

Joint data controller Memorandum of Understanding (MOU) under Article 26 GDPR

This MOU is made between Cabinet Office and Engine Transformation, referred to jointly in this document as the Parties. It remains valid until superseded by a revised MOU mutually endorsed by the Parties.

All services provided up to the date of termination shall be properly accounted for in accordance with the terms of this MOU.

Signed For and on behalf of Engine Transformation:

Name Seema Shah

Position Head of Public Sector

Date 30/09/2019

Signed For and on behalf of Cabinet Office:

Name Lisa Jordan

Position Chief Economist and Head of the Analysis & Insight Team

Date 12/09/2019

MOU Purpose

The purpose of this MOU is to explain the nature of personal data collected and processed during the Civil Service People Survey, and the roles of Cabinet Office and Engine Transformation, who are joint-controllers of these data.

Overview

The Civil Service People Survey (CSPS) is an annual staff survey, which runs in October each year and invites all civil servants to share their views on working for their organisations. The survey is delivered by the market research company Engine Transformation. The contract with Engine Transformation to deliver the survey (and associated results reporting) is held by the Cabinet Office on behalf of all participating organisations.

The majority of questions in the Civil Service People Survey are agreed between Cabinet Office and Engine Transformation, as is the timing of the survey, the delivery mechanism and reporting products. Organisations participating in the survey can also decide to add some 'local questions' to their survey on additional topics relevant to their organisation, for staff in their organisation to answer on additional topics relevant to their organisation, for staff in their organisation to answer.

Several types of personal data are collected during, and to enable the running of, the CSPS

1. Survey responses: survey responses are collected during the main Civil Service People Survey. Although the vast majority of survey responses in the main Civil Service People Survey responses are anonymised, they are considered personal data as the number of demographic questions asked about individuals mean a person looking at the individual-level data could feasibly identify an individual. In addition, special (sensitive) categories of personal data collected are ethnicity, disability status, religion, sexual orientation, gender and age. Respondents do not have to answer questions about these characteristics (or any other question in the survey) – they can chose to skip any question.

Engine Transformation collect and store responses from the Civil Service People Survey: they provide aggregate results to the Cabinet Office and participating organisations. They also provide an individual-level, anonymised data set, containing all survey responses, to the Cabinet Office.

2. Email address of staff: a small number of departments (3 in 2018) supply email addresses for all members of staff in their department in September. This is so each member of staff can be invited by email to complete the CSPS by Engine

Transformation directly, via a unique link (all other departments use a generic link for all staff in their organisation). Only Engine Transformation see and store these email addresses.

3. Email address of staff who work with the Cabinet Office and Engine Transformation to deliver the Civil Service People Survey: email addresses are collected from a small number of individuals in each organisation, who help the Cabinet Office central team coordinate the Civil Service People Survey in their organisation. These people are called 'Survey Managers' or 'Engagement Managers'. Their email addresses are stored by the Cabinet Office team responsible for running the survey, and by Engine Transformation, so that the Cabinet Office team and Engine Transformation can exchange information with these individuals easily.

Data Protection

Cabinet Office and Engine Transformation will comply with all relevant provisions of the General Data Protection Regulation (GDPR) and will actively work to ensure that both parties comply with the Regulation.

Cabinet Office and Engine Transformation responsibilities as joint data controllers

Under Article 26 (Joint Data Controllers) Cabinet Office and Engine Transformation will act as joint data controllers, in respect of any personal data pursuant to this MOU; they will only process such personal data to the extent necessary to meet the purposes of the survey. These are:

- To help leaders at all levels of the Civil Service identify where there are problems in their organisations, who they affect, and to help them to take action to improve staff experiences;
- To provide comparable data so that senior leaders can be held accountable for people management in a consistent way;
- Common data across the Civil Service creates a common currency and language to share experiences.

Neither Cabinet Office nor Engine Transformation will transfer any personal data it is processing as part of the services outside of the UK and the European Economic Area.

Cabinet Office and Engine Transformation will ensure that they have appropriate technical and organisational procedures in place to protect any personal data they are processing. This includes any unauthorised or unlawful processing, and against any accidental disclosure, loss, destruction or damage. Cabinet Office will promptly inform Engine Transformation, and vice versa, of any unauthorised or unlawful processing, accidental disclosure, loss, destruction or damage to any such personal data. Both parties will also

take reasonable steps to ensure the suitability of their staff having access to such personal data.

