

# Interim National Equality Impact Assessment

## PROTECT SCOTLAND APP

Interim version 2.0-  
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## EQUALITY IMPACT ASSESSMENT RECORD

Session held on 24<sup>th</sup> August 2020

MS Teams

<b>Title of policy/ practice/ strategy/ legislation etc.</b>	NHS Scotland's Test & Protect 'Protect Scotland' App
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<b>Is this new policy or revision to an existing policy?</b>	New National Policy

## Executive Summary

### Policy vision and aim

1. The policy vision and aim of the Protect Scotland App is outlined in the table below.

<b>Protect Scotland App - Policy vision and aim</b>
<p>Given the infectiousness of Covid-19 and the high proportion of transmissions from pre-symptomatic individuals, controlling the epidemic by manual contact tracing alone is challenging.</p> <p>The Scottish Government and NHS Scotland, in line with growing international evidence, recognise that the use of a proximity tracing app that builds a memory of proximity contacts and immediately notifies contacts of positive cases could prove an invaluable tool in the prevention of a second wave particularly as SG look to ease lockdown measures.</p> <p>As part of NHS Scotland's Test &amp; Protect service, the Scottish Government have therefore developed the 'Protect Scotland' proximity tracing app utilising the Google/Apple 'API'. This uses Bluetooth technology to help reduce the spread of the virus, with user privacy and security central to the design (the 'decentralised' approach), with a key aim of helping to alert unknown/anonymous contacts.</p>

### Background / context

2. The Cabinet Secretary for Health and Sport announced on 31 July that a contact tracing app to support NHS Scotland's Test and Protect system was now in development. The decision to develop an app for Scotland followed careful consideration of all the options open to us, and took into account the undoubted additional benefits that anonymous contract tracing technology can offer our tried and trusted Test & Protect service.
3. The app has been developed by NearForm using the same open source (freely available) software as the Republic of Ireland's contact tracing app. This has already been adapted for use in Northern Ireland and Gibraltar. The app has been proven to work in those countries and will offer us an additional tool to support contact tracing efforts. In addition, the Protect Scotland app has been designed to work with other apps of a similar nature, supporting movement between countries (including the rest of the UK), and this document will be updated as countries are added.
4. Exposure Notification System (ENS) is a new Bluetooth feature that Apple and Google have introduced to support contact tracing efforts across the globe using iPhones and Android phones in a privacy preserving way.

5. It is significant to note that the Scottish Government decision to introduce an app based on the Apple and Google's ENS service will constitute a clear advantage compared with the difficulties that some other countries have experienced when introducing apps not based on ENS (this technology wasn't available then), and have had significant functional problems, namely not functioning, or severely hampered functioning, on Apple iPhones, issues with battery life, and interference problems with Bluetooth peripherals.
6. Furthermore, these apps have generally been based on a 'centralised' approach, where the public health authority requires access to a significant amount of contact tracing data of positive and close contacts, for which there have been privacy concerns raised. Concerns over these factors may have hampered adoption.
7. The app recently deployed in the Republic of Ireland and Northern Ireland, which uses the same core code and architecture, as Protect Scotland, was based on a 'decentralised' model. The level of uptake has been significant and rapid, with close to 30% of the population downloading and installing the app within two weeks of launch, indicating significant levels of public confidence.
8. The Protect Scotland app is free to download, no personal identifiable information is entered and it does not monitor the location of individuals or know who they are. The app is now available via Apple and Google app stores (accessible via [www.protect.scot](http://www.protect.scot)).
9. To download the app individuals will need a smartphone that uses either the Apple (iOS) or Google (Android) operating systems and their Exposure Notification System. For Apple users, the app will work on all iPhones capable of running iOS 13.5 (all iPhones from the 6S and up released since 2015). For Android users, it will work on any android phone that has at least Android 6.0 (all Android phones released since 2015). Therefore, the app cannot currently be used on older phones, on which it is not possible to upgrade the operating system. However, on 15 December 2020, Apple announced they will bring the exposure notification framework to older phones, allowing older iPhones to download the Protect Scotland app. Scottish Government await further details on the change and will provide a further update as soon as possible.
10. Users may also need to ensure they have updated their phone so that the exposure notification system, which is provided by Apple and Google, is available for the app to use. Your phone will tell you if you need to do this when you download Protect Scotland from Google Play or the Apple app store.
11. We have deliberately made the app as simple as possible, focusing only on anonymous Bluetooth proximity tracing. The app communicates with other app users' phones using Bluetooth to swap anonymous random IDs when in proximity (2 metres or less) for an extended period of time (15

mins or more). This acts like a virtual handshake between devices, which can then be anonymously recalled if one of the contacts later tests positive for COVID-19. For a full overview, visit the How it works section at: <https://www.protect.scot/how-it-works>

