

Equality Impact Assessment (supporting guidance available)

Action Plan

This section is completed at the end of the Equality Impact Assessment. Due to the importance of embedding equality in SQA through our actions the Action Plan will be the focus and record of ongoing actions.

Agreed Schedule Review Date	Dec 2024	Additional Schedule Review Date	N/A
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Explain how you will monitor and record the actual impact on equality groups, including how the evidence can be revisited to measure the actual impact.

Required Actions	Owner	Date	Comment & Review
Actions taken to monitor the implementation of policy and the impact on equality groups (evidence and consultation)			[ONGOING RECORD]
<p>This policy will be reviewed by the Data Protection and Records Manager every 2 years, unless required sooner by operational or legislative change, to ensure that it remains fit for purpose.</p> <p>Updates will be made to the policy where necessary as a result of that review.</p>	Data Protection & Records Manager	Dec 2024	

Identified Actions	General Equality Duty	Owner	Date	Comment & Review
Publication of policy and equality impact assessment	Advance equality of opportunity	Data Protection & Records Manager	Dec 2022	
Communication of policy to staff with reference to other related policies and staff privacy notice to facilitate their understanding of how their personal data is processed by SQA.	Advance equality of opportunity Foster good relations	Data Protection & Records Manager	Dec 2022	

Policy Aims

Name of Policy or practice	Data Protection Policy
New Policy or Revision	Revision
Name of Policy Owner	Director of Finance and Corporate Services Data Protection and Records Manager (policy author)
Date Policy Owner Confirmed Completion	November 2022

What is the rationale for this policy or practice?
<p>The purpose of this policy is to provide a framework to support SQA's compliance with data protection laws, providing staff with enough direction to understand their roles and responsibilities regarding data protection, as well as to demonstrate SQA's compliance.</p> <p>It explains SQA's procedures for complying with the data protection principles (Article 5 UK GDPR) when processing personal data to make all users of personal data aware of SQA's legal obligations for processing personal data and of their individual responsibilities. It aims to ensure that personal data is processed in accordance with the requirements of data protection law and that data subjects' personal data and their associated rights regarding their personal data are protected. That all SQA appointed users of personal data understand and comply with the requirements of the UK's data protection laws and this policy when processing this data.</p>

The policy will be published on SQA's intranet ensuring it is available to all SQA staff. It should be read alongside SQA's Processing Special Category and Criminal Offence Data policy.

What evidence is there to support the implementation or development of this policy or practice?

This policy explains SQA's procedures for complying with the data protection principles (Article 5 UK GDPR) when processing personal data and provides evidence of the measures that are in place to ensure compliance, in accordance with the principle of Accountability.

It is an expectation of the ICO, and detailed in their accountability framework, that an organisation's policies and procedures provide their staff with enough direction to understand their roles and responsibilities regarding data protection. Having a data protection policy is a means of meeting that expectation.

[Accountability Framework | ICO](#)

What are the aims of this policy or practice?

This policy:

- provides a framework to support SQA's compliance with data protection law, in particular complying with the data protection principles (Article 5 UK GDPR) when processing personal data and
- aims to ensure personal data is processed lawfully and fairly by SQA by ensuring that all SQA appointed users of personal data understand and comply with the requirements of the UK's data protection laws and this policy when processing this data.

How is the content of these aims relevant to equality groups?

Personal data processed by SQA will include data relevant to equality groups.

Evidence, Consultation and Engagement

What stakeholders have you engaged with in the development of this policy or practice?

The policy was shared with representatives from SQA's unions (Unite and Unison) [feedback pending] and consultation was undertaken with staff network groups.

[To date] No issues were identified to the policy owner in respect of the content or potential impact of the policy.

Information has previously been gathered from colleagues across SQA on the collection and use of personal data which has informed this policy.

UK General Data Protection Regulation (Article 5 in particular) and Data Protection Act 2018.

Both pieces of legislation create requirements that SQA is obliged to act upon in relation to the processing of personal data.

Public sector equality duty and data protection guidance produced by the Equality and Human Rights Commission was consulted. This provided information on meeting the requirements of the public sector equality duty and data protection legislation however, it did not provide any additional information regarding the impact of the policy.

What evidence about equality groups do you have to support this assessment?

**Age
Disability
Race
Religion or Belief
Sex
Sexual
Orientation
Gender Re-
assignment
(Gender identity
and transgender)
Marriage/Civil
Partnership
Pregnancy /
Maternity
Care experience
(where relevant)**

This policy acts as a framework for the processing of personal data. The policy itself does not require personal data to be processed but rather sets out the requirements for doing so when that processing is necessary. As well as setting out the rights that individuals have in relation to their personal data.

As a result, data or wider evidence is not captured nor wider monitoring of this policy undertaken on equality groups as the policy itself does not directly impact on equality groups. This policy sets out the requirements for the processing of personal data.

