

# INTRODUCTION OF COVID STATUS CERTIFICATION IN DOMESTIC SETTINGS DATA PROTECTION IMPACT ASSESSMENT

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*This document will be kept under constant review*

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<b>Project Name</b>	
<b>Introduction of Covid Status Certification in Domestic Settings</b>	
<b>Business Area</b>	
<b>DoH, Health Protection Branch 2</b>	
<b>Information Asset Owner</b>	<b>Project Manager</b>
<b>Elaine Colgan</b>	<b>Elaine Colgan</b>

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## 1. Identify the need for a DPIA

1.1 Explain broadly what project aims to achieve and what type of processing it involves.

You may find it helpful to refer or link to other documents, such as a project proposal. Summarise why you identified the need for a DPIA.

**1.1.1** The Executive agreed at their meeting on 7 October 2021 to hold mandatory COVID-19 status certification in reserve in case required for domestic use during the winter. At the Executive meeting on 17 November 2021, Ministers voted in favour of the introduction of Covid Status Certification. This is in light of the serious and increasing pressures on hospital system, continuing high number of COVID Cases and scientific evidence presented. Scientific evidence specific to NI is at the link below.

<https://www.health-ni.gov.uk/publications/scientific-evidence-covid-certification>

**1.1.2** Domestic certificates will be introduced on 29 November 2021 and will be enforceable on 13 December 2021. This means that some hospitality venues will ask for evidence of your vaccination status.

**1.1.3** Venues include:

- Licensed hospitality premises which serve food and/or drink on the premises;  
(This includes pubs or restaurants that serve alcohol, including Bring Your Own. It also includes sports stadiums that sell alcohol. Coffee shops are not included.)
- Indoor events with 500 or more attendees; (where some or all of the audience are not normally seated). This means where the crowd are usually standing, such as indoor music concerts.
- Outdoor events with 4,000 or more attendees; (where some or all of the audience are not normally seated)
- events where more than 10,000 people will be present, regardless of whether or not they will be seated;
- Nightclubs;
- Unlicensed hospitality premises when BYO alcohol is consumed or during times when they are operating under an occasional license;

**1.1.4** A Covid Certification Service (CCS) is in place under the joint controllership of the Department of Health (DoH), Health and Social Care Board (HSCB) and Public Health Agency (PHA), which enables NI citizens to request a Covid Certificate for travel or domestic purposes. The DPIA

can be found at the link below:

<https://covid-19.hscni.net/wp-content/uploads/2021/11/Simplified-DPIA-CCS-draft-v0.96.docx>

- 1.1.5** An option for showing proof of certification is via a smartphone app, to which this assessment applies. There is a separate app for use by venues and events to verify the certification by scanning a 2D barcode. The DPIA for that app is below:

Covid Cert Check NI Verifier App:

<https://covid-19.hscni.net/wp-content/uploads/2021/11/COVIDCert-Check-Verifier-App-Simplified-DPIA-v05.docx>

- 1.1.6** The Department of Health (DoH), Regional Health and Social Care Board (HSCB) and Public Health Agency (PHA), are Joint Data Controllers for the personal information processed in the CCS. While the DoH has developed the solution for verifying Covid Status for venues/ organisations- (the COVIDCert Check NI 'Verifier app')- those who use the app to verify Covid status of individuals accessing their venues/ events will be data controllers for their use of the app and any personal data they process when verifying individual's Covid status. The Department of Health has produced [an overview of guidance](#) for the certification scheme, including on the app. Users will also be advised of their responsibilities via [HSC guidance for using the app](#), along with [wider guidance for the sector](#) of how to comply with the requirements for Covid status certification in domestic settings. All of the guidance issued also refers to relevant guidance issued by the ICO for those who have to verify covid status, guidance for venues, template privacy notices and guidance on data subject rights.

## **1.2** Purpose of Introduction of Covid Status Certification in Domestic Settings

- 1.2.1** There are serious and increasing pressures on hospital system and continuing high number of COVID Cases. The success of the vaccination programme continues, the pressure to prevent the reintroduction of restrictions remain. As the restrictions have been eased there has been increased domestic movement in outdoor and in closed venues like stadiums, clubs etc and in order to assure safety of all there will be a requirement for visitors to share their vaccination status for entry into these venues.

