Equality Impact Assessment (EqIA)

This document fulfils the ICO's requirements to conduct Equality Impact Assessments, as a requirement to have due regard under the Equality Act 2010, S75 of the Northern Ireland Act 1998 and the public sector equality duty. This document helps you to assess the equality relevance of a policy or procedure on one or more groups of people with protected characteristics. Guidance is also available for Equality Impact Assessments (EqIAs), along with a glossary of issues to consider. The purpose of an EqIA is to ensure that equality issues are identified and mitigated. The guidance and 'issues to consider' documents are intended to assist with this, but they are not a substitute for consultation with people with lived experienced of any of the protected characteristics. Therefore, you should, wherever appropriate, consult with the relevant EDI staff networks or other colleagues to discuss potential impacts.

You must read the guidance and glossary of issues to consider before completing the document.

Completed EqIAs will be published on the ICO's website.

Summary

Prepared by: MC – Lead Project Coordinator

What is the title of this piece of work? NIS Reform & Implementation: RDSP Audit Software Trial

Briefly describe the overall purpose of this work. An external Software as a Service (SaaS) provider, Symbiant Solutions, are being contracted to provide software to the NIS Regulatory Assurance team. The solution will be used to carry out automated NIS audits for a number of Relevant Digital Service Providers (RDSPs) on a trial basis for 7 months (July '23 to February '24). Upon completion of the trial the NIS Regulatory Assurance team will produce a findings report to demonstrate the potential for longer-term use of audit management software for the ICO's supervision duties under the NIS regulations.

Initial screening questions

Q1. Does this work relate to an ICO policy, procedure, working practice or anything broadly similar? This includes both current policies and new policies under development.

Answer: Yes – the trial will inform future working practice for the NIS Regulatory Assurance team.

*If you answer **No** to this question, you may not need to complete a EqIA.*

Q2. Is this work about the explanation of the laws which the ICO regulates, or about decisions to use or not use any of our regulatory powers (eg monetary penalties, enforcement notices, information notices etc)?

Answer: The software will be predominantly utilised by internal staff to understand the cyber resilience practices of RDSPs, though this will be through voluntary audits as the ICO does not currently hold the power to undertake mandatory audit work. There is a possibility that the ICO may uncover some practices in liaison with RDSPs that contravenes NIS regulations though this is not the intended use of the software. The software is a tool to understand RDSP cyber resilience performance, not a tool to explain the regulations.

*If you answer **No** to this question, you may not need to complete a EqIA.*

If you answered no to both Q1 and Q2, it is best practice to rationalise why there are no negative impacts to each protected characteristic in the table below.

Impact on people with protected characteristics

Q3. For each of the protected characteristics, you should consider whether there are any **positive impacts** for people with each characteristic and set those out in the table below. If you think there are any **negative impacts**, set those out in the table below **and** explain how you will fully mitigate those impacts. It is best practice to include three mitigations per negative impact. Sign off can only be done with a minimum of two mitigations. If you think there is no impact, please explain why you think that is the case.

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
Religion or belief	No impact – audits would relate to cyber resilience of RDSPs only and would not explore religion or beliefs.	n/a
Race, nationality or cultural background	No impact – audits would relate to cyber resilience of RDSPs only and would not explore race, nationality or cultural background.	n/a
Disabled people	Possible impact – Users of the system would require specialised software for operation.	Users that have been identified to participate in the trial do not require reasonable adjustments to access the software. Should the software be rolled out longer term across the ICO then a more in-depth review of accessible options will be undertaken.
Sexual orientation	No impact – audits would relate to cyber resilience of RDSPs only and would not explore sexual orientation.	n/a

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
Sex (see note 1)	No impact – audits would relate to cyber resilience of RDSPs only and would not explore sex.	n/a
Age	No impact – audits would relate to cyber resilience of RDSPs only and would not explore age.	n/a
Gender reassignment (see note 2)	No impact – audits would relate to cyber resilience of RDSPs only and would not explore gender reassignment.	n/a
Marital status	No impact – audits would relate to cyber resilience of RDSPs only and would not explore marital status	n/a
Pregnancy and maternity	No impact – audits would relate to cyber resilience of RDSPs only.	n/a
Political opinions	No impact – audits would relate to security of managed services only.	n/a
People with dependants	No impact – audits would relate to security of managed services only.	n/a
People without dependants	No impact – audits would relate to cyber resilience of RDSPs only	n/a
Socio-economic groups or social classes (see note 3)	No impact – audits would relate to cyber resilience of RDSPs only	n/a
Multiple protected	No impact – audits would relate to cyber resilience of RDSPs only	n/a

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
characteristics (see note 4)		

Note 1: you may also wish to consider gender while considering sex, although gender is not a protected characteristic under the Equality Act or s75 of the Northern Ireland Act 1998.

Note 2: you may wish to consider the impact on transgender people while considering the protected characteristic of gender reassignment. This includes if the person is proposing to undergo, is undergoing or has undergone a process.

Note 3: Socio-economic group or social class is not a protected characteristic, but we would still like to ensure that we consider the impact of our work in this area.

Note 4: Multiple protected characteristics is an opportunity to consider whether there are issues which affect people with most or all of the protected characteristics, or where there may be different impacts of the same issue on different characteristics (eg the same issue has a positive impact on people with one protected characteristic but a negative impact on people with another protected characteristic).

Q4. The ICO has a number of legal obligations in relation to the provision of Welsh language services. Is this work being delivered in Wales, or to the people of Wales, and if so will there be a need to consider the impact on the Welsh language?

