UNICEF's Guidance on Personal Data Protection for PCA

A. UNICEF's Policy on Personal Data Protection.

The UNICEF Policy on Personal Data Protection (POLICY/DFAM/2020/001) aims to uphold the fundamental right to privacy stipulated in essential UN documents such as the Universal Declaration of Human Rights and the Convention on the Right of the Child. The Policy stipulates a compliance framework for appropriate personal data protection throughout the data life cycle (e.g. collection, storage, analysis, transfer, deletion, or collectively, 'processing').

In the Policy, personal data includes both information that can directly identify an individual, such as name, email address, phone number, signature, identification number, or any other information that, in combination with other available data, can make an individual identifiable.

The Policy applies to the personal data of anyone, including beneficiaries, the public, staff, donors, as well as partners and suppliers, where UNICEF has taken on responsibility for data processing, such as collection, usage, sharing, and data storage. And the Policy commits all UNICEF staff to protect this personal data in line with the UN-wide data protection principles and internationally recognized standards.

All UNICEF personnel are required to process personal data in accordance with the Policy and in line with their respective roles and responsibilities.

B. UNICEF Data Processing Agreement (DPA)

Under the UNICEF Policy on Personal Data Protection (Section 13), UNICEF offices and divisions may only engage with implementing partners which provide appropriate commitment and assurance of meeting the requirements of the Policy, when they collect, store, use or otherwise process personal data for the implementation of a UNICEF programme under the PCA. To ensure this, UNICEF must sign a Data Processing Agreement (DPA) with the Partner as a supplemental agreement to the PCA and Programme Document. This is set out in Section 9 of the GTCs to the PCA.

The DPA template can be found [LINK]. The UNICEF project manager who is coordinating the sharing of the data with the Partner is responsible for completing the template DPA in accordance with the template instructions.

The template DPA is comprised of two sections which together are the legally binding Data Processing Agreement:

- Letter Agreement (i.e. the first part of the DPA)
- Annex – Personal Data Processing Details (i.e. the second part of the DPA)

UNICEF staff can only modify the Annex without obtaining clearance from the UNICEF Legal Office. Any modifications to the Letter Agreement need written clearance from the Legal Office. If you wish to make modifications to the Letter Agreement, please contact the DAPM Data Protection Team through the Evidence Helpdesk, who will coordinate with and seek clearance from the Legal Office.

It is most important that the Annex of the DPA containing the operational details, such as what type of data the Partner will get access to or collect, the purpose of the data processing and any conditions or restrictions on the data processing, is duly completed. This Annex is the key part of the DPA where many details need to be filled in. Filling in these details accurately is the key step for UNICEF to obtain appropriate commitment and assurance that the Partner will follow all applicable data protection standards and legal requirements in the processing of the personal data.

Ensuring that the Annex of the DPA is duly completed is the responsibility of the UNICEF project manager. It is key that the Partner understands the requirements which are laid out in the Annex of the DPA. So, it is highly recommended that the UNICEF project manager meets with the Partner to complete the Annex of the DPA together and thereby can explain to the Partner what is required from them. It is preferrable that this happens at the same time as completing the Programme Document, so that the DPA can be completed and signed at the same time as the Programme Document. The signed DPA must be attached to the signed Programme Document.

Some data is particularly sensitive as further defined in the UNICEF Policy on Personal Data Protection (Section 12). Particular attention should be given to data access and security measures when dealing with particularly sensitive personal data. **It is strongly recommended that the UNICEF project manager reaches out to discuss the data sharing plan with the Evidence Helpdesk, and to ensure that the appropriate research ethics approvals are received (if applicable) and the necessary data security measures are addressed**.

If data processing is being undertaken as part of an evidence project outside of routine programme data collection, you must undertake a formal ethical review if the project meets the criteria outlined in the UNICEF Procedure for Ethical Standards in Evidence.

It is important to carefully consider prior to signing the PCA and any Programme Document whether personal data will be processed as part of the implementation of a Programme. However, it may also from time to time happen that it only becomes clear during the implementation of the Programme that personal data will be accessed or processed by the Partner. In such a case, the DPA should be established and signed, even if this happens after the start of the implementation of the Programme. **It is critical that that the DPA is signed before any personal data is collected by or shared with the Partner**.