**1.2.2** The Department of Health, made the following Regulations in exercise of the powers conferred by sections 25C(1), (3)(c), (4)(d) and 25F(2) of the Public Health Act (Northern Ireland) 1967(b).

<https://www.health-ni.gov.uk/publications/health-protection-coronavirus-restrictions-regulations-northern-ireland-2021>

**1.2.3** These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARSCoV-2) in Northern Ireland. The Department of Health considers that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

**1.2.4** In accordance with section 25Q of that Act the Department of Health is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft having been laid before, and approved by a resolution of, the Assembly.

**1.2.5** The regulations requiring Covid Status Certification will be in force from 29 November 2021, however a 14 day grace period will apply before any enforcement actions begin.

**1.2.6** COVID certificates will be required in order to access; the venues that are listed at section 1.1.3.

**1.2.7** Where is certification not required?

- Under 18s – children are not required to show status in any setting
- The person responsible for the premises -
- People working or performing in the venues -
- a person providing services in a venue to which the certification applies, as long as they are not working there when the public is attending and don't come into contact with the public; and
- Hotel residents unless/until they enter a hospitality area of the hotel.
- Participants in a clinical trial of a vaccine against Coronavirus disease – Proof of this is required to be uploaded to the COVID Cert NI App
- People who cannot be vaccinated for clinical reasons and who have been given an exemption by way of the official process for obtaining a medical exemption – proof of this exemption will be required to be uploaded to the COVID Cert NI App;
- Police, Emergency Services Responders and Regulators carrying out their work.

**1.2.8** Who can apply for a certificate via CCS?

Any person aged 18 and over, who has received both doses of an approved course of vaccine, at least 14 days ahead of the relevant time.

### **1.2.9** How can you show your Covid Status in Domestic Settings?

A person aged 18 or over who is required to certify their Covid status may produce evidence of their Covid-status through:

(a) certification in paper (including the card issued to individuals at time of vaccine) or electronic form that they have completed a course of doses of an authorised vaccine with the final dose having been received at least 14 days before the relevant time;

(b) certification by text or email through the NHS Covid-19 reporting app of a negative result of a lateral flow device test or a negative result of an on-site lateral flow device test, in each case taken within 48 hours before the relevant time;

(c) a valid notification of a positive result of a polymerase chain reaction test taken no earlier than 30 days, and no later than 180 days, before the relevant time;

(d) confirmation in writing of their participation (current or past) in a clinical trial for vaccination against coronavirus from the organiser of that trial;

(e) evidence provided through the Northern Ireland Covid Certification process for medical exemption or an equivalent process in the person's place of residence of a clinical reason for not being vaccinated with any authorised vaccine.

Further guidance is available on the Department of Health Website

<https://www.health-ni.gov.uk/publications/guidance-accompany-health-protection-coronavirus-restrictions-regulations-northern-ireland-2022>

\* Evidence referred to above must include or be accompanied by a document confirming the person's identity which contains their photograph. Further guidance has been provided to the sector on this, as part of the guidance referenced earlier.

**1.2.10** Throughout the pandemic, Ministers have sought at all times to be guided by the evidence. Research evidence and SPI-M modelling indicates that being vaccinated reduces the risk that a person will become infected with the virus, and further reduces their risk of transmitting coronavirus.

## 2. Describe the Processing

### 2.1 Describe the nature of the processing:

How will you collect, use, store and delete data? What is the source of the data? Will you be sharing data with anyone? You might find it useful to refer to a flow diagram or other way of describing data flows. What types of processing identified as likely high risk are involved?

**2.1.1** This section relates to those venues who choose to use the verifier app to perform their checks. While the Department of Health will not process personal data in relation to the requirements for introducing Covid status certification in domestic settings, this DPIA has been drafted in line with UK GDPR and to ensure transparency and maximise the public's confidence in the Executive decision to introduce Covid status certification in domestic settings and the associated Health Regulations, which place this on a statutory footing.

