National Entitlement Card Scheme

Data Protection Impact Assessment

Version 2.1 FINAL

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Version No	Date	Summary of changes
Issue 1.0 FINAL	18/10/2016	Issue Final
Issue 2.0 FINAL	07/03/2019	Issued for publication with combined risks table
Issue 2.0.1 FINAL	04/04/2019	Correct error in table on page 18 (highlighted)
Issue 2.1 FINAL	08/07/2020	Reflect removal of NHSCR, UCRN (including related Risk Ref.4), NEC Online processing. Add reference to smarttravel.scot (p.4). Add two missing words ("to" p.10, and "only" p.13). Add reference to Young Scot branding in cardholder lookup (p.9). All changes highlighted. Programme Manager Review only – no substantial change.

Review

Name	Role/Organisation
	Data Protection Officer/Dundee City Council
	Team Lead/Scottish Government
	Policy Manager/Scottish Government
	Solutions Architecture Manager/Improvement Service
	Programme Manager/NEC Programme Office, Dundee City Council
	NEC Development Manager/NEC Programme Office, Dundee City Council

Authorisation

Document Approval		
Item	**Name/Date**	**Notes**
Measures approved by:	NEC Programme Manager 1.2 May 2018	Integrate actions back into project plan, with date and responsibility for completion.
Residual risks approved by:	NEC Board 1.2 May 2018	If accepting any residual high risk, consult the ICO before going ahead
DPO advice provided:	LA DPO representatives	DPO should advise on compliance, step 6 measures and whether processing can proceed
Summary of DPO advice: 1.2 Clarify card encoding actions.		
DPO advice accepted or overruled by:	NEC Programme Manager 1.2 October 2018	If overruled, you must explain your reasons
Comments: 1.5 reflects clarifications and work carried out as mitigation in line with 1.2; no further review by DPO(s) for 1.5		
Consultation responses reviewed by:	NEC Programme Manager 1.2 May 2018	If your decision departs from individuals' views, you must explain your reasons
Comments: 1.5 reflects amendments suggested by consultees – clarifications.		
Consultation responses reviewed by:	NEC Programme Manager 1.5	If your decision departs from individuals' views, you must explain your reasons
Comments:		
This DPIA will be kept under review by:	NEC Information Assurance Officer	The DPO should also review ongoing compliance with DPIA

Contents

Need for a Data Protection Impact Assessment (DPIA)

The National Entitlement Card (NEC) Scheme has two primary purposes:

- to provide and administer a personalised smartcard that may be used to allow efficient and customer-friendly access to various Scottish public sector services;
- to provide a means that an individual may use to assist in confirming who they are when accessing Scottish public sector services both in person and online.

The NEC Scheme was originally envisaged as a single means by which the 32 Scottish Local Authorities (LAs) could use a single card to enable cost-effective access to local services such as libraries and leisure facilities; its capability to hold transport concessions and tickets led to its adoption as the single national platform for the National Concessionary Travel Schemes administered by Transport Scotland, an executive agency of the Scottish Government.

The NEC Scheme is funded by the Scottish Government via Improvement Service (IS), a private limited company formed by and on behalf of Scottish Local Authorities. The Scheme is delivered on behalf of the 32 Scottish Local Authorities who not only assist in its direction and development but manage the application process locally and act as joint data controllers for the scheme.

With regard to the NEC Scheme, IS coordinates Local Authority operations along with Dundee City Council which delivers a managed service, the National Entitlement Card Programme Office (NECPO), to support both operational use and future developments.

NECPO manages the third party contractors who provide goods and services to the NEC Scheme. It also co-ordinates input from key stakeholders including the Scottish Government, Transport Scotland, Scottish Local Authorities, Young Scot and IS.

Examples of the major services which are underpinned by the NEC Scheme include:

- Scottish Local Authorities provide access to a number of local services using the NEC, including, but not limited to, school catering, library, leisure and local transport services;
- Transport Scotland (TS)'s national concessionary travel schemes, which currently benefit more than a million Scottish citizens, utilise the NEC to allow quick and secure access to public transport by operating the schemes as an ITSO smart ticket;
- Transport Scotland (TS)'s *saltire*card travel scheme allows the use of the NEC to carry commercial ITSO smart tickets as described at https://smarttravel.scot ;
- Young Scot makes use of the NEC to provide access to a number of their programme benefits for 11-25 year olds including retail offers and incentive schemes for community participation. Proof of age for young people is incorporated into the Young Scot NEC as it is accredited as part of the UK-wide PASS scheme http://www.pass-scheme.org.uk/about-us/.

