

## Data Protection Impact Assessment

### Establishment of the National Smart Ticketing Advisory Board

**Version date: 28/06/2022**

**Review date: 28/06/2022**

**Submitted date: 14/03/2023**

The National Smart Ticketing Advisory Board will advise Ministers on the development of smart and integrated ticketing, including the development of a smart ticketing technological standard to improve multi-modal integration.

Section 43 of the Transport (Scotland) Act 2019 inserted section 27C into the Transport (Scotland) Act 2001. Section 27C provides:

*27C(1) - "The Scottish Ministers must establish an advisory committee to be known as the National Smart Ticketing Advisory Board ("the Board")."*

*27C(4) - "The Scottish Ministers may by regulations make provision about the Board, including provision about—*

*(a) the appointment, removal and replacement of members,*

*(b) the remuneration of members (including as to payment of a member's expenses),*

*(c) the process by which the Board makes decisions."*

This Data Protection Impact Assessment (DPIA) works in conjunction with the [Article 36\(4\) ICO](#) consultation form submitted in advance of this, as the proposal requires consultation with the Information Commissioner's Office (ICO).

## 1. Contact and schedule information

1.1	SG department	Transport Scotland – Bus Accessibility and Active Travel
1.2	Contact email	<a href="mailto:George.beale-pratt@transport.gov.scot">George.beale-pratt@transport.gov.scot</a>
1.3	Data protection support email Data protection officer	<a href="mailto:dpa@transport.gov.scot">dpa@transport.gov.scot</a> <a href="mailto:dataprotectionofficer@gov.scot">dataprotectionofficer@gov.scot</a>
1.4	Is your proposal primary legislation, secondary legislation or other form of statutory measure?	Secondary legislation
1.5	What stage is the legislative process at? Please indicate any relevant timescales and deadlines.	Drafting secondary legislation – Secondary legislation laid on the 16 <sup>th</sup> March 2023.

## 2. Introductory information

	<b>Questions</b>	<b>Comments</b>
2.1	Summary of proposal	<p>The National Smart Ticketing Advisory Board (NSTAB) will advise Ministers on the development of smart and integrated ticketing, including the development of a smart ticketing technological standard to improve multi-modal integration.</p> <p>A consultation has already been held on the membership of this Board (<a href="#">LINK</a>), which has identified some of the requirements that will go into the secondary legislation. The legislation particularly focuses on the appointment methods of members, remuneration, and the process by which the Board makes decisions and operates. The legislation is therefore focused on the Board's operation, as opposed to the policies the Board will advise on.</p> <p>As such, an appointment process is necessary to appoint board members and a chairperson. This appointment process will not be regulated by the Commissioner for Ethical Standards in Public Life in Scotland and as such the process will be managed by the policy team<sup>1</sup>. Appointments will be made by the Scottish Ministers.</p> <p>The intention is that NSTAB will be added to the Gender Representation on Public Boards (Scotland) Act 2018 which will commit NSTAB to achieving the gender representation objective.</p>
2.2	<p>Description of the personal data involved</p> <p>Please also specify if this personal data will be special category data, or relate to criminal convictions or offences</p>	<p>As the process of establishing the Board requires the appointment of members, it therefore requires the collection of personal data in order to identify the applicants.</p> <ul style="list-style-type: none"> <li>• Name</li> <li>• Personal address</li> <li>• Personal email</li> <li>• Personal phone number</li> <li>• Conflict of interest declaration</li> </ul>

<sup>1</sup> [Public appointments - Public bodies - gov.scot \(www.gov.scot\)](http://www.gov.scot)