**2.1.2** Data Subjects – The proposed data processing within the policy and Regulations related to domestic settings relates to all individuals in NI who wish to access:

- a) Premises which sell or provide intoxicating liquor for consumption on the premises but not
  - (i) such premises at a port or airport;
  - (ii) the cross-border inter-city rail service between Dublin and Belfast (“the Enterprise”);
  - (iii) a place of worship during a service; or
  - (iv) premises of educational establishments other than those parts of the premises where intoxicating liquor may be consumed on the premises
- b) theatres;
- c) concert halls;
- d) cinemas;
- e) indoor premises when used for the purpose of a performance, recording or rehearsal other than private dwellings;
- a) premises used for the purposes of a conference or exhibition; and
- b) premises hosting a relevant event (other than an exempt event listed in Schedule 2A of the legislation).

- 2.1.3** Under the Introduction of Covid Status Certification in domestic settings individuals who are accessing the above-named venues will need to demonstrate their Covid Status Certification to the sector before entry. Putting in place certification arrangements as referenced in the Executive's Autumn / Winter Plan it is hoped will reduce the requirement for further restrictions to be put in place and allow businesses to continue to trade.
- 2.1.4** The objective of the COVID Status Certification is to enable individuals to access and share their COVID Status in the manner required for Domestic use cases within Northern Ireland, in line with the developing EU Trust Framework (Digital COVID Certificate) and WHO published standards and the Regulations, which set the statutory requirements for certification in domestic settings in NI.
- 2.1.5** The ability to prove a citizen's Covid Status Certification is achieved by obtaining the current COVID eligibility status based on their COVID records.
- 2.1.6** The above-named venues (at 2.1.2) will by law, need to check for Covid Status Certification. A person may produce evidence of their Covid-status through:
- (a) certification in paper or electronic form that they completed a course of doses of an authorised vaccine with the final dose having been received at least 14 days before the relevant time;
  - (b) certification by text or email through the NHS Covid-19 reporting app of a negative result of a lateral flow device test or a negative result of an on-site lateral flow device test, in each case taken within 48 hours before the relevant time;
  - (c) a valid notification of a positive result of a polymerase chain reaction test taken no earlier than 30 days, and no later than 180 days, before the relevant time;
  - (d) confirmation in writing of their participation (current or past) in a clinical trial for vaccination against coronavirus from the organiser of that trial;
  - (e) evidence provided through the Northern Ireland Covid Certification process for medical exemption or an equivalent process in the person's place of residence of a clinical reason for not being vaccinated with any authorised vaccine.
- \* Evidence referred to above must include or be accompanied by a document confirming the person's identity which contains their photograph.
- 2.1.7** Venues listed above will be committing an offence if they do not implement checks for Covid Status Certification. The person responsible for relevant



venues must not permit a person who is unable to produce details of Covid Status Certification as listed at section 2.1.6.

- 2.1.8** While venues will process limited personal data for a temporary period as part of the scanning process in the Verifier app (see Verifier app DPIA for full details), personal data processed will be minimal and for a temporary 10 second period, after which the data automatically deletes. No venues will be retaining personal data when checking certification status via the verifier app and at no point are any personal details transferred to the checking venue / person.
- 2.1.9** When alternative methods of evidence are provided other than the Verifier App, a visual check of the evidence and accompanying identification is sufficient. No personal data is to be retained or processed by the venue.
- 2.1.10** Venues must have regard to any guidance issued by the Department of Health or any other government department and guidance issued will remind them of their data controller responsibilities in relation to any personal data they decide to process if necessary for their system to operate. Under the legislation the requirement to have a system in place for the purposes of this regulation includes a requirement to process any personal data necessary for the system to operate.
- 2.1.11** Venues listed at section 2.1.2 must keep records consisting of
- a) a written statement describing the system referred to in regulation [16F\(3\)](#), and
  - b) a record of the number of people attending the event or entering or remaining on premises on each date.
  - c) Venues must ensure that the records required for the purposes of this legislation are kept in such a way that it is not possible to determine the identity of any person from them.

## **2.2** Describe the scope of the processing:

*What is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?*

- 2.2.1** The Department will not directly process any personal data in relation to the Introduction of the Covid Status Certification for domestic uses.
- 2.2.2** The above-named venues (section 2.1.2) within Northern Ireland will need to check Covid Status Certification of customers over the age of 18 as listed above in 2.1.6.