Broadly speaking, the NEC Scheme collects details about a person such as name, date of birth, photograph and address and uses this to issue them with a smartcard personal to them and associated with their Local Authority.

Where the Customer is claiming entitlement to concessionary travel, limited details relating to that entitlement may be processed on behalf of the travel scheme concerned. These details may include

information about health, including information that could identify individuals as more vulnerable (e.g. vision impairment).

To allow the Customer to use data verified as part of their card application in helping confirm who they are when accessing other public services.

The Scheme's business processes and supporting computer systems aim to ensure that the Customer can apply for a National Entitlement Card by providing the minimum data necessary. The Scheme aims to make information available to the data subject (the Customer) that allows them to have a comprehensive understanding of how their data is used.

A DPIA is necessary as the NEC Scheme:

- processes special category data on a large scale;
- matches data or combine datasets from different sources;
- processes data that might endanger the individual's physical health or safety in the event of a security breach.

A Privacy Impact Assessment (PIA) – the forerunner to the DPIA - was prepared for the NEC Scheme prior to October 2016; however, in line with the Information Commissioner's Office (ICO) draft guidance that DPIAs should be kept under review, it has been decided that it is appropriate to revisit this in the light of GDPR and the Data Protection Act 2018.

Processing Description

Nature of Processing

The NEC is delivered via a Card Management System (CMS) to which all 32 Scottish Local Authorities have secure access in order to create, amend and delete Customer records as well as request new and replacement National Entitlement Cards. Personal data is processed by the NEC Scheme in order to deliver services provided by the Scottish public sector effectively and securely to Customers who are entitled to receive them. Each Council, or their agent, is normally restricted to accessing records of residents in their area.

The **National Entitlement Card Scheme Information Sharing Agreement** between the 32 Scottish Local Authorities sets out the information sharing and processing governance related to the Scottish National Entitlement Card Scheme and the personal data it utilises including details of what data is processed and why.

The following summarises the data sharing underpinning the Scheme:

- the CMS, and some elements of service delivery are provided by third party suppliers;
- the CMS shares personal data with the Improvement Service so that the Customer may use data provided as part of their card application to help confirm who they are when accessing other public services;

- the CMS shares limited personal data (restricted to the card numbers, gender, postcode, date of birth and concession type) with Transport Scotland's HOPS (a Back Office System) for those Customers requesting one of the national travel concessions to allow the delivery of the service;

- the CMS shares limited personal data (restricted to the card's two numeric identifiers) with Transport Scotland's HOPS for all Customers so that they may use their NEC as a *saltire*card on Scottish public transport;

- Local Authorities, as data controllers for the Scheme, may request copies of the data of their residents held within CMS to assist in maintaining the data they hold to an appropriate standard.

How the scheme works

Customers who request a National Entitlement Card are required to provide their Local Authority with certain basic information:

- title (optional)

- gender (male, female or unspecified)

- first name

- middle initials/middle name (optional)

- surname

- date of birth

- postal address

- contact details

- photograph (note: a photograph is not required for the Junior NEC, known as KIDZ card, which some Local Authorities offer to children below secondary school age).

This information is verified before being used as the basis of the data held by the scheme to administer the card. For some services, this basic information is sufficient to allow the service to be provided via the NEC: e.g. age-related travel concessions.

Other services may require additional information to be supplied by the Customer and verified before the service can be provided by using the NEC as proof of entitlement: e.g. disability-related travel concessions. It is not necessary for the NEC Scheme to hold all details of an individual's entitlement: e.g. a library system may use the NEC simply to confirm the entitlement of the holder to borrow items, and the library system would hold details such as the number of books the holder can borrow. However, other applications, such as travel concessions, require the card to contain more detailed information about the nature of the entitlement so that real-time connection to additional systems is not necessary. The minimum amount of additional information is held by the NEC CMS to allow the card to be produced and replaced as required.

