

People and Equality Impact Assessment

This document fulfils the ICO's requirements to conduct Equality Impact Assessments, as a requirement to have due regard under the Equality Act. 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 People and Equality Impact Assessments (PEIAs), which you can access [through this link](#), along with a glossary of issues to consider, which you can access [through this link](#). The purpose of PEIAs 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 experience 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 before completing the document.

Please tick here to confirm that you have read the [guidance](#).

Please tick here to confirm that you have read the [glossary of issues to consider](#).

Completed PEIAs will be published [on the ICO's website](#).

Summary

Please provide your name.

Answer: AB

What is the title of this piece of work? Please try to ensure that this is likely to be understandable to everyone in the ICO.

Answer: Accessing of websites that potentially contain inappropriate, offensive, or upsetting material.

Briefly describe the overall purpose of this work.

Answer:

The ICO's Intelligence Department accesses numerous websites as part of our open source research (OSR) to assist investigations and research throughout the ICO. OSR is the collection, evaluation, and analysis of materials from sources available to the public, whether on payment or otherwise to use as intelligence or evidence within investigations.

Whilst not the focus of our research, on very rare occasions, staff may access websites that contain inappropriate, offensive, or upsetting material. The intent of OSR is not to view inappropriate, offensive, or upsetting material, however, on occasions this may be unavoidable, due to the nature of the sites visited..

We intend to update and amend our policies and procedures to ensure that access to such material is managed appropriately, that no ICO staff member is compelled to undertake such work, and that support is available to staff engaged in such activity.

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.

Please answer Yes or No

Answer: Yes

*If you answer **No** to this question, you may not need to complete a PEIA. PEIAs are only required for policies, procedures and similar. However, with the ICO's commitment to equality, we would like PEIAs to be completed for as much of our work as possible. This should be beneficial in ensuring that you consider any potential equality issues while developing work.*

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 (e.g. monetary penalties, enforcement notices, information notices etc)?

Please answer Yes or No

Answer: No

*If you answer **Yes** to this question, you may not need to complete a PEIA. You do not need to do a PEIA in coming to a decision regarding regulatory action, or explaining how the law operates, as equality considerations are assumed to be part of the laws. However, in areas such as guidance or anything similar, you should definitely complete a PEIA.*

If a PEIA is not required, the person with responsibility for this piece of work should decide whether a PEIA should be completed.

Impact on people with protected characteristics

The issues to consider annex, [available through this link](#), sets out some issues that you should consider for each protected characteristic.

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**. 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?	Will the mitigation you have identified fully mitigate all of the negative impacts, such that there is a positive impact or no impact?
<p>Religion or belief</p>	<p>Potential for negative impact - The potential reviewing of inappropriate, offensive, or upsetting material may be contrary to religious beliefs. It may also expose the viewer to negative or harmful stereotypes.</p>	<p>Mitigation: This applies to all protected characteristics.</p> <p>The purpose of the ICO's OSR policy is not to review inappropriate, offensive, or upsetting material, our research is primarily focused on information rights issues, and in supporting investigations.</p> <p>Determining the scope of an OSR request will identify the likelihood of staff members deliberately or accidentally accessing inappropriate, offensive, or upsetting material, and will allow the staff member/s concerned to make an informed decision about whether they participate in the work or not.</p> <p>To manage the potential for accessing such material, all taskings for intelligence products, including open source research, will now incorporate a 'uncertainty yardstick' matrix, that will address the probability of accessing such material. The uncertainty yardstick will be completed by the authorising Intelligence Department Manager.</p>

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	Will the mitigation you have identified fully mitigate all of the negative impacts, such that there is a positive impact or no impact?
		<p>Staff can where necessary, work with a colleague when reviewing potentially inappropriate or offensive websites. This will provide an element of support, and act as a mechanism to ensure unnecessary accessing of any additional inappropriate, offensive, or upsetting material.</p> <p>Any teamworking will be balanced against any discomfort that staff would feel in viewing such material with others.</p> <p>If it is identified that viewing of inappropriate, offensive, or upsetting material is a possibility, that OSR should be conducted in an ICO private office environment, preferably within the Intelligence Department. This will help to ensure minimal staff are exposed to the viewings.</p> <p>This type of material must not be viewed when working from home.</p>

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	Will the mitigation you have identified fully mitigate all of the negative impacts, such that there is a positive impact or no impact?
		<p>Support for Staff</p> <p>The ICO have a number of support mechanisms in place to provide help and support to any members of staff who may be impacted by this type of work.</p> <p>Staff members can discuss any concerns in relation to the work they have been tasked with their line manager, colleagues or with a member of the People Services team.</p> <p>The colleague assistance helpline is also available and can provide instant access to a confidential telephone counselling service.</p> <p>The ICO also has a number of staff who have been fully trained to be mental health first aiders and are certified by MHFA England and are available to call upon for help and support with any mental health concerns. Mental Health first aiders are able to listen and help in the first instance and signpost to further support if suitable.</p>