- 2.2.3** For the verification of domestic vaccine and exemption certificates using the Verifier app only a green tick and “valid” message or red tick and “invalid” message will be shown on screen. A “selfie” style photo on the users app will be used for verification by the verifying party. Should the result be “invalid”, the individual will not be able to enter the premises unless another form of certification is presented.
- 2.2.4** For the verification of Covid Status Certification via the proof of negative LFD test, or proof of natural immunity from previous PCR test, the organisation/ business verifying these for access to their venue/ event may have to carry out a **visual check** of proof:
- that the person is the person from whom the test sample was provided, (via an appropriate form of ID),
  - of age or date of birth, (via an appropriate form of ID),
  - of the result of the test sample which is negative for coronavirus, (either via test taken at the venue, or via confirmation of test result provided by the individual),
  - of the date on which the test sample was tested by the test provider, (via confirmation of test result),
  - of a statement that the test was a polymerase chain reaction test or a lateral flow test (via the confirmation of test result).
- 2.2.5** The above methods of checking proof of negative LFD test, or proof of natural immunity from previous PCR will not require the organisation/ business to process, hold, or retain any personal data. When alternative methods of evidence are provided other than the Verifier App, LFD test, or previous PCR, a visual check of the evidence and accompanying identification is sufficient. No personal data is to be retained or processed by the venue.

## **2.3 Lawful basis for processing'**

- 2.3.1** The Northern Ireland Executive has directed the DoH to make Regulations in the public interest to permit only those persons who can prove their Covid Status, as per the certification criteria above, to be present on the Verifier's premises to minimise as far as possible the risk of transmission of the virus which causes COVID-19.
- 2.3.2** While the DoH will not process personal data for proof of Covid Status Certification in domestic settings, the lawful conditions for processing

personal data and special category personal data for these purposes are likely to include:

- Article 6(1)(c) - processing is necessary for compliance with a legal obligation to which the controller is subject.
- Article 6(1)(e) – processing is necessary for the performance of a task carried out in the public interest.
- Article 9(2)(g) – the processing is necessary for reasons of substantial public interest.
- Article 9(2)(i) – the processing is necessary for reasons of public interest in the area of public health.
- Data Protection Act 2018 – Schedule 1, Part 2 (6) para (1) – for reasons of substantial public interest.

**2.3.3** The lawful basis for processing should be set out in the data controllers privacy notices, [in line with the Guidance issued by DoH](#).

**2.3.4** Under the Health and Social Care (Reform) Act (NI) 2009, DoH has statutory duties, which include:

- Section 2(1): the duty to promote in Northern Ireland an integrated system of health care designed to secure improvement in the physical and mental health of people in Northern Ireland and in the prevention, diagnosis and treatment of illness, and
- Section 2(3)(g): the duty to secure the commissioning and development of programmes and initiatives conducive to the improvement of the health and social well-being of people in Northern Ireland, and
- Section 3(1)(b) the power to provide, or secure provision of, such health and social care as it considers appropriate for the purpose of discharging its duty under section 2; and do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of that duty.

It is under the basis of these functions that the NI Executive has directed the DoH to make the relevant Regulations to cover Covid status certification for domestic settings.

**2.3.5** The Department is of the opinion that data controllers in this instance are lawfully processing the data as a public task. External controllers will not require a lawful basis for recording the number of visitors it receives as the anonymous data will fall outside of the scope of data protection law.

**2.3.6** It is the Departments view that the relevant conditions for processing under Article 6, will be legal obligation (Article 6(1)(c), (based on the requirements to process this data under the Regulations). As health data may be inferred, the Department is of the view that processing 'special category data' is under the public health condition (Article 9(2)(i)). The public interest condition may also apply (see Article 9(2)(g)).

## **2.4** Describe the context of the processing:

*What is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in? Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?*

**2.4.1** A full Human Rights Impact Assessment has been completed for these requirements.

**2.4.2** Those wishing to access venues listed above will be aware of the introduction of Covid Status Certification in Domestic Settings which is documented in the following:

### Legislation

<https://www.health-ni.gov.uk/publications/health-protection-coronavirus-restrictions-regulations-northern-ireland-2021>

### Guidance

<https://www.health-ni.gov.uk/publications/guidance-accompany-health-protection-coronavirus-restrictions-regulations-northern-ireland-2022>

**2.4.3** If individuals, decide to use CCS to request a Covid Certificate, Privacy notices are shared with citizens at the time of using the NI Covid Certification Service at <https://www.nidirect.gov.uk/articles/nidirect-web-service-privacy-notice>

These documents detail what personal data will be collected, how it will be managed, for what purposes and their rights as a data subject.