The following data is held on the card, either visibly, electronically encoded, or both:

Data	Visible?	Encoded?	Encoded pre 25/07/2018[1])?
Photo	Yes , not KIDZ cards	No	No

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[1] After a review in early 2018, the amount of data encoded on any card or replacement card issued from 25 July 2018 was reduced to reflect changes since the Scheme's inception.

Name on Card	Yes	No	Yes, on general secured[2] area
Postcode	No	Yes, National Concessionary Travel (NCT) only on ITSO secured area	Yes, on general secured area and NCT on ITSO secured area
Gender	No	Yes, NCT only on ITSO secured area	Yes, on general secured area and NCT on ITSO secured area
Date of Birth	Yes, Young Scot only	Yes, on general secured area and NCT on ITSO secured area	Yes, on general secured area and NCT on ITSO secured area
NEC Number	Yes	Yes, on open area and NCT on ITSO secured area	Yes, on open area and NCT on ITSO secured area
ISRN Number	Yes	Yes, NCT only on ITSO secured area	Yes, NCT only on ITSO secured area
Travel Concession Expiry Date (based on proofs provided)	Yes, disabled national concessionary travel	Yes, NCT only on ITSO secured area	Yes, NCT only on ITSO secured area
Branding Expiry Date (based on date of birth)	Yes, Young Scot and some KIDZ cards only	No	No
Travel Concession Type	Yes, national concessionary travel only	Yes, NCT only on ITSO secured area	Yes, NCT only on ITSO secured area
Title	No	No	Yes, optional NCT only on ITSO secured area
First Name	No	No	Yes, on general secured area and NCT on ITSO secured area
Surname	No	No	Yes, on general secured area and NCT on ITSO secured area
Initials	No	No	Yes, on general secured area
Age	No	No	Yes, on general secured area
Address	No	No	Yes, on general secured area and NCT on ITSO secured area
Phone number	No	No	Yes, optional on general secured area and NCT on ITSO secured area
Mobile number	No	No	Yes, optional NCT only on ITSO secured area
Email address	No	No	Yes, optional NCT only on secured area
Leisure Number	No	No	Yes, optional on specific secured area
Library Number	No	No	Yes, optional on specific secured area

Within the NEC Scheme, the Customer's Local Authority would normally be the data controller. For most Customers, this would be the Local Authority where the Customer resides or, in the case of young people, where they attend a Local Authority education establishment. In normal circumstances, only

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[2] Access to general and specific secured areas is controlled by restricted sharing of a security key and algorithm with defined Local Authority bodies and suppliers; access to the ITSO shared area is secured by use of the ITSO standards used by the UK transport industry https://www.itso.org.uk

this Local Authority has access to the Customer's data; necessary operational exceptions to this are discussed in the section Security Controls below.

The internal data flows within the scheme are described in detail within the document **National Entitlement Card Information Architecture Data Flow Diagrams**.

Data is provided to Local Authorities through the following channels; not all Local Authorities use all channels, and each may use them differently (e.g. not all Local Authorities using national paper application forms use Post Offices):

- the Customer may complete a national paper application form and return it to a their Local Authority, SPT (Strathclyde Partnership for Transport) or Post Office Validation Point – that is, a location that accepts NEC applications from Customers on behalf of the Customer's Local Authority;
- the Customer may visit their Local Authority or SPT Validation Point where an authorised agent acting on behalf of a Local Authority can key details directly into the NEC CMS;
- the Customer may allow information from an existing Local Authority system to be used electronically to apply for an NEC service, e.g. most NEC applications for young people are derived from school records of name, address, date of birth, gender, contact details and photograph.

Data received is verified to ensure its accuracy according to the manner in which it was received and the services requested.

- At Local Authority and SPT Validation Points, the Local Authority Agent will verify the name, date of birth, address and photograph provided either through a paper application form or personal visit with appropriate documentary proof. They will also verify other service details as necessary, e.g. eligibility for disability travel concessions.
- Post Office Validation Points only verify paper forms relating to applications connected with travel concessions granted on the basis of the Customer being aged 60 years or over, and verify the name, date of birth, address and photograph provided through a paper application form, again by the Customer visiting the Validation Point with appropriate documents.
- Information provided in electronic format from existing Local Authority systems is accepted on the basis that the name, date of birth, address and photograph it includes has been verified, e.g. as part of school enrolment processes.
- For Young Scot applications that are not derived from school records, there is a requirement for Local Authorities to retain a copy of personal data, including proofs of entitlement, to satisfy audit requirements relating to the PASS scheme; this is not however a requirement of the NEC Scheme.