	Questions	Comments
		<ul style="list-style-type: none"> <li>• Financial Information – for payroll and managed via the Scottish Government payroll system.</li> <li>• Sex (should NSTAB be added to the Gender Representation on Public Boards (Scotland) Act 2018)</li> </ul> <p>The proposed application form which will request this data is included in Annex C. This may be subject to updates before the appointment process commences.</p> <p>We have considered the data required for the appointment process and limited this to the minimum necessary. We have concluded that we do not require the processing of special category data.</p>
2.3	<p>Will the processing of personal data as a result of the proposal have an impact on decisions made about individuals, groups or categories of persons?</p> <p>If so, please explain the potential or actual impact. This may include, for example, a denial of an individual's rights, or use of social profiling to inform policy making.</p>	<p>The Gender Representation on Public Boards (Scotland) Act 2018 allows the selection of the candidate who will support progress of the Board to achieving the gender representation objective, if there are two or more equally qualified candidates, of which at least one is a man, and at least one is a woman.</p>
2.4	<p><b>Necessity, proportionality and justification</b></p> <p>What issue/public need is the proposal seeking to address?</p> <p>What policy objective is the legislation trying to meet?</p> <p>Were less invasive or more privacy-friendly options considered,</p>	<p>Legislating the establishment of the National Smart Ticketing Advisory Board is a well-considered, necessary and proportionate measure as informed by the 'Future of Smart Ticketing' consultation which ran in 2017 and informed the Transport (Scotland) Act 2019. The Transport (Scotland) Act 2019 imposes a legal requirement on the Scottish Ministers to establish an advisory committee to be known as the National Smart Ticketing Advisory Board.</p> <p>The Board will advise on the development of a technological standard for smart ticketing and the smart ticketing strategy for Scotland. This will help to improve the quality, availability and integration of smart ticketing.</p>

	Questions	Comments
	<p>and if so why were these options rejected?</p> <p>Are there any potential unintended consequences with regards to the provisions e.g., would the provisions result in unintended surveillance or profiling?</p> <p>Have you considered whether the intended processing will have appropriate safeguards in place? If so briefly explain the nature of those safeguards and how any safeguards ensure the balance of any competing interests in relation to the processing.</p>	<p>Other options were considered, including doing nothing and 'doing something' without legislation. These were discounted as they were not deemed suitable enough to result in the necessary change.</p> <p>We have identified the required level of personal data necessary to run an appointment process. Whilst we have used application templates from the Public Appointments Team, we have made sure to remove all the personal data requests that are not necessary for our appointment process (in part due to NSTAB appointments not being regulated by the Commissioner for Ethical Standards in Public Life in Scotland). As such, we are collecting the minimum amount necessary.</p> <p>To avoid competing interests, when the application forms are shared with the selection panel, all information in the 'personal information' section will be removed to remove any potential risks of discrimination from the personal data.</p> <p>Data about sex will only be made available if there are two or more equally qualified candidates, where one is a man and another is a woman, and only if NSTAB is added to the Gender Representation on Public Boards (Scotland) Act 2018.</p> <p>We will continue to review the personal data that is collected, and how it is shared.</p> <p>There is not expected to be any need to carry out surveillance or profiling.</p>
2.5	<p>Will the implementation be accompanied by guidance or by an associated Code of Conduct?</p> <p>If the latter, what will be the status of the Code of Conduct? (statutory or voluntary?)</p>	<p>A Code of Conduct will be drafted and agreed with members of the Board. It is intended that this will be statutory.</p>

### 3. Data Controllers

Organisation		Transport Scotland	
Activities		Scottish Government transport agency	
Is the organisation a public authority or body as set out in Part 2, Chapter 2, Section 7 of the Data Protection Act 2018?		Yes	
Lawful basis for processing under UK General Data Protection Regulation (UK GDPR) Article 6 for the collection and sharing of personal data – general processing	<p>UK GDPR Article 6(1)(e) Public Task - processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.</p> <p>The establishment of the National Smart Ticketing Advisory Board is a legal requirement imposed on the Scottish Ministers by the Transport (Scotland) Act 2019.</p>	<p>Lawful basis for processing under UK General Data Protection Regulation (UK GDPR) Article 9 – special category data or Article 10 – criminal convictions data</p> <p>Include condition from Schedule 1 or 2 of the Data Protection Act 2018</p>	No special category data being collected
Law Enforcement – if any law enforcement processing will take place – lawful basis for processing under Part 3 of the Data Protection Act 2018	No	Legal gateway for any sharing of personal data between organisations	Data is not being shared between organisations.

