

6. DATA PROTECTION IMPACT ASSESSMENT

Data **protection impact assessments** ([DPIAs](#)), which must be carried out **before processing**, are not necessary for any processing of personal data, but only when there is a **high risk related** to the rights and freedoms of individuals, due to the nature of the processing, the scope and context, the purposes or the use of new technologies.

The European Regulation (GDPR) contains a list of treatments in which the DPIA is required:

- a) when the purpose is the "systematic and exhaustive" evaluation of aspects of the person carried out automatically. For example, when profiling with legal effects, what could happen in certain cases of the use of artificial intelligence in the public sector;
- b) when it comes to special categories of large-scale data, such as a hospital, or data related to criminal convictions and offences; and
- c) when a large-scale systematic observation of a public access area is carried out, as would be the case of a video surveillance system in an infrastructure used daily by thousands of people.

The list of cases in which, according to the GDPR, it is necessary to carry out the AIPD to consider that they are high-risk treatments, does not have the character of a closed list, and therefore the GDPR provides that the control authorities can publish the list of the types of treatments that require a DPIA and the list of treatments in which the DPIA is not required (the lists published by the [Spanish Data Protection Authority](#) can be consulted [here](#)).

The minimum content that the DPIA should have, if necessary, is the following: a description of the processing, such as the life cycle of the data; the purpose or legal basis; the assessment of the necessity and proportionality of the processing; risk assessment and measures to minimize them; etc.

If, as a result of the impact assessment, the Data Controller continues to observe a high risk that cannot be mitigated or reduced by reasonable means in accordance with the available technology and the costs of the application, he shall **consult the Control Authority** before initiating such processing. The Control Authority must advise the Data Controller, but may also prohibit their processing.