Answer: Don't know -upon commencement of this trial there were no plans to deliver this work in Wales. However, the system is multilingual and can enable allocation of a language to a user to translate the system to that user's language.

*If you answer **Yes or Don't Know** to this question or would like further information, please contact the Welsh Regional office to discuss next steps via wales@ico.org.uk .*

Q5. In interests of best practice, you should consider whether this work may have a negative impact on or contravene any Human Rights. Click this link to the find an overview of each of the human rights and further details about each. The Human Rights Act itself is available at this link. Please confirm that you have considered this and set out any actions you will take to mitigate any impacts.

Answer: Human Rights Act has been considered and there will be no impacts to this legislation during the software trial.

Contributing towards the ICO's equality objectives

Q6. How does this work contribute towards the ICO's equality objectives? Please explain contributions, state ways contribution could be increased, or state 'no contribution'.

Objective	Contribution to objective
Objective 1: We will represent the communities and societies we serve. Building diverse teams to make better decisions, boost creativity and enable	This trial will demonstrate how supporting data capture and analytics software for risk and audit management can be used to support delivery of impactful NIS regulatory outcomes. The trial will also demonstrate

Objective	Contribution to objective
greater professional growth. Increasing our understanding of the communities we regulate	how the ICO, as a provider of public services, can use such systems to improve its impact of providing oversight to RDSP markets. The trial will demonstrate how the ICO can process high-volume RDSP data capture and analysis to back up its position as a knowledgeable and influential regulator.
Objective 2: Our culture will be inclusive. Have measures in place to support a diverse workforce such as reasonable adjustments.	This trial will provide the necessary evidence base to demonstrate how software (and the processes it supports) can be used to inspire confidence in the ICO's own delivery of public services through the effective regulation of the RDSP cyber resilience. The trial can also demonstrate the type and volume of data that can be processed, analysed and appropriately shared externally (via ICO's own channels or in collaboration with Cabinet Office / NCSC) to hold the RDSP market accountable for their cyber security practices.
Objective 3: We will better understand the needs of everyone to deliver services that are accessible to all. Targeting our regulatory interventions on the areas of greatest harm. Technological innovation by business means the landscape we regulate is constantly transforming.	This trial will enable the ICO to eventually develop a high-performance operational model to fulfil its enhanced role as the NIS competent authority for RDSPs – to safeguard the continuity of the RDSPs upon which UK national infrastructure and digital economy is dependent.

Monitoring and evaluation

Q7. What arrangements are in place, or will be put in place, to monitor and evaluate the impact of the work on equality?

> *Answer*: Once the trial has been completed, a findings report study will be conducted to evaluate the longer-term viability of audit management software for the ICO's NIS regulatory duties.

Q8. How long will these arrangements be in place?

> **Answer:** The software trial audit is expected to run for 7 months between July 2023 and February 2024

Q9. When do you intend to review this EqIA? This should usually be done upon any change that is made to the original piece of work that this EqIA is for.

> **Answer:** The project would normally be subject to an annual review of the EqIA, however, as the trial is only intended to run for 7 months a review will only be undertaken in the event that trial is subject to significant changes.

Publication

Q10. As stated above and in the guidance, we intend to publish all completed EqIAs on the ICO's website. Please provide detail of any necessary redactions and the intended publication date.

You should also review the wording to ensure that it is as clear as possible for any staff or public to read.

> **Answer:** No redaction is required.

Governance and sign-off

The person who completes this document must be content that all potential equality issues have been identified and considered, that appropriate monitoring will be in place and the publication issues have been considered.

Please tick here to confirm that you have consulted with other colleagues and those it would largely impact where appropriate. ☐

Please state here who has completed the EqIA:

Signed by: MC *Date:* 08/08/2023

Approved by line manager:

Signed by: RP *Date*: 09/08/2023

You **must** send your completed form to corporategovernance@ico.org.uk for storage and publication.

The EDI Board provides overall assurance that the EqIA process is operating effectively, but it is not for them to review or approve EqIAs.

Section 75 The Northern Ireland Act

To meet the NI section 75 consultation requirement, we must incorporate the following into our EqIA process. Please read through the below and implement as appropriate whilst completing your EqIA

1. We will externally publish a list of all EqIA screenings we complete. We should publish these quarterly. The spreadsheet will be 'housed' on the ICO website Equality and diversity | ICO (these will include **all** EqIA screenings we complete)

2. Where an EqIA screen results in the need for a full EqIA on a policy, procedure or change that relates directly to the ICO carrying out its external statutory functions; we will consult with key stakeholders at the earliest opportunity for 12 weeks. By law we must consult with the Northern Ireland stakeholder list, but good practice would be to include other relevant stakeholders from across the UK. The author/approval manager will be best places to determine who these should be.

3. We have clarified that if we don't receive a response from these stakeholders to a consultation, that is fine. We record no response and move on with the policy, procedure or change.

4. We have clarified that we do not need to consult under s75 for policies that only impact our staff. Whilst its good practice to consult with staff, TU etc about changes that impact employees, ways of working etc, this type of internal change would not engage s75. We should of course complete an EqIA at the earliest opportunity, it's just that the s75 consultation requirement is unlikely to be engaged.

5. We have agreed that it would be for the manager who approves the EqIA to determine if a s75 consultation is needed. The Inclusion and Wellbeing team can provide support, but the author and manager will know their business area and will be best placed to assess if a new/change to a policy impacts external customer and stakeholders as part of our statutory function and should therefore be consulted on.

6. We have agreed that it should be for the author/approving manager to send the EqIA screening form or full EQIA form to corporate governance.