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	Will the mitigation you have identified fully mitigate all of the negative impacts, such that there is a positive impact or no impact?
Race, nationality or cultural background	Potential for negative impact - The potential reviewing of inappropriate, offensive, or upsetting material could expose the viewer to terminology that may be considered as offensive in relation to people of specific races or cultural backgrounds.	Mitigation: Where possible, websites to be viewed will be discussed and agreed as part of a scoping exercise, which will allow the staff member/s concerned to make an informed decision about whether they participate in the work or not.
Disabled people	Potential for negative impact - The potential reviewing of inappropriate, offensive, or upsetting material could expose the viewer to content depicting harmful or negative stereotypes, and other types of discrimination.	Mitigation: Where possible, websites to be viewed will be discussed and agreed as part of a scoping exercise, which will allow the staff member/s concerned to make an informed decision about whether they participate in the work or not.
Sexual orientation	Potential for negative impact - The potential reviewing of inappropriate, offensive, or upsetting material could expose the viewer to websites containing a range of content depicting negative or harmful stereotypes to people of specific sexual orientations.	Mitigation: Where possible, websites to be viewed will be discussed and agreed as part of a scoping exercise, which will allow the staff member/s concerned to make an informed decision about whether they participate in the work or not.

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	Will the mitigation you have identified fully mitigate all of the negative impacts, such that there is a positive impact or no impact?
Sex (see note 1)	Potential for negative impact - The potential reviewing of inappropriate, offensive, or upsetting material could expose the viewer to websites containing a range of content depicting negative or harmful stereotypes.	Mitigation: Where possible, websites to be viewed will be discussed and agreed as part of a scoping exercise, which will allow the staff member/s concerned to make an informed decision about whether they participate in the work or not.
Age	Potential for negative impact - Age would not be a factor to consider when allocating this type of work to colleagues.	Mitigation: Where possible, websites to be viewed will be discussed and agreed as part of a scoping exercise, which will allow the staff member/s concerned to make an informed decision about whether they participate in the work or not.
Gender reassignment (see note 2)	Potential for negative impact - The potential reviewing of inappropriate, offensive, or upsetting material could expose the viewer to websites that may depict negative or harmful stereotypes.	Mitigation: Where possible, websites to be viewed will be discussed and agreed as part of a scoping exercise, which will allow the staff member/s concerned to make an informed decision about whether they participate in the work or not.
Marital status	Potential for negative impact - The potential reviewing of inappropriate, offensive, or	Mitigation: Where possible, websites to be viewed will be discussed and agreed as part

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	Will the mitigation you have identified fully mitigate all of the negative impacts, such that there is a positive impact or no impact?
	upsetting material could expose the viewer to websites that may depict negative or harmful stereotypes.	of a scoping exercise, which will allow the staff member/s concerned to make an informed decision about whether they participate in the work or not.
Pregnancy and maternity	Potential for negative impact - The potential reviewing of inappropriate, offensive, or upsetting material could expose the viewer to websites that may depict negative or harmful stereotypes.	Mitigation: Where possible, websites to be viewed will be discussed and agreed as part of a scoping exercise, which will allow the staff member/s concerned to make an informed decision about whether they participate in the work or not.
Political opinions	Potential for negative impact - The potential reviewing of inappropriate, offensive, or upsetting material could expose the viewer to websites that may depict negative or harmful stereotypes.	Mitigation: Where possible, websites to be viewed will be discussed and agreed as part of a scoping exercise, which will allow the staff member/s concerned to make an informed decision about whether they participate in the work or not.

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	Will the mitigation you have identified fully mitigate all of the negative impacts, such that there is a positive impact or no impact?
People with dependants	Potential for negative impact. The potential reviewing of inappropriate, offensive, or upsetting material could expose the viewer to websites that may depict negative or harmful stereotypes.	Mitigation: Where possible, websites to be viewed will be discussed and agreed as part of a scoping exercise, which will allow the staff member/s concerned to make an informed decision about whether they participate in the work or not.
People without dependants	Potential for negative impact - The potential reviewing of inappropriate, offensive, or upsetting material could expose the viewer to websites that may depict negative or harmful stereotypes.	Mitigation: Where possible, websites to be viewed will be discussed and agreed as part of a scoping exercise, which will allow the staff member/s concerned to make an informed decision about whether they participate in the work or not.
Socio-economic groups or social classes (see note 3)	No impact - Not a factor in the allocation of this type of work to staff.	

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	Will the mitigation you have identified fully mitigate all of the negative impacts, such that there is a positive impact or no impact?
Multiple protected characteristics (see note 4)	Potential for negative impact - The work has potential to expose staff to websites that could have a negative impact on their health and wellbeing, cultural and religious beliefs.	Mitigation: Where possible, websites to be viewed will be discussed and agreed as part of a scoping exercise, which will allow the staff member/s concerned to make an informed decision about whether they participate in the work or not.