Data can be processed routinely for the following events:

- Creation of a record on the CMS using verified personal data by one of the following means:
  - At a Local Authority location or SPT office the data is entered manually by a Local Authority Agent over a secure link to the CMS.

- o Paper forms are sent on behalf of the Customer by Local Authorities, Post Offices and SPT to the Card Bureau (a service provided by an external supplier under contract to NECPO that produces and dispatches cards) using standard public mail services in official pre-addressed envelopes. Data is entered electronically by Optical Character Recognition (OCR) with manual intervention by Card Bureau staff as required. Scans of the original form retained within CMS and the paper forms themselves are securely destroyed after a period of time under the terms of the contract.

- o Information from an existing system supplied by Local Authorities after encryption over a secure data link is uploaded to CMS electronically in bulk by Card Bureau staff.

- o For each record created on CMS, a corresponding cardholder look-up is maintained by Improvement Service which can be used to allow individual Customers to demonstrate who they are without having to re-present the proofs shown when applying for a National Entitlement Card. The cardholder look-up does not store any information related to the National Entitlement Card or eligibility for any services that the National Entitlement Card may offer, except for whether the card carries Young Scot branding, the NEC number to allow easier access to Customers and the NEC Scheme Applicant ID which is used as a key to ensure integrity between CMS and the cardholder look-up.

- Production of cards, either as a new issue or replacement, using the following processes:
  - o data is transferred from CMS system to the Card Bureau print systems to allow personalisation of the card being produced, with the correct details to be printed and encoded on the card as necessary;
  - o data is transferred to the Improvement Service cardholder look-up, the Local Authority and Transport Scotland's HOPS system to ensure that the subsets of data they hold are accurate and up-to-date, and to ensure service continuity for the Customer;
  - o cards are dispatched to Customers using standard public mail services.

- Where any other Service Provider is utilising the NEC Scheme card and exchange of personal data is required to deliver the service, the relevant Local Authority is responsible for ensuring that the Customer's data is processed in accordance with the relevant data protection laws.
  - o Data may be transferred between the Local Authority and the Service Provider to establish a relationship, and subsequently to ensure that the data held by the Service Provider is accurate and up-to-date.
  - o Some Service Providers require data to be physically stored and modified on the card itself during the course of card production or when the card is presented to receive a service, and have secure access to only the relevant data on the card; this data is restricted to the minimum required for the Customer to access the Service using the card. This is currently restricted to Local Authority based services.

- Notification of changes to personal data are exchanged with organisations responsible for some or all of the processing associated with the NEC Scheme and/or concessionary travel schemes:
  - o the Improvement Service cardholder look-up, the Local Authority and Transport Scotland's HOPS system to ensure that their data is accurate and up-to-date for the management of the NEC Scheme or the relevant travel schemes;

- If a card is reported no longer in use for whatever reason, it is added to a "hotlist" to both avoid fraudulent use and to allow a replacement card to be issued, where necessary; in addition to the data sharing relating to the production of the replacement card detailed above, additional data relating specifically to the NEC number on the card lost and the nature of the reported loss are shared with:
  - the Improvement Service cardholder look-up, the Local Authority and Transport Scotland to ensure that their data is accurate and up-to-date for the management of the NEC Scheme or the relevant travel schemes and to minimise financial loss;
- Additional data is shared with Transport Scotland when requested as required to investigate fraudulent use of the national concessionary travel scheme.
- Data is shared under strict conditions to assist police services in investigation of crime:
  - The Police Service of Scotland, British Transport Police, Transport Scotland and the NEC Programme Office have agreements in place which allow the parties to share Customer data relating to the use of National Concessionary Travel Schemes where required as part of investigations into cases relating to a crime, or preventing harm to life. Such cases include high risk missing persons, murder or attempted murder, rape or other serious sexual offences, and abduction. This activity takes place on a case by case basis, and each request received from the police is logged. Depending on the nature of the enquiry, data may only be required from NECPO, who will access the NEC Scheme CMS for card and Customer information, or Transport Scotland, whose systems record journeys made using a particular card in conjunction with National Concessionary Travel Schemes. This separation is designed to ensure that the impact on the privacy of Customers who are not involved in the enquiry is kept to a minimum. Police services are not given system access to CMS or related file systems at any time, and the agreement is in line with data protection laws.
  - In addition, police services requiring access to card data without travel data relating to National Concessionary Travel Schemes may approach Local Authorities directly where their request will be handled according to local protocols and safeguards.