**2.4.4** Venues/ Organisations who will need to use the Verifier App and who will process personal data for domestic use Covid status certification will need to provide privacy notices to individuals regarding how they process their

personal data. Advice to organisations regarding this is included in the Venues Guidance

<https://covid-19.hscni.net/covidcert-check-ni-app-user-guide/>

- 2.4.5** Covid Status Certification in Domestic Settings has been mandated by the NI Executive, to enable NI Citizens to access venues listed at 2.1.2.
- 2.4.6** COVID 19 is still a new and relatively unknown disease, and actions will be determined by both local (NI) experience of it as well as from wider national and international experience, knowledge and understanding. While it is recognised that specific actions may need to change, and may do so rapidly, as understanding and knowledge of the disease develops, the personal data to be processed for domestic use purposes has been minimised as far as possible via the design of CCS, Verifier app solution and requirements for processing of data for LFD and proof of immunity, set out in the Regulations.
- 2.4.7** The UK GDPR sets out the 8 rights that individuals have in respect of their data. These have been considered in respect of the policy and Regulations relating to NI COVID Certification in domestic settings as follows:
- a. The right to be informed**

Individuals are provided with information about the collection and use of their personal data for the CCS and Verifier app, including what personal data is collected, the purposes for collecting, retention periods and potential sharing of data, via the Privacy Notices for both. Organisations who will need to process personal data for domestic certification will be required to provide privacy notices covering their processing of personal data as data controllers, and this is advised in the guidance issued by the Department.
  - b. Right of access**

Individuals can ask for copies of the information that we hold about them. The Department will not process personal data directly for Covid Status Certification for domestic settings, however the Regulations will require other data controllers to process limited personal data for the purposes of certification. It will be the responsibility of those data controllers to comply with data subjects rights of access if they receive a request for personal information they hold. The same applies to the remaining rights below:
  - c. Right to rectification**
  - d. Right to erasure**
  - e. Right to restrict processing**
  - f. Right to data portability**

- g. Right to object**
- h. Rights relating to automated decision-making**

## 3. Consultation process

### 3.1 Consider how to consult with relevant stakeholders:

Describe when and how you will seek individuals' views – or justify why it's not appropriate to do so. Who else do you need to involve within your organisation? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

- 3.1.1** The Introduction of Covid Status Certification in domestic settings has been established by the direction of the Executive Committee. Stakeholder engagement has been held by DOH and TEO as well other Departments with key stakeholders. In preparing the policy paper for the Executive, The Executive Covid Taskforce has liaised closely with key sectors, listening to views of the hospitality, retail, arts and culture sector.
- 3.1.2** Subject matter experts are involved in ensuring that the processing meets safe, efficient and effective standards. This DPIA will be reviewed by relevant DoH staff, including the DPO and will be shared with the ICO, as part of our pre-consultation with them under Article 36(4) UK GDPR.
- 3.1.3** Work on the NI COVID Certification Service has been established under an Oversight Group chaired by the DoH Chief Medical Officer (CMO).
- 3.1.4** Due to the urgent requirement to establish and operationalise the introduction of Covid Status Certification in Domestic Settings a formal consultation was not undertaken. However, informal engagement is ongoing with a range of stakeholders by key departments across the NICS. Executive Covid Taskforce will continue to engage with all departments and key stakeholders.
- 3.1.5** It is not been possible at this time to undertake a full consultation, the introduction Domestic certification for certain venues has been agreed by the Executive to support the emergency response for COVID-19. However for the first two weeks, no enforcement action will be taken, therefore venues and stakeholders will have opportunity to engage with us on issues of operational or policy concern in advance of this.
- 3.1.6** DoH also remain in close contact with our counterparts in England, Scotland and the other devolved administrations.

## 4. Assess necessity and proportionality

### 4.1 Describe compliance and proportionality measures, in particular:

What is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

**4.1.1** The lawful basis is set out in current legislation. The Department of Health, made the following Regulations in exercise of the powers conferred by sections 25C(1), (3)(c), (4)(d) and 25F(2) of the Public Health Act (Northern Ireland) 1967(b).

