

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 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 of issues to consider](#) before completing the document.

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

Summary

Prepared by: Victoria Herron

What is the title of this piece of work?

Consent Management Platform (CMP) project.

Briefly describe the overall purpose of this work.

To influence the cookie consent compliance of online service providers, by engaging with Consent Management Platforms (CMPs). We aim to secure changes to ensure greater UK GDPR and PECR compliance across the online service provider sector to achieve the Online Tracking Programme Board's vision to give people meaningful control.

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.

No

*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)?

Please answer Yes or No.

Yes- engagement outcomes will lead to a decision on whether further regulatory intervention is required, or not.

*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	Positive: Some CMP consent mechanisms may obtain SCD without lawful consent or an appropriate article 9 condition for processing. Influencing compliance may improve practices for SCD processing across the CMP sector.	
Race, nationality or cultural background	Positive: Some CMP consent mechanisms may obtain SCD without lawful consent or an appropriate article 9 condition for processing. Influencing compliance may improve practices for SCD processing across the CMP sector.	
Disabled people	Positive: Improved and compliant consent practices are likely to disadvantage disabled less than current CMP practices by not pushing users to	We are ensuring that disabled people are factored into the definition of vulnerable people. We will target the CMPs that cover the most used websites and assess the

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.
	<p>provide more personal data than they would otherwise provide through issues such as nudging users and unequally weighted consent provisions.</p> <p>Some CMP consent mechanisms may obtain SCD without lawful consent or an appropriate article 9 condition for processing. Influencing compliance may improve practices for SCD processing across the CMP sector.</p>	<p>impact of the potential of reducing harm—including whether the sites are used by vulnerable people.</p>
Sexual orientation	<p>Positive: Some CMP consent mechanisms may obtain SCD without lawful consent or an appropriate article 9 condition for processing. Influencing compliance may improve practices for SCD processing across the CMP sector.</p>	
Sex (see note 1)	N/A	
Age	<p>Positive: Older people and children may be more likely to provide consent where nudging and unequal consent mechanisms are provided. Some CMP consent mechanisms may process personal data without lawful consent for cookies or similar technology. Influencing compliance may improve compliance for</p>	<p>We are ensuring that children and older people are factored into the definition of vulnerable people. We will target the CMPs that cover the most used websites and assess the impact of the potential of reducing harm—including whether the sites are used by vulnerable people.</p>

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.
	processing across the CMP sector meaning that the processing is fair and transparent.	
Gender reassignment (see note 2)	Positive: Some CMP consent mechanisms may obtain SCD without lawful consent or an appropriate article 9 condition for processing. Influencing compliance may improve practices for SCD processing across the CMP sector.	
Marital status	N/A	
Pregnancy and maternity	Some CMP consent mechanisms may obtain SCD without lawful consent or an appropriate article 9 condition for processing. Influencing compliance may improve practices for SCD processing across the CMP sector.	
Political opinions	Some CMP consent mechanisms may obtain SCD without lawful consent or an appropriate article 9 condition for processing. Influencing compliance may improve practices for SCD processing across the CMP sector.	
People with dependants	NA	
People without dependants	NA	
Socio-economic groups or social	Positive: Some CMP consent mechanisms may obtain SCD without lawful consent or an appropriate	

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.
classes (see note 3)	article 9 condition for processing. Influencing compliance may improve practices for SCD processing across the CMP sector.	
Multiple protected 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?

Please answer Yes, No or Don't Know
No

*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 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: N/A

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
<p>Objective 1: We will represent the communities and societies we serve We believe that diverse teams make better decisions, boost creativity and innovation, enable greater professional growth and increase our understanding of</p>	<p>We aim to give people more meaningful control over their personal data. We are identifying online services that are high reach and impact to reduce the largest risk of harm/have a greater impact. We will identify sites that are used by vulnerable people, including</p>

Objective	Contribution to objective
<p>the communities we regulate. As a workforce, we are the most effective and have the greatest impact when we are representative and consider different perspectives.</p>	<p>children in the data and therefore aim to influence the consent practices of sites that are used by them.</p>
<p>Objective 2: Our culture will be inclusive We're at our best when we support and look out for one another, and when we trust and empower each other to be ourselves. That applies whether it's within the workplace or in the work that we do.</p> <p>We have measures in place to support our diverse workforce, such as reasonable adjustments. However, we will do more to remove the barriers that are preventing people from developing and progressing.</p>	<p>We will work closely with colleagues in Online Tracking as part of this work, and other colleagues as required. We will ensure colleagues are provided with the information they need in advance of engagement, in formats that are accessible.</p>
<p>Objective 3: We will better understand the needs of everyone to deliver services that are accessible to all We target our regulatory interventions on the areas of greatest harm and to make a real difference to people's lives. Technological innovation by businesses means the landscape we regulate is constantly transforming. We know we're at our best when we understand the needs of all our customers, including those who experience vulnerability and communities of unmet need.</p>	<p>We are ensuring that we obtain data through external research to inform our engagement plans and the stakeholders we engage with. This will lead to regulatory interventions in areas of greatest risk of harm and those that will have the greatest impact on people's lives.</p>

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: Regular review points to assess progress. This will include EQIA considerations and risk. We will evaluate the overall impact at the end of the project.

Q8. How long will these arrangements be in place?

Answer: for the duration of the project.

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: when changes are made to our approach, and at regular review points that are built into the project.

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 redactions 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:

<i>Signed by:</i> Victoria Herron <i>Date:</i> 10/12/2024
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Approved by line manager:

<i>Signed by:</i> Aaron McMurray
<i>Date:</i> 12/12/2024

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.

If you have identified any negative impacts to any protected characteristics that you cannot fully mitigate, please contact Inclusion and Wellbeing for advice via inclusionandwellbeingteam@ico.org.uk.

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 placed 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 it's 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.

EqIA version control (to be updated by the person completing the EqIA)

Version number	
Status	

Relevant or related policies	Equality Impact Assessment Guidance
Author/owner	
Approved by	
Date of sign off	
Review date	

Version	Changes made	Date	Made by

Template version control (to be updated by the person updating the EqIA template)

Version number	2.4
Status	Not approved
Relevant or related policies	Equality Impact Assessment Guidance
Author/owner	EDI Board (EqIA sub group)
Approved by	Suzanne Gordon
Date of sign off	10 February 2023
Review date	February 2024

Version	Changes made	Date	Made by
0.1	Created new document.	June 2021	Chris Braithwaite
0.2	Amendment of title to EqIA and minor amendments	July 2021	Chris Braithwaite
0.2a	Amended to put protected characteristics and objectives into a table as an option to consider	July 2021	Chris Braithwaite
0.3	Added wording in relation to publishing the EqIA	August 2021	Chris Braithwaite
1.0	Links added and approved	September 2021	Chris Braithwaite

2.0	Reviewed form and process	8 August 2022	DOC, AT, JT, RS (IWT)
2.1	DOC added in sections and review of content	28 August	DOC
2.2	Amended changes after collaboration and feedback from the EDI Steering Group	30 August 2022	IWT
2.3	Updated to include best practice consideration of the Human Rights act	26 January 2023	Chris Braithwaite
2.4	Updated to include EDI objectives	6 September 2023	Roshini Mylvaganam