#### 4. Consultation

	Questions	Comments
4.1	<p>Have you consulted with the ICO using the Article 36(4) form?</p> <p>(please provide a link to it)</p> <p>If the ICO has provided feedback, please include this.</p>	<p>Yes, the ICO identified that no further consultation was required.</p> <p>Article 36(4) form <a href="#">LINK</a> – <b>Link only accessible internal to Scottish Government / Transport Scotland.</b></p> <p>ICO response <a href="#">LINK</a> - <b>Link only accessible internal to Scottish Government / Transport Scotland.</b></p>
4.2	<p>Do you need to hold a public consultation and if so has this taken place? What was the result?</p>	<p>Yes a consultation was held with the help of membership of the Board (<a href="#">LINK</a>). The consultation analysis identified the recommendations for the basis of the secondary legislation.</p>
4.3	<p>Were there any Comments/feedback from the public consultation about privacy, information or data protection?</p>	<p>No</p>

#### 5. Further assessment and risk identification

	Question	Comments
5.1	<p>Will the proposal require the creation of new identifiers, or require the use of existing ones?</p>	<p>No</p>
5.2	<p>Will the proposal require regulation of:</p> <ul style="list-style-type: none"> <li>• technology relating to processing</li> <li>• behaviour of individuals using technology</li> <li>• technology suppliers</li> <li>• technology infrastructure</li> <li>• information security</li> </ul>	<p>No</p>
5.3	<p>Will the proposal require establishing or change to operation of an established public register (e.g. Accountancy in Bankruptcy, Land Register etc.) or other online service/s?</p>	<p>No</p>
5.4	<p>Please provide details of whether the proposal will involve the collection or storage of data to be</p>	<p>N/A</p>

	<b>Question</b>	<b>Comments</b>
	used as evidence or use of investigatory powers (e.g.in relation to fraud, identify theft, misuse of public funds, any possible criminal activity, witness information, victim information or other monitoring of online behaviour)	
<b>5.5</b>	Would the proposal have an impact on a specific group of persons e.g. children, vulnerable individuals, disabled persons, persons with health issues, persons with financial difficulties, elderly people? (Please specify) In what way?	No
<b>5.6</b>	<p>Is there anything potentially controversial or of significant public interest in the policy proposal as it relates to processing of data? For example, is the public likely to views the measures as intrusive or onerous?</p> <p>Are there any potential unintended consequences with regards to the provisions e.g. would the provisions result in unintended surveillance or profiling.</p> <p>Have you considered whether the intended processing will have appropriate safeguards in place? If so briefly explain the nature of those safeguards and how any safeguards ensure the balance of any competing interests in relation to the processing.</p>	<p>No</p> <p>No</p> <p>To avoid competing interests, when the application forms are shared with the selection panel, all information in the 'personal information' section will be removed to remove any potential risks of discrimination from the personal data.</p>
<b>5.7</b>	Are there consequential changes to in other legislation that need to be considered as a result of the proposal or the need to make further subordinate legislation to achieve the aim?	Yes – The National Smart Ticketing Advisory Board will advise on the development of a technological standard for smart ticketing. As such, it is likely legislation will be required to establish the technological standard.



