanian Supervisory Authority (ANSPDCP).
- 6.2 When ELA requests consultation from ANSPDCP, it shall provide the following information:
 - 6.2.1 detail of the responsibilities of ELA (controller/processor/joint controller), and the other party (data controller/processor/joint controller) involved in the processing;
 - 6.2.2 purpose of the intended processing;

DATA PROTECTION GOVERNANCE DOCUMENTS

- 6.2.3 detail of any/all measures and controls in place/provided to protect the rights and freedoms of the data subject(s);
- 6.2.4 contact details of the Managing Partner;
- 6.2.5 a copy of the data protection impact assessment; and
- 6.2.6 any other information requested by ANSPDCP.

Document Owner and Approval

The Managing Partner is the owner of this document and shall ensure that it is kept up to date. A current version of this document is available to all members of staff on ELA's website on page "Data Protection", section "Policies & Procedures". This policy was approved by Decision of Partners on 15.02.2018 and is issued under the signature of the Managing Partner.

Signature: Doru Epure – Managing Partner

Date: 15.02.2018