Use of Identifiers

The NEC Scheme uses one main Card Management System (CMS) to help deliver the service it provides.

There are no mandatory requirements to link to identifiers from any other Local Authority systems within the NEC Scheme CMS.

Applicant ID

The Applicant ID is generated by the CMS as a unique system identifier for the record corresponding to an individual applying for an NEC. For a large number of Customers, there will be a single Applicant ID; however, individuals may have multiple Applicant IDs if separate applications have been made by the Customer over time. Only in very few cases are multiple Applicant IDs active at any given time for a single Customer. The Applicant ID is shared with the Customer's Local Authority and Improvement Service to help ensure that the correct record in CMS is updated when changes to shared data are made in myaccount or other Local Authority systems.

Application ID

A unique Application ID is assigned by CMS to each application received. Paper forms have this identifier pre-printed on them, applications received directly into the system, or electronically by datafile, are assigned an Application ID as the CMS record is created. The Application ID is shared with the Customer's Local Authority and serves as an audit cross-reference to forms submitted.

NEC Number

The NEC Number is a 16-digit card number (similar to the one found on a standard bank card) that uniquely identifies a single card. NEC Numbers are shared with the Improvement Service cardholder look-up area, Transport Scotland and the Customer's Local Authority, so that they can recognise the card as belonging to the Customer for whom they will have separate identifiers, e.g. a library membership number which they will use to deliver the service.

UPRN (Unique Property Reference Number)

The UPRN is an identifier in wide use in the public and private sectors as a way of identifying specific land and property units (addresses) as held in the One Scotland Gazetteer and addressing resources such as certain Ordnance Survey Addressbase products.

ISRN (ITSO Shell Reference Number)

This is an 18 digit unique number that is assigned to each card in the scheme which allows Transport Scotland to manage the smart tickets within an ITSO (i.e. UK transport smartcard) standard compliant environment. The only relationship between the ISRN and NEC Number is that they are both assigned to the same physical card.

Scope of Processing

In theory, every resident of Scotland could apply for their own NEC; in practice, around 2 million individuals have data within the NEC Scheme.

The data that is required from every Customer is their name, date of birth and address. A gender and contact details may also be specified. A photograph of the Customer is required if they are over the age of 11 years old or if they require access to national concessionary travel.

A significant number of Customers (around 10%) will also have submitted basic information about their disability in order to receive a travel concession, and whilst this data is not detailed, it still belongs to a special category of personal data and in the event of a security breach could be mis-used e.g. by criminals targeting individuals with impaired vision.

Data provided is enhanced by matching with an Improvement Service copy of data held in the National Health Service Central Register managed by National Records of Scotland (NRS).

The retention of data is in theory for as long as the person holds an NEC; however, currently it is normal to remove data only by request or on notification of death as there is no universal need to renew a card, even if, for example, the Young Scot element has expired. Currently data relating to a disabled travel concession application, including that belonging to a special category may be retained indefinitely.

Further information can be found in the **National Entitlement Card Scheme Information Sharing Agreement** and the **National Entitlement Card Information Architecture Data Flow Diagrams**.

Context of Processing

The processing is based on the nature of the relationship between the Customer and their Local Authority, i.e. where their Scottish address is located. Taken with the varied uses that the Customer may be requesting a NEC for, this presents challenges in ensuring both the consistency and the thoroughness of the explanation given to the Customer, and consequently their expectations.

Over half of children in Scotland between 11 and 18 have a National Entitlement Card of some sort; one challenge for the Scheme is balancing the promotion of the Young Scot branding with the concept of the National Entitlement Card that carries it.

Young Scot branded cards, those carrying a non-age related travel concession (e.g. on the grounds of disability), and some KIDZ Cards carry a visible expiry date. However, in neither case does this relate to the expiry date of the card. It is likely that this would be a source of confusion to Customers who may expect the date to reflect when data about them may cease to be held.