	<b>Question</b>	<b>Comments</b>
<b>5.8</b>	Will this proposal necessitate an associated Code of Conduct? If so, what will be the status of the Code of Conduct (statutory, voluntary etc.)?	Yes – statutory if the Board is added to the Ethical Standards in Public Life etc. (Scotland) Act 2000
<b>5.9</b>	<p>Have you considered whether the intended processing will have appropriate safeguards in place, for example in relation to data security, limitation of storage time, anonymisation? If so briefly explain the nature of those safeguards</p> <p>Please indicate how any safeguards ensure the balance of any competing interests in relation to the processing.</p>	<p>Personal data will be held via the following documents:</p> <ol style="list-style-type: none"> <li>1. Application form</li> <li>2. Payment information</li> </ol> <p>Application forms will be stored in a password protected folder on the Scottish Government’s secure file storage system, eRDM. The only people with access to the folder will be those directly involved in managing the application process. Application forms will contain names, but the file names will be anonymised so it is not possible to identify personal data before accessing the file. The personal information in the application forms will be deleted after 1 year of the application process being completed.</p> <p>Payment information will be held by the Scottish Governments payroll system and will also contain the respective person’s name. Payroll information will be deleted as soon as it is passed to SG Payroll team or the respective person no longer holds a position on the Board.</p>
<b>5.10</b>	Will the processing of personal data as a result of the proposal have an impact on decisions made about individuals, groups or categories of persons? If so, please explain the potential or actual impact. This may include, for example, a denial of an individual’s rights or use of social profiling to inform policy making.	<p>The Minister for Transport has an expectation that public Boards will achieve the gender representation objective where possible.</p> <p>As such, we intend to collect sex data as it is the intention that NSTAB will be added to the Gender Representation on Public Boards (Scotland) Act 2018.</p>

	<b>Question</b>	<b>Comments</b>
<b>5.11</b>	Will the proposal include automated decision making/profiling of individuals using their personal data?	No
<b>5.12</b>	Will the proposal require the transfer of personal data to a 'third country'? (Under UK GDPR this is defined as country outside the UK.)	No

## 6. Risk Assessment

<add extra rows to the table as necessary>

Risk	Solution or mitigation	Likelihood (Low/Med/High)	Severity (Red/Amber Green)	Result
<p><b>6.1.1 Risk to individual rights</b></p> <ul style="list-style-type: none"> <li>• <b>right</b> to be informed</li> <li>• <b>right</b> of access</li> <li>• <b>right</b> to rectification</li> <li>• <b>right</b> to erasure</li> <li>• <b>right</b> to restrict processing</li> <li>• <b>right</b> to <b>data</b> portability</li> <li>• <b>right</b> to object</li> <li>• <b>rights</b> in relation to automated decision making and profiling</li> </ul> <p>Will this initiative result in any detriment if individuals do not want their personal data to be processed? This is particularly relevant if special category data is being processed</p>	<p>We will make applicants aware that they can request any personal information we hold about them on the system with regards to the National Smart Ticketing Advisory Board.</p> <p>Individuals will be able to request any changes to the data in line with their rights – as identified to the left.</p>	Low	Green	Reduced
<p><b>6.2.1 Privacy risks</b></p> <p>Purpose limitation</p>	<p>The data being requested is essential to carry out the</p>	Low	Green	Reduced

Risk	Solution or mitigation	Likelihood (Low/Med/High)	Severity (Red/Amber Green)	Result
	<p>appointment process, including payroll information.</p> <p>We have identified that there could be a need to additionally ask for sex data, but only if NSTAB to be added to the Gender Representation on Public Boards (Scotland) Act 2018.</p>			
<p><b>6.2.2 Privacy risks</b></p> <p>Transparency – data subjects may not be informed about the purposes and lawful basis for the processing, and their rights</p>	<p>The application form will include a list of the personal information being collected and explain how it will be stored and deleted.</p>	Low	Green	Reduced
<p><b>6.2.3 Privacy risks</b></p> <p>Minimisation and necessity</p>	<p>We have identified that there is no need to collect special category data.</p>	Low	Green	Mitigated
<p><b>6.2.4 Privacy risks</b></p> <p>Accuracy of personal data</p>	<p>Personal data will be inputted by the respective person themselves.</p>	Low	Green	Reduced
<p><b>6.3.1 Security risks</b></p> <p>Keeping data securely</p>	<p>Personal data will be contained in the application forms and will be held in a password protected folder on</p>	Low	Green	Reduced

