



Information Commissioner's Office
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Privacy Impact Assessments Project - Invitation to bid

Outline

The Information Commissioner, Richard Thomas, is inviting bids to assist with his work developing the use of privacy impact assessments (PIAs) in the United Kingdom. The Commissioner wants to learn from the experience of their use in other countries, profiting from this in the development of a privacy impact assessment methodology for the UK. The project will include a review of the use of PIAs in other countries, the lessons to be learned from how these are undertaken and the development of a methodology for undertaking PIAs in the UK's data protection regulatory framework. A further component of the project is developing a user friendly PIA handbook for use by practitioners. This element of the project may be awarded separately.

Aim

The aim is to provide the Information Commissioner with a report which acts as a sound basis from which he can encourage the use of PIAs in the UK and provide policy developers and practitioners with practical guidance on the most effective ways to undertake PIAs. The aim is to try to ensure that those involved in developments which involve uses of personal information consider the privacy and data protection compliance impact at the development stage, identifying and deploying less privacy intrusive means of achieving their objectives where these are available. This will also help reduce data protection non compliance risks at the same time. The aim is to learn from the experience in other countries where PIAs are a more common feature of the regulatory landscape and build on this to provide an effective PIA methodology for the UK. The methodology should provide a sound, effective basis for taking forward PIAs in practice, identifying the necessary features of a PIA and detailing a systematic way of undertaking them. The results of the project will be published by the Commissioner and used to promote the use of PIAs in the UK.

The Commissioner is concerned that those who undertake PIAs, either on their own developments or where commissioned by a third party to do so, have practical tools to help them through the process. The final aim is to produce a PIA handbook for use when conducting a PIA. The aim is that this is both comprehensive and written in clear, helpful language that will guide the user

through the process and ensure that the relevant considerations have been addressed. The Commissioner recognises that production of a handbook may require different skills than those required for the other two components of the project and will consider letting this aspect of the work separately. The Commissioner intends to publish the handbook when produced although the format will be decided upon in the light of likely content and use in practice.

Background

A PIA is a practical tool to help organisations and policy developers identify and address the data protection and privacy concerns at the project development stage, building data protection compliance in from the outset rather than bolting on as an afterthought. An effective privacy impact assessment should be a systematic process for evaluating a proposal with the aim of:

- Identifying the potential effects that a proposal may have upon individual privacy and data protection compliance
- Examining how any detrimental effects might be overcome
- Ensuring that new projects comply with the data protection principles

PIAs are not new and are most commonly undertaken in Canada, New Zealand, Australia, Hong Kong and the USA, particularly in the public sector and are often undertaken by a third party contracted to undertake the work. In some jurisdictions, such as in the case of the USA and the Province of Alberta in Canada, PIAs and their publication are mandatory with certain new developments. Materials to assist with the conduct of PIAs have also been produced in these countries such as by the New Zealand Privacy Commissioner and US DHS Chief Privacy Officer who have both published handbooks.

The Commissioner has developed a Surveillance Society Action Plan which identified the development of a PIA methodology for the UK as a practical tool to help address surveillance society developments. He has also advocated their adoption with new policy developments such as ID Cards and recommended their use in his evidence to the Home Affairs Committee as part of its current inquiry into surveillance society issues. A previously commissioned research report on the surveillance society, undertaken for the Commissioner by the Surveillance Studies Network, also recommended the adoption of impact assessments as a valuable regulatory response.

Deliverables

A report including the following components:

- A study of the use and effectiveness of PIAs in other jurisdictions including recommendations on best practice for possible adoption in the UK context
- A comprehensive methodology for the conduct of effective PIAs in the UK context, learning the lessons of experience elsewhere

In addition, as a separate component:

- A user friendly PIA handbook that organisations and those commissioned by them can use to guide them through the PIA process in the context of the DPA

Method

The Commissioner is not intending to prescribe the method by which the project conducted and report is produced or the way in which any background research is undertaken. He welcomes proposals. He will make available his own staff to provide some background input in to the project including making available his existing network of relevant contacts should this assist. He has already had offers of assistance from UK Government departments undertaking new developments if there is value in using these practical examples to help develop the PIA methodology. It is likely that the successful bidder will have proven expertise in the subject area being able to demonstrate a good existing knowledge of the use of PIAs in practice and will have their own existing range of contacts in this area.

It is important that the handbook is not overly technical or academic in nature and is written in a way that makes it an accessible and user friendly tool. For this reason the handbook component may be let separately depending upon the expertise of those bidding for the work. Any bidder wishing to tender for the drafting of the handbook should be able to point to previous examples of work where they have produced publications that have dealt with complex subject matter in a user friendly and practical way. The format that the handbook should take has not been decided upon and suggestions for the most effective and user friendly format are welcome.

It is expected that at the start of the project there will be a meeting with the Commissioner's staff to discuss its conduct and to establish a regime for monitoring progress. The Commissioner's staff will be available during the course of the project for consultation. Towards the end of the project the Commissioner should be provided with a draft report which can be discussed and agreed before production of the final submitted version. The same procedure will be followed with the handbook.

There is an appropriate budget for the project and along side the skills, experience and expertise, appropriate value for money will be the key factor in selecting the successful bidder.

Timescale

Bids for the report and handbook should be received by the Commissioner on or before close of business on 25 June 2007. Those submitting bids will be notified of the outcome of the tendering process by 3 July 2007 at the latest.

The latest possible date for delivery of the project is 31 October 2007. It is hoped to launch the PIA methodology and handbook during November/December so earlier completion dates would be viewed favourably.

Copyright

The rights of the author(s) to assert authorship will be respected but copyright in the work will rest with the Commissioner to whom all intellectual property rights in the work will be assigned.

The Commissioner may grant to the author(s) a copyright licence for reasonable use of the work by the author(s) for their own purposes, for example publication in journals.

Evaluation

Factors used by the Commissioner to evaluate the bids received will include:-

- **the confidence the Commissioner has that the bid will meet his aims and provide the key deliverable**
- **the breadth and depth of expertise behind the bid**
- **added value that the bid brings to the Commissioner's stated requirements**
- **ability to deliver within the required timescale**
- **cost**

Bids

Bids should be concise and submitted in writing preferably in electronic form. The bid should make clear which aspects of the project are the subject of the bid and should include separate costings and delivery dates for the production of the report/methodology and the handbook as these aspects may be let separately. Those interested in undertaking the project should send their bids to:

Angela Russell
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Fax: 01625 524510
E-mail: angela.russell@ico.gsi.gov.uk

They should arrive no later than **1700 BST on 25 June 2007**.

If you wish to discuss any aspect of this brief prior to submitting a bid, please contact the report project coordinator:

Jonathan Bamford
Assistant Commissioner
Director of Data Protection Development

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