The monitoring of the impact of individual policies and processes on equality groups remains the responsibility of individual policy/process owners; however, it would not be expected that the individual processing of personal data would be equality impact assessed but would be included in the overall approach to equality impact assessing that area.

Overall, an inference could be drawn that there may be a perceived positive impact on equality groups by ensuring that where personal data is processed, and this relates to protected characteristics, that this is undertaken lawfully, fairly, and transparently. Individual rights which are detailed in this policy may also be perceived to have a positive impact on equality groups, particularly where these relate to rectification and/or erasure of personal data.

The policy will be communicated to all SQA staff to make clear the requirements they must comply with when processing or considering processing personal data.

Impact and Opportunities for Action

The impact that a policy or practice has on an equality group may be different and this requires to be recorded. The impact may not always be negative. Actions are taken to address any differential impact, and include actions to mitigate against any negative impact, to advance equality and to foster good relations between groups.

Each section contains questions for each equality group. These questions are here to support consideration; however, you can provide further detail. Focus initially on the equality groups that would be affected by this policy. If you do not consider that certain equality groups would be affected by this policy, you may leave these sections.

Protected Characteristic	General Equality Duty
Age	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	The policy explains SQA's procedures for complying with the data protection principles when processing personal data and makes clear the requirement for anyone processing this data to do so in accordance with the data protection principles and SQA's procedures. It aims to ensure that personal data is processed where necessary, for a specified purpose(s) and transparently. Therefore, reducing the likelihood and impact of inappropriate processing. These requirements apply equally to all data subjects, including equality groups. Data protection law and this policy also require equality of access to data subject rights.
	Advance equality of opportunity
	It may be inferred that this policy supports the advancement of equality of opportunity for this equality group as clear requirements are in place across the organisation for the processing of personal data and in the application of individual rights. It is inferred that this could result in the further sharing of personal data by someone with this Protected Characteristic which may lead to more informed evidence being used across the organisation to inform policy development and overall strategic decision making.
	Foster good relations

Protected Characteristic	General Equality Duty
Disability	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	<p>The policy explains SQA's procedures for complying with the data protection principles when processing personal data and makes clear the requirement for anyone processing this data to do so in accordance with the data protection principles and SQA's procedures. It aims to ensure that personal data is processed where necessary, for a specified purpose(s) and transparently. Therefore, reducing the likelihood and impact of inappropriate processing. These requirements apply equally to all data subjects, including equality groups. Data protection law and this policy also require equality of access to data subject rights.</p> <p>The processing of personal data related to this Protected Characteristic is also covered by the Processing Special Category and Criminal Offence Data policy. This policy requires additional safeguards data about this protected characteristic is processed. Users of personal data must comply with both policies.</p> <p>The format/content of the policy has been reviewed and amended for accessibility.</p>
	Advance equality of opportunity
	It may be inferred that this policy supports the advancement of equality of opportunity for this equality group as clear requirements are in place across the organisation for the processing of personal data and in the application of individual rights. It is inferred that this could result in the further sharing of personal data by someone with this Protected Characteristic which may lead to more informed evidence being used across the organisation to inform policy development and overall strategic decision making.
	Foster good relations
Protected Characteristic	General Equality Duty
Race	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010

	<p>The policy explains SQA’s procedures for complying with the data protection principles when processing personal data and makes clear the requirement for anyone processing this data to do so in accordance with the data protection principles and SQA’s procedures. It aims to ensure that personal data is processed where necessary, for a specified purpose(s) and transparently. Therefore, reducing the likelihood and impact of inappropriate processing. These requirements apply equally to all data subjects, including equality groups. Data protection law and this policy also require equality of access to data subject rights.</p> <p>The processing of personal data related to this Protected Characteristic is also covered by the Processing Special Category and Criminal Offence Data policy. This policy requires additional safeguards data about this protected characteristic is processed. Users of personal data must comply with both policies.</p>
	<p>Advance equality of opportunity</p>
	<p>It may be inferred that this policy supports the advancement of equality of opportunity for this equality group as clear requirements are in place across the organisation for the processing of special category personal data. It is inferred that this will result in the further sharing of special category personal data by someone with this Protected Characteristic which may lead to more informed evidence being used across the organisation to inform policy development and overall strategic decision making.</p>
	<p>Foster good relations</p>
<p>Protected Characteristic</p>	<p>General Equality Duty</p>
<p>Religion or Belief</p>	<p style="text-align: center;">Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p>The policy explains SQA’s procedures for complying with the data protection principles when processing personal data and makes clear the requirement for anyone processing this data to do so in accordance with the data protection principles and SQA’s procedures. It aims to ensure that personal data is processed where necessary, for a specified purpose(s) and transparently. Therefore, reducing the likelihood and impact of inappropriate processing. These requirements apply equally to all data subjects, including equality groups. Data protection law and this policy also require equality of access to data subject rights.</p>