The NEC Scheme continues to be subject to external scrutiny as it shares some characteristics of a national identity card. However, whilst it is currently required to access national concessionary travel, and is mandated by individual Local Authorities to access certain of their services, it is not a requirement for the population as a whole to take part in the Scheme, and Customers are free to leave the Scheme and surrender their card if they choose. No-one can demand to see an individual's NEC except in connection with the delivery of a particular service (for example, if a passenger claims a concessionary fare, the bus driver is required to verify that the card was issued to that customer by checking the photograph; however, a police officer or other official cannot demand to see a card simply to confirm who the cardholder is).

Purposes of Processing

The purposes of the National Entitlement Card scheme processing are to:
- support Scottish Government objectives of secure, high quality, easy to access public services;
- allow Customers to reduce the number of times they need to physically present proof of person, residence, and entitlement to different organisations by allowing them to trust the information held by the scheme, e.g. when address details are changed;
- allow Customers to use data verified as part of their card application to help confirm who they are when accessing other public services, for example when setting up a myaccount to manage their interaction online with the Scottish public sector;

- help Customers and organisations reduce the risk of an entitlement being misappropriated, e.g. libraries, transport operators, can use the photograph on the NEC to verify that it is being presented by the owner;
- give access to multiple applications or entitlements using the one card and by using a single card scheme achieving savings to the Scottish public sector compared with the use of multiple card schemes on a local or national basis;
- provide concessions or benefits without needing to disclose the nature of the concession on each occasion, avoiding stigmatisation;
- assist organisations in conforming with data protection laws by minimising the amount of personal data that they hold independently of the scheme and by using the scheme to ensure that the data that is held is accurate and up-to-date;
- improve privacy by ensuring that transactional data is held within the relevant transaction-specific system and not stored or shared between systems as part of the NEC Scheme;
- provide easy access to the application process, delivered by every Scottish Local Authority or someone authorised by them;
- use modern technologies to improve the service to new and existing Customers by asking the Customer for information only once where possible;
- reduce processing errors by minimising the number of paper forms;
- reduce the potential for fraud in the public sector, in particular involving the national concessionary travel schemes;
- deliver a robust service backed by Service Level Agreements.

Consultation

The NEC Scheme has evolved from early local pilot card schemes in around 2004. Feedback from the Local Authorities and their users went towards the introduction of the Scheme in 2006.

Ongoing consultation has taken place since then with the Scheme's key organisational stakeholders:

- Scottish Government (formerly Scottish Executive)
- Local Government, including COSLA
- Transport Scotland
- Young Scot

In addition to consultation with organisational stakeholders, the NEC Scheme makes efforts to respond appropriately to comments and criticisms from others, both organisations and individuals. It is proposed that this might be developed further by involvement with the Scottish Government's Open Government initiatives.

Necessity and Proportionality

The principal legal basis for the processing is that it is necessary for the performance of a task carried out in the public interest and in the exercise of official authority vested in the controller, i.e. the Local Authorities. In particular, it is carried out in line with the Local Authorities' duty to secure best value, and their power to advance well-being as outlined in Local Government in Scotland Act 2003, ss 1, 2; ibid.,

pt3. The full extent of the legal bases are set out in the **National Entitlement Card Scheme Information Sharing Agreement.**

Privacy Measures

The fact that personal details are intrinsic to the operation of the NEC Scheme means that systems and processes are specified very much with privacy in mind from the start. As time progresses, privacy requirements are continually under review as accepted good practice evolves, e.g. in response to new technology or risks, and as the scheme develops e.g. by the addition of new functionality or the award of new contracts.

The NEC Scheme asks for and holds only the minimum amount of information required to deliver its services to Customers. This information includes the type of proof initially submitted to verify the Customer and any entitlements. No scanned images or copies of original documentary proofs are either linked to or maintained within the Card Management System.

Historical verified information is maintained for audit and anti-fraud purposes only, e.g. in the case of PASS standards this would be the requirement to view the previous and current photographs for Customers as part of the audit and assurance processes for PASS accreditation.