OWN IT, PRACTICE IT!

Remember, it is the responsibility of the UNICEF project manager to establish the Data Processing Agreement (DPA) correctly and implement and monitor compliance. This is not just a form filling exercise.

- *Be familiar with the agreement (and the reasons for UNICEF's positions) so you can make the Partner understand its obligations too.*
- *Don't leave it until the end to prepare this DPA. If you know you're going to need to share personal data with the Partner, deal with this at the same time as you establish the Programme Document with the Partner.*
- *Meet with the Partner to discuss the terms and requirements of the DPA to make sure they understand what is expected and required from them.*
- *Make sure you write down the access details accurately.*
- *Take care and pay attention to all the instructions and details which you find on the template.*
- *Seek support from the Evidence Helpdesk if you have any questions on the DPA.*

C. Data Protection Impact Assessment (DPIA)

When UNICEF acts as data controller and the **processing is likely to involve high risks to the rights and freedoms of the data subjects** (in particular when new technologies are involved), a **Data Protection Impact Assessment (DPIA) must be conducted**. The UNICEF project manager must do the DPIA once the programme has been designed and before signing any agreement with a partner.

The DPIA will result in risk assessment findings which will provide valuable information regarding appropriate project mitigations and safeguards to be implemented to ensure compliance with the UNICEF Policy on Personal Data Protection, and for CO management to take informed decisions.

Guidance on when and how to do the DPIA can be found on the personal data protection website of Data for Children – Governance (see below).

D. Personal Data Breaches

The UNICEF Procedure for Personal Data Breach provides a framework to be followed when UNICEF learns of a possible personal data breach.

The Procedure addresses the responsibility of all staff to report potential or actual personal data breaches through the right channels (see below what, when and to whom to report); stipulates process for breach investigation by appropriate UNICEF officials; and delineates clear roles and responsibilities for communication and notification to affected individuals, partners and the public.

The UNICEF Procedure for Personal Data Breach applies to, inter alia, where a personal data breach occurs from a filing system of a UNICEF Partner. Data Breaches can mean, inter alia, access by an unauthorized third party, sending to an unintended recipient a copy of personal data, or lost or stolen computing devices containing a copy of personal data.

If UNICEF is notified under the DPA (as per section 10) that there is an actual, suspected or threatened unauthorized or accidental disclosure of personal data by the Partner, or it becomes otherwise aware of such a potential breach by UNICEF, it needs to report such incident within 24 hours:

- for cases involving physical records: to the relevant Head of Office or their delegate.
- for cases involving electronic records: by contacting GSSC Customer Care at +361-790-9300 or customercare@unicef.org, who shall promptly raise a Service Gateway Ticket.

Any report shall include the following information:

1) How the user became aware of breach;
2) How the breach occurred;
3) Time of breach (e.g., date, time and time zone);
4) Number of people whose personal data was affected;
5) Categories of people whose personal data was affected;
6) What personal data was affected;
7) Who gained access to the personal data (if known);
8) Any UNICEF filing system that was affected, or whether it only affected a non-UNICEF system; and
9) Involvement of any Associates in the data processing or administration of the filing system.

The Head of Office and GSSC Customer Care shall follow the subsequent steps set out in the UNICEF Procedure for Personal Data Breach (see above).

E. Resources and Support

For any issues relating to personal data protection, please first revert to the Personal Data Protection site on the DAPM Data for Children Governance website. The website will be steadily populated and shall serve as central repository for all tools and guidance needed to ensure compliance with the UNICEF Policy on Personal Data Protection. Wider support on responsible handling of children's data, including on data quality, ethical questions i.e. on AI, sensitive non-personal data is available on the DAPM Data for Children website.

If you have any remaining questions directly for the Data Protection and Privacy Specialist and the DAPM data protection team, please contact *dataprotection@unicef.org*. For any other questions, please contact the Evidence Helpdesk, a singly entry point for all data related questions managed by DAPM, Innocenti, ICTD and the Evaluation Office helping tailoring your request and directing you to the appropriate team with expertise. The Evidence Helpdesk provides an initial response within 48 hours.