12. The App produces aggregated and anonymous Scotland-wide metrics that will enable the Scottish Government and Public Health Scotland to better understand the spread of the virus and plan accordingly, in particular:
  - The total number of App Users;
  - The total number of people in Scotland who enter an authorisation code (Test Result Code); and
  - The total number of app users who are notified that they have been exposed to Covid-19
  
13. The collection of this data is required to prove that the app works in Scotland and to comply with regulators. Further details including Scottish Government discussions with the Information Commissioner is provided in the privacy notice which can be read at: [www.protect.scot/privacy-policy-app](http://www.protect.scot/privacy-policy-app)

A Children's Rights and Wellbeing Impact Assessment (CRWIA)The Protect Scotland app was initially aimed at over 16-year olds however it is widely acknowledged that children under the age of 16 will have access to the app and may download it. Work has been carried out to assess the impact of lowering the target age group of the app to secondary school age children. Therefore, we have lowered the age of access to secondary school age and this will enable more of the population to use the app to stay safe and to support the work of the contact tracing programme. It will also contribute to the Scottish Government's mitigation and control of potential COVID-19 outbreaks in secondary schools. As part of lowering the age, legal and data requirements concerning children and young people have been met. Extending the use of the app has been done in line with United Nations Convention on the Rights of the Child (UNCRC) and uses the educational maturity of secondary school age as the minimum criteria. The Children's Rights and Wellbeing Impact Assessment (CRWIA) investigated and assessed the impact of lowering the age of consent and applying a Human Rights Based Approach. A copy of the CRWIA can be accessed at: [CRWIA-stage-3-december-2020.pdf \(protect.scot\)](https://www.protect.scot/CRWIA-stage-3-december-2020.pdf)

**Note:** The EQIA was updated to reflect the change in lowering the age to include all secondary school age children.

## Introduction

1. The Test & Protect approach is an important public health measure to break the chain of transmission of the virus in the community. To date in

Scotland manual contact tracing is the main method used and a key element to Test and Protect.

2. Assessment of the current evidence, options for scale-up and an assessment of resources needed for effective contact tracing, confirms that technology can support contact tracing but insist that manual contact tracing remains the main method of contact tracing and mobile apps should complement and support this process. Specifically, the evidence suggests that such technology can offer several benefits:
  - they do not rely on the memory of the person who has tested positive (who may be very ill at the time of interview);
  - they allow contacts unknown to the person who has tested positive to be notified (e.g. fellow passengers who sat close on a train);
  - they can potentially speed up the process;
  - they may facilitate further follow-up of contacts by health authorities.
3. Modelling has shown the added value of using contact tracing technology to support manual contact tracing efforts. This is consistent with Scottish messaging on the role of proximity tracing within Test & Protect, whereby the Scottish Government recognises that manual contact tracing remains the main method of contact tracing and the Protect Scotland app complements and supports this process.
4. The development of the Protect Scotland app has considered those people who may be socioeconomically disadvantaged to help meet the Fairer Scotland Duty.

### **Engagement and evidence gathering**

5. In the development of the Protect Scotland App we have considered the live '[Coronavirus \(COVID-19\): framework for decision](https://www.gov.scot/publications/coronavirus-covid-19-framework-decision-making/)'<sup>1</sup> document which sets out some of the challenges set by COVID-19 and how we will approach these under key themes while working to principles by which we will make our decisions and write policy for the Protect Scotland App:
  - **Safe:** We will ensure that transmission of the virus remains suppressed and that our NHS and care services are not overwhelmed.
  - **Lawful:** We will respect the rule of law which will include ensuring that any restrictions are justified, necessary and proportionate.
  - **Evidence-based:** We will use the best available evidence and analysis.
  - **Fair & Ethical:** We will uphold the principles of human dignity, autonomy, respect and equality.
  - **Clear:** We will provide clarity to the public to enable compliance, engagement and accountability.
  - **Realistic:** We will consider the viability and effectiveness of options.

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<sup>1</sup> <https://www.gov.scot/publications/coronavirus-covid-19-framework-decision-making/>

- **Collective:** We will work with our partners and stakeholders, including the UK Government and other Devolved Nations, ensuring that we meet the specific needs of Scotland.
6. Significant work has already been undertaken on the wider [COVID-19: health and social impact assessment](#). This paper explores the ways in which particular groups (based on Equality Act protected characteristics and socioeconomic disadvantage) are disproportionately affected by the coronavirus pandemic as a whole.
  7. A paper entitled [The ethics and value of contact tracing apps: International insights and implications for Scotland's COVID-19 response](#) has also been considered. The paper looked at the ethics and value of contact tracing apps and their potential use in Scotland's COVID-19 response. It identifies that Scotland's strategy for public engagement should be guided by the emerging consensus on ethical considerations for COVID-19 apps, and sets out a helpful framework to drive our considerations and in response. The Scottish Government adopted this framework for the development of Protect Scotland.
  8. The focus of the evidence gathering is related to the potential inequalities and the potential differential impact people can experience in relation to digital exclusion. Based on the data and information available, consideration was given to the following:
    - Who is intended to benefit from Protect Scotland App and in what way
    - What outcomes are intended from the Protect Scotland App.
    - If the intended benefits of the Protect Scotland App would be received fairly by everyone, regardless of their protected characteristics, or any other status.
    - If the Protect Scotland App would have an adverse impact on an individual's human rights.
    - If the Protect Scotland App could create or exacerbate existing health inequalities
    - How people have been involved in the design and development of the Protect Scotland App.
  9. The EHRC report '[Is Scotland Fairer 2018](#)' highlights that disabled people, people with mental health conditions and people from minority ethnic groups were more likely to live in poverty. Socio-economic disadvantage is a defining factor in digital exclusion.
  10. Additionally, evidence exists to suggest that older people are less likely to use the internet and digital devices than younger people, and when they do they can sometimes be less confident meaning they don't always benefit to the same degree. However evidence is emerging that older people have grown more familiar with some elements of technology during the lockdown period to keep in touch with family and friends.