Specific Cabinet Office Responsibilities

Cabinet Office has the following specific responsibilities:

- Carrying out any required Data Protection Impact Assessment for the Civil Service People Survey project.
- Defining and managing the contractual relationship with Engine Transformation.
- Defining the data retention policy for survey responses and survey/engagement manager email addresses held by the Cabinet Office.
- Following Cabinet Office Data Security Guidance to ensure that the necessary measures are taken to protect personal data.
- Ensuring staff are appropriately trained in how to use and look after personal data, and follow approved processes for data handling.
- Ensuring staff have appropriate security clearance to handle personal information collected during the Civil Service People Survey.
- Providing a data Sharing Agreement to enable sharing of anonymised, individual-level data with organisations that participate in the survey.
- Secure transfer of individual-level data to participating organisations who have signed the data sharing agreement.
- Co-ordinating responses to Data Subject Requests where data is required from multiple departments or systems.
- Reporting any data breaches within Cabinet Office to their Data Protection Office and the ICO.
- Maintaining any Article 30 processing records

Specific Engine Transformation Responsibilities

Engine Transformation has the following specific responsibilities:

- Authoring privacy notices on the Civil Service People Survey, pursuant to Articles 13/14, and agreeing these with Cabinet Office.
- Contractual relationships with any third party contractors used for data processing during the Civil Service People Survey.
- Collecting and storing individual email addresses of staff in organisations that invite staff to complete the Civil Service People Survey, via unique survey links.
- Removing email addresses from survey responses from staff in organisations using unique links and applying unique anonymous identifiers, before sharing data with Cabinet Office.
- Defining the data retention policy for survey responses and email addresses held

- by Engine Transformation, and agreeing these with Cabinet Office.
- Ensuring staff are appropriately trained in how to use and look after personal data, and follow approved processes for data handling.
 - Ensuring staff have appropriate security clearance to handle personal information collected during the Civil Service People Survey.
 - Processing data to produce agreed reporting products for all organisations participating in the CSPS survey, which only show aggregate results for groups of 10 or more survey respondents.
 - Secure transfer of individual-level data from the Civil Service People Survey to Cabinet Office.
 - Responding to Data Subject Requests, or providing data to Cabinet Office within one month of receipt of the request.
 - Reporting any data breaches within Engine Transformation systems to their Data Protection Officer and ICO.
 - Reporting any data breaches (or suspected breaches) on their systems to Cabinet Office.

Individual rights

GDPR specifies new rights for individuals over the processing of their data. These rights, and the process an individual should follow when making a request, are listed in the Civil Service People Survey privacy notice.

Data Subject requests (such as for rectification or erasure) and general enquiries may be directed to Cabinet Office (CSPS@cabinetoffice.gov.uk) or Engine Transformation (csp@enginegroup.com).

In response to any subject access request, Cabinet Office and Engine Transformation will undertake a proportionate and reasonable search and respond within one month of the original request. Depending on the details of the request, Cabinet Office will co-ordinate the collation of data from relevant parties and ensure that the requestor receives a response. Engine Transformation will support this process by responding in a timely manner and providing the relevant data.

Data breach

Cabinet Office is responsible for reporting any breach within Cabinet Office to their Data Protection Officer and the ICO, and reporting any breaches within Engine Transformation to their DPO. Cabinet Office will also inform any organisations participating in the survey affected by the breach of the breach (i.e. if it relates to survey responses or email addresses from staff in their organisation).

Engine Transformation is responsible for reporting any data breaches within Engine Transformation systems to their Data Protection Officer and ICO, as well as to the

Cabinet Office.

Any breach under relevant data protection legislation will be reported to the Information Commissioner within 72 hours, in consultation with the Cabinet Office and Engine Transformation Data Protection Officers.

Data retention

Although survey responses collected in the main Civil Service People Service are anonymised, Cabinet Office have taken the decision to class individual-level responses as personal data under the legislation. This is because it may be possible to identify an individual at the point that an individual survey response is reviewed.

Individual-level survey responses collected in the Civil Service People Survey will be held by the Cabinet Office for statistical purposes (there is regularly the requirement to do time series analysis) for 10 years after the date the survey is completed, at which point their retention will be reviewed. If the survey responses are no longer in use at this point, they will be deleted; if they are still in active use, they will be retained, but their retention will (from then on) be reviewed on an annual basis. The individual-level survey responses will never be used to make decisions about those individuals

Survey responses collected in the Civil Service People Survey will be held by Engine Transformation for up to 2 years after the survey has completed. Should the contract with Engine Transformation come to an end, then they will delete personal data within 2 years of the date of collection, or pass it to a new contractor, if requested by the Cabinet Office.

Emails for staff in departments using unique links to access the CSPS will be deleted from Engine Transformation's systems in November (after the Civil Service People Survey fieldwork completes in October).

Email addresses for survey/engagement managers will be held and used by Cabinet Office while that individual performs this role. When the individual no longer performs this role, then their email will be deleted.

Email addresses for survey/engagement managers will be stored and used by Engine Transformation while they are under contract with Cabinet Office, but individuals will be removed from the list whenever Engine Transformation are informed that they have moved on from their role. Should the contract with Engine Transformation come to an end, then Engine Transformation will delete these email addresses within one month of its end date.

Publishing this MOU

Cabinet Office will take responsibility for publishing this MOU.

Any questions?

Please contact: CSPS@cabinetoffice.gov.uk