<https://www.health-ni.gov.uk/publications/health-protection-coronavirus-restrictions-regulations-northern-ireland-2021>

**4.1.2** These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARSCoV-2) in Northern Ireland.

**4.1.3** The Executive agreed on 17 November 2021 to the Introduction of a Covid Status Certification in Domestic Settings for venues listed at 2.1.2. The Executive retain the option of reviewing this list of venues at any stage. Putting in place certification arrangements as referenced in the Executive's Autumn / Winter Plan it is hoped will reduce the requirement for further restrictions to be put in place and allow businesses to continue to trade. The scheme, as with all restriction regulations, is kept under constant review to ensure that all measures are proportionate and not in place for any longer than is necessary.

**4.1.4** The Executive's Autumn Winter paper identifies a number of potential contingency measures which could be introduced should case numbers rise sharply and/or hospital pressures become unsustainable. One measure is to deploy COVID status certification in higher risk settings if considered appropriate and necessary. The Executive considered the Department of Health Paper which highlighted that community transmission of the virus is increasing. Hospital admissions are rising and modelling indicates that admissions will increase further in the coming



weeks. The scientific advice considered, advised that an intervention was required. Further detail can be found at the link below.

<https://www.health-ni.gov.uk/publications/scientific-evidence-covid-certification>

**4.1.5** The Department believes that the impact on data subject's rights and freedoms is proportionate to the objective, including consideration of whether it could have been achieved in a less privacy impactful manner. The option of a negative test is included as an alternative to proof of vaccination or previous infection should someone wish not to share this aspect of their medical history.

## 5. Identify and assess risks

The risk matrix below will help you to assess the level of risk associated with processing the data.

<b>Severity of impact</b>	Serious harm	<b>Low risk</b>	<b>High risk</b>	<b>High risk</b>
	Some impact	<b>Low risk</b>	<b>Medium risk</b>	<b>High risk</b>
	Minimal impact	<b>Low risk</b>	<b>Low risk</b>	<b>Low risk</b>
		Remote	Reasonable possibility	More likely than not
		<b>Likelihood of harm</b>		

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm	Severity of harm	Overall risk
	Remote, possible or probable	Minimal, significant or severe	Low, medium or high

Personal data will be shared without the authority or knowledge of the data controller or data subject.	Remote	Significant	Low
Misuse of information by those with access	Possible	Significant	High
Personal data not being handled over secure IT system	Remote	Some impact	Low risk
Lack of Privacy notice	Remote	Minimal	Low
Data subjects rights under UK GDPR not provided for	Remote	Minimal	Low
Risk of non-compliance with the Regulations	Reasonable probability	Some impact	Medium risk
Risk of fraudulent entry documentation	Remote	Some impact	Low risk
Individual unable to obtain COVID status in advance of the event	Remote	Minimal	Low risk
Increased use of LFD tests leads puts pressure on NHS testing capacity and contact tracing teams	Remote	Minimal	Low risk
Recognising forms of certification from other jurisdictions	Possible	Minimal	Low risk
Risk of fraud or error by use of Lateral Flow Tests	Reasonable probability	Some impact	Medium risk
Certification for those participating in clinical trials	Remote	Some impact	Low risk

## 6. Identify measures to reduce risk

Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5				
Risk	Options to reduce or eliminate risk	Effect on risk	Residual risk	Measure approved
		Eliminated reduced accepted	Low medium high	Yes/no
Personal data will be shared without the authority or knowledge of the data controller	<p>Use of the COVIDCert Check NI Verifier App will reduce the need for data controllers to process any personal data, other than minimal personal data for a very limited period (see verifier app DPIA). Guidance on the use of the app and the user terms and conditions should assist controllers in providing advice and training to their staff and prevent unauthorized sharing of data.</p> <p>Other means of providing verification outside of the app do not require data controllers to collect any personal data from attendees. Only visual checks need to be made and controllers are advised as part of guidance issued by the Department that they should not record, or process personal data as part of these visual checks. Therefore personal data should not be able to be shared by businesses operating the checks.</p>	Reduced	Low	Yes

