



Equality and Human Rights Impact Assessment - the Form

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, **proposal** should be understood broadly to include the full range of our activities and could refer to a decision, policy, strategy, plan, procedure, report or business case, embracing a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Essentially everything we do!

STEP 1: Identify essential information

1. Committee Report No.

2. Name of proposal.

3. Officer(s) completing this form.

Name	Designation	Service	Directorate
Caroline Anderson	Records Manager	Customer Service and Performance	Corporate Governance

4. Date of Impact Assessment.

5. When is the proposal next due for review?

6. Committee Name.

7. Date the Committee is due to meet.

8. Identify the Lead Council Service and who else is involved in delivering this proposal (for example other Council services or partner agencies).

Customer Service and Performance, Head of Service, Senior Information Risk Owner (SIRO).

9. Please summarise this Equality and Human Rights Impact Assessment (EHRIA). This must include any practical actions you intend to take or have taken to reduce, justify or remove any adverse negative impacts. This must also include a summary of how this proposal complies with the public sector equality duty for people with protected characteristics - see Step 2. **Please return to this question after completing the EHRIA.**

Approval and implementation of the Information Management Strategy and Improvement Programme sets out a developmental approach and framework in which the Council will coordinate more efficient ways of maximising the benefits from its information assets, by managing them more effectively, re-using and utilising where viable, sharing where possible and at the same time protecting accordingly. This framework will ensure a cohesive programme of continuous improvement that supports how the Council implements the future planning of corporate information management systems and practice which meet all business, legislative and statutory requirements across all identified domains. Accountability, governance and scrutiny of public authority spending and service delivery have increased across the public, political and legislative landscape. It is imperative that the Council has the proper controls and management in place to minimise any risks associated within this environment and provide appropriate monitoring and performance progress reports to senior management.

10. Where will you publish the results of the Equality and Human Rights Impact Assessment? Tick which applies.

- Para 9 of EHRIA will be published in committee report in Section 6 "Impact"
- Full EHRIA will be attached to the committee report as an appendix
- Copied to Equalities Team to publish on the Council website

STEP 2: Outline the aims of the proposal

11. What are the main aims of the proposal?

The revised Information Management Strategy and Improvement Programme with its extended scope will ensure the Council continues to develop a fit-for-purpose framework for the appropriate governance of all information assets that will provide business efficiencies, whilst ensuring business continuity and risk management. In the longer term, it will provide the Council with an infrastructure for managing all information assets that is fit-for-purpose, consistent, and flexible to meet the variety of business activities carried out by the Council now and in the future.

12. Who will benefit most from the proposal?

- All council staff and Elected members;
- All individuals accessing their right to request and access information through legislative channels:
 - Freedom of Information (Scotland) 2002 Act (FOISA);
 - Data Protection Act 1998 (DPA);
 - Environmental Information (Scotland) Regulations 2004 (EIR)

13. You should assess the impact of your proposal on equality groups and tell us how implementing this proposal will impact on the needs of the public sector equality duty to: eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations.

The adoption of this revised Information Management Strategy will ensure that the council can confidently manage their information assets throughout their lifecycle; retrieve and account for these assets required to evidence decisions and operate their business in an open and transparent way, meeting FOISA, DPA and EIR compliance including the recent Public Records (Scotland) Act 2011 which came into force January 2013. This strategy will also provide strong foundations to foster positive relations with customers providing them with the appropriate access to that information from an organisational culture that is confident about the access and protection requirements of the information held.

STEP 3: Gather and consider evidence

15. What **evidence** is there to identify any potential positive or negative impacts in terms of involvement, consultation, research, officer knowledge and experience, equality monitoring data, user feedback and other? You must consider relevant evidence, including evidence from equality groups.

Monthly/annual monitoring and evaluation and reporting of implementing the Information Management Improvement Programme, by domain and corporately across Service areas.

STEP 4: Assess likely impacts on people with Protected Characteristics

16. Which, if any, people with protected characteristics and others could be affected positively or negatively by this proposal? Place the symbol in the relevant box. Be aware of cross-cutting issues, such as older women with a disability experiencing poverty and isolation.

(Positive +, neutral 0, - negative)

Protected Characteristics					
Age - Younger	+	Disability	+	Gender Reassignment*	0
Older					

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Marriage or Civil Partnership	0	Pregnancy and Maternity	0	Race**	0
Religion or Belief	0	Sex (gender)***	0	Sexual orientation****	0
Others e.g. poverty	+				

Notes:

- * Gender Reassignment includes Transsexual
- ** Race includes Gypsy/Travellers
- *** Sex (gender) i.e. men, women
- **** Sexual orientation includes LGB: Lesbian, Gay and Bisexual

17. Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above.