Risk	Solution or mitigation	Likelihood (Low/Med/High)	Severity (Red/Amber Green)	Result
Retention	<p>eRDM. It will not be stored in any other location.</p> <p>Personal information in the application forms will be deleted a year after the application process.</p> <p>Payroll information will be held securely by SG Payroll and deleted when the respective person is no longer appointed on NSTAB.</p>			
<p><b>6.3.2 Security risks</b></p> <p>Transfer – data may be lost in transit</p>	<p>Data will be moved minimally – only one transfer from the applicant's own system to the secure Scottish Government eRDM system where the form will remain.</p> <p>Payroll information will also be moved minimally and in line with SG's payroll process.</p>	Low	Green	Reduced

## Data Protection Officer (DPO)

The DPO may give additional advice, please indicate how this has been actioned.

Advice from DPO	Action
I am content that privacy risks for this processing have been considered and appropriate actions have been identified to minimise the risks to the rights and freedoms of individuals. I have noted the confirmation from the ICO that they do not require to consult further with us on this processing under Article 36(4)	Legislative DPIA to be signed off by the IAO and then stored in eRDM for the corporate record.

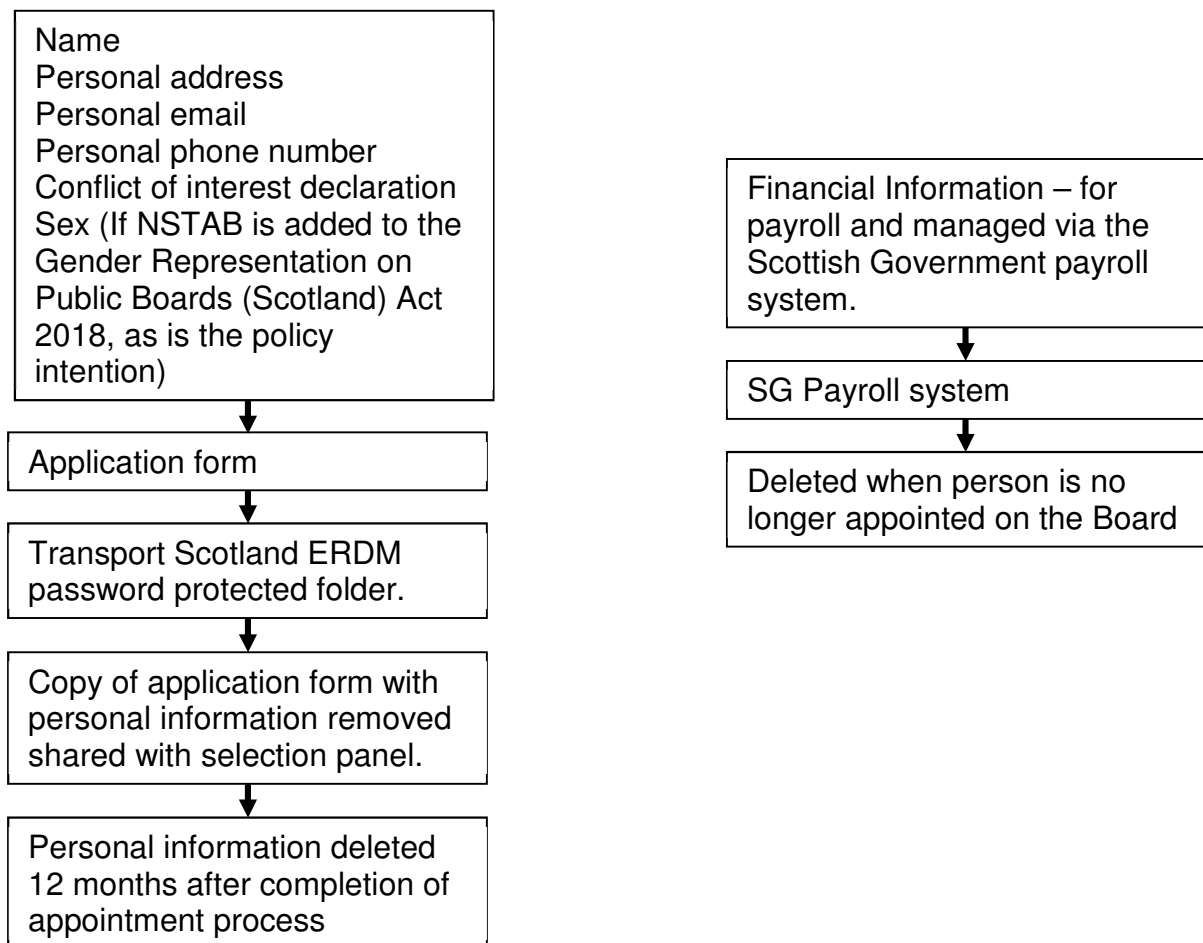
**I confirm that the establishing the National Smart Ticketing Advisory Board has been sufficiently assessed in compliance with the requirements of the UKGDPR and Data Protection Act 2018**