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

Note 2: you may wish to consider the impact on transgender people while considering people undergoing gender reassignment, although gender is not a protected characteristic under the Equality Act

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 (e.g. the same issue has a positive impact on people with one protected characteristic but a negative impact on people with another protected characteristic)

If you state that for any negative impact the mitigation you have identified will not be able to fully mitigate the negative impact, you will need to contact HR to discuss next steps. Details are provided at the end of this document.

Q4. The ICO's Welsh Regional Office has a statutory requirement to provide services through the medium of the Welsh language. Will there be a requirement for this work to include a Welsh-language element?

Please answer Yes, No or Don't Know

Answer: No

*If you answer **Yes or Don't Know** to this question, you will need to contact the Welsh Regional Office to discuss next steps.*

Contributing towards the ICO's equality objectives

Q5. How does this work contribute towards the ICO's equality objectives? For each of the objectives in the table below, please explain how the work you are doing will contribute to achieving this objective or state "no contribution". If there are ways that the contribution could be increased, please also mention them here.

Objective	Contribution to objective
Objective 1: <u>Spreading knowledge and taking action</u> : We will raise awareness of information rights across the community and take action to ensure that organisations fulfil their obligations. We will have particular focus on groups and sectors where knowledge gaps may cause information rights inequalities or vulnerabilities. We will ensure that in our actions as a regulator we do not create inequalities or discriminate.	Our work will support the wider ICO and contributes to ensuring organisations fulfil their obligations, in particular, in relation to information rights vulnerabilities.

Objective	Contribution to objective
<p>Objective 2: <u>Accessible services</u>: Our services and information will be accessible for users and potential users of our services, and we will provide our staff with the skills and knowledge they need to provide high quality services for all. We will try to anticipate customer needs and we will take action to remove barriers to our services when possible.</p>	<p>Our work provides the evidence base to support the wider ICO to effectively manage civil and criminal investigations instigated by the ICO, and in supporting other departments in managing information rights issues. This could be increased by continuing to promote the work of the Intelligence Department throughout the ICO and making us an intelligence-led organisation.</p>
<p>Objective 3: <u>Encouraging others</u>: We will use our status as a regulator, advisory body and purchaser of services to influence improvements in equality by other organisations and across society.</p>	<p>The Intelligence Department supports the wider ICO through the provision of a range of intelligence products which are used to inform and influence improvements in how organisations comply with information rights legislation.</p>
<p>Objective 4: <u>Employer</u>: Our workplaces and practices will be accessible, flexible, fair and inclusive. We will value the diversity, skills, backgrounds and experience of our people, enabling them to perform to their best in a welcoming and supportive environment.</p>	<p>The Intelligence Department is committed to ensuring we have a diverse range of staff, and we ensure equal opportunities for all.</p>

Monitoring and evaluation

Q6. What arrangements are in place, or will you put in place, to monitor and evaluate the impact of the work on equality?

Answer: The OSR procedure will be reviewed annually, monitoring any changes that may impact on protected groups.

Q7. How long will these arrangements be in place?

Answer: The arrangements will be maintained for the lifetime of the OSR procedure.

Q8. When do you intend to review this monitoring to assess the impact of this work on equality? This should usually be done no later than a year after implementation and may need to be ongoing as part of regular review of the work.

Answer: The procedure will be continually monitored, focusing on any changes to the process that could impact on protected groups.

Publication

Q9. As stated above and in the guidance, we intend to publish all completed PEIAs on the ICO's website. Are there any parts of your answers to the questions above which need to be redacted prior to publication? Should publication be delayed until a certain date? If so, please provide details for each of these questions in the box below.

You should also review the wording to ensure that it is likely to be as understandable as possible to any member of the public.

Answer: Reviewed and considered clear and easy to read.

Conclusion and sign-off

Thank you for completing this PEIA.

You should ensure that the person with overall responsibility for the piece of work the PEIA refers to is 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. This might be you, your line manager or someone else in the ICO. Therefore, you may need to provide this PEIA form to that person for review prior to completing it.

Please tick here to confirm that you have consulted with the relevant EDI staff networks or other colleagues where appropriate.

Please state here who has signed off the PEIA.

Signed off by: AB

At each of their meetings, the EDI Board will receive a summary of the PEIAs which have been completed over the previous six weeks. However, the role of the EDI Board is **not** review and approval of PEIAs, rather overall assurance that the PEIA process is operating effectively.

For the actions which you have identified, you must complete a PEIA action plan, which you can access at [this link](#).

If you have identified that there are any negative impacts to any protected characteristics that you cannot fully mitigate (so that despite your best efforts, there will still be a negative impact to people with that protected characteristic), you must contact HR for advice.

Please send your completed form to corporategovernance@ico.org.uk for storage and publication.