<p>Inconsistent use or misuse of personal information by those with access</p>	<p>The Verifier app DPIA covers risks in relation to use of the app and has been designed in line with privacy by design requirements. If venues are checking status via the app, the verifier app will be used when processing any personal data as part of making checks of certificates with QR codes, which can be scanned by the APP. This will help to ensure consistency and prevent misuse when making these checks using the app.</p> <p>Other means of checking Covid Certifications will require visual checks only and no personal data should be collected and stored. This is set out in the guidance issued by the Department and advises that where venues deem it necessary to process personal data they will be data controllers and must comply with data protection legislation.</p> <p>Controllers responsible for staff within venues listed at section 2.1.2 responsible for checking Covid Certification of individuals are advised within guidance issued that they are responsible for ensuring their staff are aware of their data protection obligations and that they follow the Venues agreed processes for use of the Verifier App and for checking Covid status</p>	<p>Reduced</p>	<p>Low</p>	<p>Yes</p>
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	DoH will provide venues listed at section 2.1.2 detailed guidance on the scheme.			
Personal data not being handled over secure IT system	DoH officials will not have access to any personal data.  Venues should be doing a visual check only, other than when using the Verifier app which has appropriate IT security in place (see Verifier App DPIA and risk assessment for full details)	Reduced	Low	Yes
Lack of Privacy notice	Although the Dept won't process personal data they have provided advice, as part of <a href="#">Venues guidance for the Verifier App and as part as Department guidance on compliance with Regulations</a> , on the need for controllers to provide privacy notices, including a link to the ICO's template. There is also a <a href="#">Privacy Notice</a> published for the Verifier app itself.	Reduced	Low	Yes
Data subjects rights under UK GDPR not provided for	Controllers will be responsible for ensuring that they meet their obligations in relation to data subject rights and this will be covered off in the guidance to them. Also data subjects are being made aware via Dept privacy notice and communications via media etc about the domestic certification scheme.	Reduced	Low	Yes
Risk of non-compliance with the Regulations	A grace period of 14 days is being provided to enable the industry to develop their skills and compliance measures. From 13 December, non-compliance will be the subject of	Reduced	Medium	Yes

	enforcement action and penalties will apply			
Risk of fraudulent entry documentation	<p>The use of the Verifier app will be heavily promoted, and non-electronic certification methods kept to a minimum. Where verification is provided, other than via the App, e.g. vaccination appointment cards, the guidance will advise that ID be checked along with the method of certification to reduce the likelihood of fraudulent use of certificates and vaccination cards etc. As NI develops further processes to increase the scope of the COVIDCert App to exempted individuals, the list of accepted documentation will be reviewed to minimize fraud further if possible.</p> <p>It is accepted that there is a small risk of fraud via the use of paper cards. However this is offset against the needs of those unable to use a technology based method of certification. Feedback from representatives of elderly and disabled groups in particular noted the difficulties of technology for those groups, and a preference for use of card. For this reason, the Department chose to include paper based cards, in order to avoid exclusion from relevant settings.</p>	Reduced	Medium	Yes

Individual unable to obtain COVID status in advance of the event	Paper certification will be accepted, and on-site LFD testing will be an option for entry for those unable to take this in advance.	Reduced	Low	Yes
Increased use of LFD tests leads puts pressure on NHS testing capacity and contact tracing teams	Testing is widely available and an estimated 90% of certification will be through vaccination, therefore this is not expected to be a significant increase or issue.  This will be kept under review during the initial weeks	Reduced	Low	Yes
Recognising forms of certification from other jurisdictions	<b>Venues have been advised (via user guide to the app <a href="https://covid-19.hscni.net/covidcert-check-ni-app-user-guide/">https://covid-19.hscni.net/covidcert-check-ni-app-user-guide/</a>) to use the scanning solution (COVIDCert Check NI) to verify documents with QR codes presented.</b>  <b>The scanning solution uses the assurance framework provided by the UK Public Key Infrastructure (PKI), which helps to validate the codes of certificates presented from elsewhere in the UK, the EU, and any country that the FCDO has a bilateral agreement with (to share keys via PKI for mutual verification). In the absence of a certificate with a QR code, there is the option for entry via a negative LFD test – via registered result or supervised on site. It would be entirely impractical to expect venues to be furnished with all certification from all countries in the world, and for door staff to be expected to reliably recognise and assess the</b>	Reduced	Low	Yes