Name and job title of a IAO or equivalent	Date each version authorised
Bettina Sizeland  Director bus, Accessibility and Active travel	28/02/23

## Annex A – Copy of/link to accompanying guidance/Code of Conduct

In development – please contact Transport Scotland to discuss the development of this draft.

## Annex B – Data flow map



**ANNEX C – copy of Privacy Notice (if applicable)**

Privacy info contained within application form:

**Extract from the NSTAB application form:**

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***Application to: Transport Scotland***

*Application for appointment as: **Board Member of the National Smart Ticketing Advisory Board***

*Closing date for receipt of applications is TBC at 5pm.*

**Completed applications can be returned electronically to:**  
[NSTAB@transport.gov.scot](mailto:NSTAB@transport.gov.scot)

*Please note that the Personal Information section of the application form will not be made available to the selection panel. The monitoring part of the application form will only be made available to the selection panel in the event of candidate assessment being tied, in line with the Gender Representation on Public Boards (Scotland) Act 2018.*

*This personal information will be held securely by the Scottish Government and removed at the end of the appointment process. The information will be retained but anonymised and aggregated for monitoring purposes. Individuals have the right to request the data held about them in relation to the National Smart Ticketing Advisory Board.*

*Your form will be prepared for the panel. It is important that it is **legible**. Please complete this form electronically or if hand-written, in **black ink**.*

<b>Personal Information</b>	
<b>Last Name:</b>	<b>Title:</b>
<b>First Name(s):</b> (please underline the name you are known by)	
<b>Home Address:</b>	
<b>Post Code:</b>	
<b>Telephone number:</b>	



**Email:**

**Address for  
Correspondence (if  
different from above):**

**Post Code:**

### **Declaration**

*Transport Scotland and Scottish Ministers must be provided with sufficient information and evidence to enable them to feel confident that the person they are appointing to the board of a public body is a fit and proper person to take up appointment.*

*By virtue of submitting this completed form, I declare that the information I have given in support of my application is, to the best of my knowledge and belief, true and complete. I understand that, if it is subsequently discovered that any statement is false or misleading, or that I have withheld relevant information, my application may be disqualified.*

*Under the terms of General Data Protection Regulation (GDPR), I agree that the information given in the personal information section of my application may be processed to provide management information for appointment monitoring purposes. I understand that my personal details (only name and other information as specifically requested by Transport Scotland) will not be made available publicly unless I am appointed.*

*I have read and understood the above declaration and agree to these terms.*

**Signed**

**Date**

### **Monitoring Form**

*The monitoring part of the application form will only be made available to the selection panel in the event of candidate assessment being tied, in line with the Gender Representation on Public Boards (Scotland) Act 2018. The information will be retained but anonymised and aggregated for monitoring purposes.*

### **Why complete this form?**

*The transport industry is imbalanced in terms of gender, as such, completing the monitoring form allows us to understand the type of applications received, and for*

*the Board to operate to the Gender Representation on Public Boards (Scotland) Act 2018.*

***You should only select one box***

***Question 1 – What is your sex?***

- Male*
- Female*
- Prefer not to say*

*Name:*

*Date:*

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