In making the assessment you must consider relevant evidence, including evidence received from individuals and equality groups. Having considered all of these elements, you must take account of the results of such assessments. This requires you to consider taking action to address any issues identified, such as removing or mitigating any negative impacts, where possible, and exploiting any potential for positive impact. If any adverse impact amounts to **unlawful discrimination**, the policy must be amended to avert this. Detail the impacts and describe those affected.

<p>Positive impacts (describe protected characteristics affected)</p> <p>Overall, this will have a positive impact on all groups as the aim of the policy is to make information more readily and easily accessible to the public.</p>	<p>Negative Impacts (describe protected characteristics affected)</p> <p>There may still be negative impacts for some equality groups as they try to follow this procedure, for example, people with literacy challenges including Gypsies/Travellers, people with sensory, physical and learning disabilities and people whose first language is not English.</p> <p>Actions will be put in place to overcome these barriers, for example, use of Plain English, and if / when producing publicity material will include community languages.</p>
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STEP 5: Human Rights - Apply the three key assessment tests for compliance assurance

18. Does this proposal/policy/procedure have the potential to interfere with an individual's rights as set out in the Human Rights Act 1998? State which rights might be affected by ticking the appropriate box(es) and saying how. **If you answer "no", go straight to question 22.**

- Article 3 – Right not to be subjected to torture, inhumane or degrading treatment or punishment
- Article 6 – Right to a fair and public hearing
- Article 8 – Right to respect for private and family life, home and correspondence
- Article 10 – freedom of expression
- Other article not listed above

How?

Article 10 of the HRA provides 'a qualified right' to receive information and recognises that in some situations the right to receive information may be restricted. FOISA, DPA and EIR sets out the general right to access information however, information may be withheld by a public authority under FOISA and DPA where an exemption, or in the case of EIR an exception applies.

Legality

19. Where there is a potential negative impact is there a legal basis in the relevant domestic law?

Yes, FOISA, DPA and EIR sets out the right to access information which is balanced against the need in certain circumstances for information to be withheld.

Legitimate aim

20. Is the aim of the policy identified in Steps 1 and 2 a legitimate aim being served in terms of the relevant equality legislation or the Human Rights Act?

Yes, the Strategy reinforces the Council's duties and obligations under all legislation cited above.

Proportionality

21. Is the impact of the policy proportionate to the legitimate aim being pursued? Is it the minimum necessary interference to achieve the legitimate aim?

Yes, the Strategy applies to all staff and elected members (in certain situations).

STEP 6: Monitor and review

22. How will you monitor the implementation of the proposal? (For example, customer satisfaction questionnaires)

Monitoring will be conducted through the implementation of the Information Management Strategy Improvement Programme via representatives from each domain coordinated by the Senior Information Risk Officer within the Information Strategy Governance Group already formed. This will ensure that all domains have a documented Service Plan for how their domain plan to deliver the maturity levels required to manage all corporate information assets, to enable all business information assets to be held according to legal and statutory standards, business or historical requirements, and that only those information assets required to be held and processed in the appropriate environment, destroyed in the appropriate way and therefore accounted for in a manner that conforms to records management standard ISO 15489, Legal Admissibility BS 10008, ICT Security ISO 27001/02, Information Security Risk Management BS7799, FOISA, DPA, EIR and the Local Government Act 1994.

23. How will the results of this impact assessment and any further monitoring be used to develop the proposal?

All results will be used to inform the Information Management Governance Group regarding progress, and gaps/issues with implementing the Strategy and Improvement Programme to inform future planning.

STEP 7 SIGN OFF

The final stage of the EHRIA is formally to sign off the document as being a complete, rigorous and robust assessment.

Person(s) completing the impact assessment.

Name	Date	Signature
Caroline Anderson	4 August 2014	

Quality check: document has been checked by

Name	Date	Signature
Sandra Bruce	4 August 2014	

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Head of Service (Sign-off)

Name	Date	Signature
Paul Fleming	4 August 2014	

Now –

Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal to:

Equalities Team
Customer Service and Performance
Corporate Governance
Aberdeen City Council
Business Hub 13
Second Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Telephone 01224 523039 Email sandrab@aberdeencity.gov.uk