	<p>The processing of personal data related to this Protected Characteristic is also covered by the Processing Special Category and Criminal Offence Data policy. This policy requires additional safeguards data about this protected characteristic is processed. Users of personal data must comply with both policies.</p>
	<p>Advance equality of opportunity</p>
	<p>It may be inferred that this policy supports the advancement of equality of opportunity for this equality group as clear requirements are in place across the organisation for the processing of personal data and in the application of individual rights. It is inferred that this could result in the further sharing of personal data by someone with this Protected Characteristic which may lead to more informed evidence being used across the organisation to inform policy development and overall strategic decision making.</p>
	<p>Foster good relations</p>
Protected Characteristic	<p>General Equality Duty</p>
Sex	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p>
	<p>The policy explains SQA's procedures for complying with the data protection principles when processing personal data and makes clear the requirement for anyone processing this data to do so in accordance with the data protection principles and SQA's procedures. It aims to ensure that personal data is processed where necessary, for a specified purpose(s) and transparently. Therefore, reducing the likelihood and impact of inappropriate processing. These requirements apply equally to all data subjects, including equality groups. Data protection law and this policy also require equality of access to data subject rights.</p>
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	<p>Foster good relations</p>

Protected Characteristic	General Equality Duty
Sexual Orientation	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	<p>The policy explains SQA's procedures for complying with the data protection principles when processing personal data and makes clear the requirement for anyone processing this data to do so in accordance with the data protection principles and SQA's procedures. It aims to ensure that personal data is processed where necessary, for a specified purpose(s) and transparently. Therefore, reducing the likelihood and impact of inappropriate processing. These requirements apply equally to all data subjects, including equality groups. Data protection law and this policy also require equality of access to data subject rights.</p> <p>The processing of personal data related to this Protected Characteristic is also covered by the Processing Special Category and Criminal Offence Data policy. This policy requires additional safeguards data about this protected characteristic is processed. Users of personal data must comply with both policies.</p>
	Advance equality of opportunity
	It may be inferred that this policy supports the advancement of equality of opportunity for this equality group as clear requirements are in place across the organisation for the processing of personal data and in the application of individual rights. It is inferred that this could result in the further sharing of personal data by someone with this Protected Characteristic which may lead to more informed evidence being used across the organisation to inform policy development and overall strategic decision making.
	Foster good relations
Protected Characteristic	General Equality Duty
Gender Re-assignment	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010

(Gender identity and transgender)	<p>The policy explains SQA's procedures for complying with the data protection principles when processing personal data and makes clear the requirement for anyone processing this data to do so in accordance with the data protection principles and SQA's procedures. It aims to ensure that personal data is processed where necessary, for a specified purpose(s) and transparently. Therefore, reducing the likelihood and impact of inappropriate processing. These requirements apply equally to all data subjects, including equality groups. Data protection law and this policy also require equality of access to data subject rights.</p> <p>The processing of personal data related to this Protected Characteristic is also covered by the Processing Special Category and Criminal Offence Data policy. This policy requires additional safeguards data about this protected characteristic is processed. Users of personal data must comply with both policies.</p>
	Advance equality of opportunity
	<p>It may be inferred that this policy supports the advancement of equality of opportunity for this equality group as clear requirements are in place across the organisation for the processing of personal data and in the application of individual rights. It is inferred that this could result in the further sharing of personal data by someone with this Protected Characteristic which may lead to more informed evidence being used across the organisation to inform policy development and overall strategic decision making.</p>
	Foster good relations
Protected Characteristic	General Equality Duty
Marriage/Civil Partnership	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p>The policy explains SQA's procedures for complying with the data protection principles when processing personal data and makes clear the requirement for anyone processing this data to do so in accordance with the data protection principles and SQA's procedures. It aims to ensure that personal data is processed where necessary, for a specified purpose(s) and transparently. Therefore, reducing the likelihood and impact of inappropriate processing. These requirements apply equally to all data subjects, including equality groups. Data protection law and this policy also require equality of access to data subject rights.</p>

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	Foster good relations
Protected Characteristic	General Equality Duty
Pregnancy / Maternity	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
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	The processing of personal data related to this Protected Characteristic is also covered by the Processing Special Category and Criminal Offence Data policy. This policy requires additional safeguards data about this protected characteristic is processed. Users of personal data must comply with both policies.
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	Foster good relations

Considered by SQA	General Equality Duty
Care experience (where relevant)	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
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	Advance equality of opportunity
	It may be inferred that this policy supports the advancement of equality of opportunity for this equality group as clear requirements are in place across the organisation for the processing of personal data and in the application of individual rights. It is inferred that this could result in the further sharing of personal data by someone with this Protected Characteristic which may lead to more informed evidence being used across the organisation to inform policy development and overall strategic decision making.
	Foster good relations

Rationale

If you are proceeding with a decision that may have a negative impact and are not putting in place actions to mitigate against this, please explain how this is objectively justified.
No negative impact has been identified for any equality group based on the rationale previously provided.