	<p>validity of all documentation visually.</p> <p>Furthermore, anyone moving to reside in NI from another jurisdiction, can register for an indirect account, and can present evidence of vaccination elsewhere. We have a team manually assessing the evidence, to verify it in order to prevent fraud, and allow individuals to access the digital and non-digital solutions for COVID certification in NI</p>			
Risk of fraud or error by use of Lateral Flow Tests - impact of inclusion of potentially inaccurate / inadequate personal data on the intended purpose of the scheme	While it is accepted there may be some risk, it is outweighed by the need to offer an alternate for those who chose not to be vaccinated. Otherwise this would exclude a large cohort of people and leave the scheme open to legal challenge.	Reduced	Medium	Yes
Certification for those participating in Clinical Trials	Domestic certification is issued to those who have been fully vaccinated, those who have recovered from COVID as evidenced by positive PCR in the previous 30 to 180 days, validated clinical exemption, and proven participation in a clinical trial. We issue printed domestic certificates with a domestic QR code, or access to the domestic certification option provided via the COVIDCert NI app. The domestic certs are identical, and do not reveal the route to certification, to meet aims of data minimisation. Vaccine trial participants in NI will soon be added to the VMS database, as EUA / MHRA approval has been attained. Once there, clinical trial participants will be the same as anyone else who has	Reduced	Low	Yes

	been vaccinated with an approved vaccine. They will also attain access to a travel certificate			
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## 7. Sign off and record outcomes

Item	Name/position/date	Notes
Measures approved by:		Integrate actions back into project plan, with date and responsibility for completion
Residual risks approved by:		If accepting any residual high risk, consult the ICO before going ahead
DPO advice provided:	Charlene McQuillan	DPO should advise on compliance, step 6 measures and whether processing can proceed
<p>Summary of DPO advice:</p> <p>Advice provided on 1<sup>st</sup> draft 23/11/2021            Advice provided on 2<sup>nd</sup> and 3<sup>rd</sup> versions 26/11/2021            Advice provided on updated version 16/12/2021</p> <p>Due to the level of detail and comments made, rather than listing a summary of advice given here, previous versions are recorded, with DPO comments in Content Manager, which can be viewed to see the progress of the DPIA and the advice provided.</p> <p>While links are to be updated throughout the piece, including for guidance to be developed for venues and organisations, DPO advised that the DPIA is shared in current format with ICO as part of pre-consultation on the Regs and due to significant time pressures. The DPIA can continue to be updated and ICO's comments on this version can be taken on board.</p>		
DPO advice accepted or overruled by:		If overruled, you must explain your reasons
Comments:		
Consultation responses reviewed by:		If your decision departs from individuals' views, you must explain your reasons
Comments:		
This DPIA will kept under review by:		The DPO should also review ongoing compliance with DPIA

## Annex A – Links

COVIDCert Check NI 'Verifier app' - DPIA

<https://covid-19.hscni.net/wp-content/uploads/2021/11/COVIDCert-Check-Verifier-App-Simplified-DPIA-v05.docx>

Northern Ireland's Covid Certification Service - DPIA

<https://covid-19.hscni.net/wp-content/uploads/2021/11/Simplified-DPIA-CCS-draft-v0.96.docx>

Department of Health Guidance on Regulations

<https://www.health-ni.gov.uk/sites/default/files/publications/health/GUIDE%20TO%20THE%20CORONA%20VIRUS%20RESTRICTIONS%20AND%20PUBLIC%20HEALTH%20ADVICE%20-%2013%20Dec%202021%20-%20Final.pdf>

HSCNI Covid Cert App User Guide

<https://covid-19.hscni.net/covidcert-check-ni-app-user-guide/>

HSCNI Guidance for Venue & Event Organisers

<https://covid-19.hscni.net/covidcert-check-ni-guidance-for-venues-event-organisers/>

Verifier App & Covid Certification Service Privacy Notice

<https://covid-19.hscni.net/covidcert-check-ni-privacy-policy/>

Health Protection Coronavirus Restriction Regulations

<https://www.health-ni.gov.uk/publications/health-protection-coronavirus-restrictions-regulations-northern-ireland-2021>

ICO Guidance relevant to organisations

[Vaccination and COVID pass checks | ICO](#)

[Looking after your customers' personal data when you are required to complete COVID status checks – Advice for organisations | ICO](#)

[Individual rights | ICO](#)