The CMS system is available only to authorised users and access to it is strictly controlled. No public access is available to the CMS system. It is subject to rigorous independent scrutiny and testing in line with government and industry best practice.

In managing the NEC Scheme, NECPO use appropriate procurement standards, contract management and regular monitoring to ensure that third party suppliers and their sub-contractors commit to and follow policies and procedures that safeguard the personal data entrusted to them for processing in accordance with legislation. These include demonstration of compliance to ISO27001 and associated standards to ensure the security and proper handling of data.

Governance

The National Entitlement Card Programme Office reviews Information Assurance on a regular basis and Information Assurance is a standing item on the agenda of the NEC Board.

The NEC Board, established with representatives from Scottish Government, Local Government, The Improvement Service, Young Scot and Transport Scotland meets regularly. The remit of this Board includes review of the Risk Register and mitigation of any risks to the public, NEC Scheme and partners. NEC Board members include representatives from:

- Scottish Government
- Dundee City Council
- NEC Programme Office
- Transport Scotland
- Improvement Service
- Young Scot
- Scottish Local Authorities

Risk assessments are carried out as a routine part of change management within the NEC Scheme, and risks identified are consolidated into a single Risk Register. In addition to privacy, all other types of risks are considered on an ongoing basis. The consolidated Risk Register is maintained through regular meetings. A Risk Treatment Plan has been developed and is discussed on a regular basis with the NEC Board. A clear process for risk treatment and escalation has been defined and agreed.

A review is planned of how Information Assurance for the NEC Scheme might receive some manner of formal accreditation alongside other parts of the Customer First portfolio run by the Improvement Service in the light of changes to the UK Government's approaches to Information Assurance, Risk Management and Cybersecurity.

Security Controls

Use is made of strong encryption technologies and digital certificates throughout the electronic processes involved in order to protect data with a view to minimising the risk of personal data being inadvertently disclosed.

Access to the NEC Card Management System is managed by Local Authority area, i.e. an individual's record is normally only visible to CMS users acting on behalf of the Local Authority who is responsible for their card. These users would be employed by the Local Authority, SPT (if in the SPT area), or Dundee City Council in the case of the members of NECPO assisting Local Authorities in managing the system. CMS users have limited access to data of Customers whose card is managed by another Local Authority and this access is utilised to assist Customers when moving to a different Local Authority area. The user acting on behalf of the "new" Local Authority, as part of creating a new application, is advised of any matching Customers with cards issued by other Local Authorities which allows data integrity to be maintained and simplifies the process of moving for the Customer.

Access to the NEC CMS is restricted to terminals located on defined secure data networks, notably those managed by Local Authorities or organisations authorised to act on their behalf such as SPT. The CMS system is available only to authorised. No public access is available to the CMS system. It is subject to rigorous independent scrutiny and testing in line with government and industry best practice. Any concerns that are identified are discussed with the relevant parties and suitable actions agreed.

Only certain Local Authority Agents, as CMS supervisor users, have access to operational reports that contain limited data from multiple records. Individual CMS users cannot extract copies of multiple records from NEC CMS without contacting NECPO.

The NEC Card Management System uses data centre hosting facilities in the UK for the National Card Management System that meet ISO27001 security standards and UK Data protection standards. The services are delivered on behalf of the National Entitlement Card Programme Office (NECPO) by a supplier operating under contract. This supplier is also ISO27001 accredited, is based in the UK and delivers similar card-based services to major public sector customers within the UK. NECPO is part of Dundee City Council and manages the contracts for the CMS system on behalf of Scotland's 32 Local Authorities.

Risk Identification, Assessment and Reduction

RISK IDENTIFICATION AND ASSESSMENT Source of risk and impact	Likelihood of harm	Severity of harm	Overall Untreated Risk	RISK REDUCTION Options to reduce/eliminate medium/high risks	Effect on risk	Residual risk	Measure approved
Ref 1. The involvement of 32 Local Authorities, together with the varied uses that the Customer may request an NEC for, means that the consistency and the thoroughness of the information on data used by the Scheme given to the Customer may continue to vary. This would result in the NEC Scheme facing potential challenges over the nature of its compliance with data protection legislation.	Possible	Significant	Medium	Continue improving publicly available documentation; assist LAs in providing simplified core NEC Scheme messages; assessing both LA messages and Customer understanding.	Reduced	Low	Yes
Ref 2. Data is accessed by unauthorised external parties, or security is otherwise breached. Personal data is lost, stolen or otherwise compromised with the possibility of damage to the interests of the individual(s) concerned, and consequently placing the Scheme in breach of its data protection obligations to its Customers.	Remote	Severe	Low	Not applicable - not Medium/High			
Ref 3. Work with Improvement Service surrounding the data for each Customer has identified that the purpose of assisting Customers to confirm who they are can be achieved with less, better targeted, processing. A failure to make the identified changes maintains a higher than necessary risk to data integrity, security and privacy with related reputational risk to the Scheme.	Possible	Significant	Medium	Complete work with Improvement Service, Local Authorities and supplier to apply data minimisation principles to interfaces.	Reduced, Eliminated when complete	Low to zero when complete	

RISK IDENTIFICATION AND ASSESSMENT Source of risk and impact	Likelihood of harm	Severity of harm	Overall Untreated Risk	RISK REDUCTION Options to reduce/eliminate medium/high risks	Effect on risk	Residual risk	Measure approved
Ref 4. UCRN – Processing removed.	~~Possible~~	~~Minimal~~	~~Low~~	~~Not applicable - not Medium/High~~			
Ref 5. Further work is required to improve Customers' understanding that the NEC does not itself carry an expiry date (or at least, not one of less than 20 years). There is a risk that Customers may not realise that their data is still being processed for the purposes of the Scheme even though they have stopped using their card, and the card may have the expiry date of Young Scot branding or a disability concession; this risk is principally reputational.	Possible	Minimal	Low	Not applicable - not Medium/High			
Ref 6.Retention periods for special categories of personal data require revision to ensure both that renewal of disabled concessionary travel entitlements is not made more complex, but also that special categories of data are not held any longer than is necessary. Risk is both to the individual's privacy and the Scheme's reputation.	Possible	Significant	Medium	Introduce retention periods targeting special categories of data, removing specific references to health conditions for any longer than necessary.	Reduced, Eliminated when complete	Low to zero	Yes, longer term change to system specification.

Referenced Documents

National Entitlement Card Scheme Information Sharing Agreement

National Entitlement Card Information Architecture Data Flow Diagrams

National Entitlement Card Common Glossary

Contact Point for Privacy Concerns

To find out more information please visit our web site at
http://www.entitlementcard.org.uk.

Our FAQs section of the web site will give you the answers to most questions but if you have any specific queries contact details are available on the site at
https://www.entitlementcard.org.uk/contact-and-feedback.

Appendix A – Higher and Further Education Institutions

Most Higher and Further Education institutions (HE/FE) in Scotland have some form of physical card that their students and staff can use to demonstrate their entitlement to services and facilities due to their association with the institution. These facilities may be within the institution, such as access to buildings, or beyond, for example where sports facilities are shared between organisations.

A number of HE/FE have recognised the value of utilising smartcard technology to deliver entitlement in this way. To date, several have worked with NECPO to deliver smartcards to students and staff that can also carry NEC branding. This means that they can be used as a means of accessing services normally delivered through a Local Authority managed NEC whilst leaving the HE/FE in control of the data involved.

Data is provided to NECPO by a number of Higher and Further Education institutions (HE/FE) and is submitted to the Card Bureau by NECPO on their behalf:

- the HE/FE manage the data that is associated with the card within their own systems, and are the data controllers;

- HE/FE data is processed by the NEC Scheme simply to produce a card – HE/FE cards and their data are not managed through or stored in the NEC Scheme CMS, but to meet ITSO requirements the Card Bureau retains a copy of the data used to produce the card;

- HE/FE data is not passed to Improvement Service at any stage;

- HE/FE data is not exchanged with Local Authorities at any stage;

- when the card is produced, a notification is sent to Transport Scotland to confirm that the card is valid for the purposes of adding ITSO smart tickets to it;

- additionally, Transport Scotland are notified if an ITSO smart ticket has been added to the card at the time of creation (any age-related national travel concession to which they are eligible is added to their HE/FE card when it is produced);

- details of the ISRN assigned to the card is made available to the HE/FE to allow them to add travel products to the student's card.

Glossary of Terms

Please refer to the NEC Common Glossary document for assistance.