11. The focus of our evidence gathering has therefore centered on the protected characteristics of age, disability and race. However, due regard has also been given to the other protected characteristics and any relevant considerations relating to them have also been noted.
12. The ability to fully understand spoken advice or written content is fundamental, but we know that there are widespread difficulties. So this is a population level issue with the burden firmly on the health and care system to make itself more understandable and accessible, in line with Scotland's [health literacy action plan](#).
13. The Scottish Government approached the Head of Equality and Engagement at NHS NSS for support and guidance with the impact assessment ensuring that the impact assessment was carried out with key stakeholders and those who represent and/or have knowledge and experience of equality and human rights.
14. A focus group was convened with key colleagues from the NHS Scotland Equality network, NSS, NHS Board and Equality Organisations These key colleagues have informed the impact assessment from using their knowledge and experience based on evidence, research and practice. The data gathered and supporting evidence is provided in the attached appendix. The Scottish Human Rights Commission and the Equality and Human Rights Commission were approached by Digital Health and Care and advice and guidance available on their websites has also informed the EQIA.
15. The tight timescale presented by the decision to develop and launch the Protect Scotland App has made it difficult to engage directly with the Scottish Public, although some user engagement was carried out and discussions were held with Open Rights groups and Scottish Privacy Forum. However, common themes have been shared among other nations, who have a similar app to support proximity tracing, and these are consistent with feedback received in the development of the Digital Health & Care Strategy particularly around Digital access and connectivity.
16. In addition, the ALLIANCE sought feedback on the Privacy notice ahead of launch. The programme carried out rapid engagement between the 1<sup>st</sup> September and 8<sup>th</sup> September. Feedback suggested that some may find it difficult to understand the technical side of the privacy notice and the Terms and conditions.

### **Accessibility**

The app has been carefully designed to be clear and transparent in how it works, to maximise the autonomy of the users (e.g. settings, voluntary input of authorisation codes) and ensuring fully informed consent is sought when required (e.g. automated decision-making). User Experience of the app has been tested within behavioural studies informing the app flow and

content. There is little interaction required for setting up the Contact Tracing function, no identifiable user data input is required, and it can run in the background without user interaction – thus reducing to as much as is possible any barriers to downloading and using the App. Accessibility testing was included in the QA assessment of the ‘User Interface’ (UI) before the initial app release and has been for subsequent releases (updates). In future, development of Scottish Gaelic language version, and support of other commonly used languages within the country will also be considered. The app contains no audio but is compatible with the Apple and Google screen readers which can be accessed via settings on an individual’s device.

17. To ensure its efficacy, it’s critical that the NHS Protect Scotland app is able to be used by as many people as possible. This includes those people with impaired vision, motor difficulties, cognitive impairments, learning disabilities, deafness, or those who are hearing-impaired. It’s currently thought that around one fifth of Scotland’s population (somewhere in the region of 1 million people), define themselves as having a disability<sup>1</sup>. In addition, as a public sector mobile app, it’s now required by law<sup>2</sup> that Protect Scotland meets the four main Web Content Accessibility Guideline (WCAG) principals, through being Perceivable, Operable, Understandable and Robust.
18. To this end, and to ensure legislative compliance, accessibility testing was undertaken. This testing was carried out to assess the app against the WCAG 2.1 framework, at the level AA. The testing approach was predominantly manual, and testing was undertaken against both Apple and Android devices. Tools such as iOS VoiceOver, Android Talkback and Screen Magnification were used.
19. Some of the common issues encountered during this testing, which have subsequently been resolved, were:
  - Titles were missing from some screens within the app. This meant that when using a screen reader, a user navigating between screens was not read the heading of the new screen on which they’d landed. By ensuring that all screens have appropriate titles throughout, we’ve made it easier for visually-impaired users to clearly understand their location within the app, and the purpose of the screen that they’ve navigated to.
  - The hyperlinks were not read as links. This again meant that while using the screen reader, if a user access the link and navigates outside the app and not know that he/she has come out of the app. By ensuring the links are read clearly and read as links, we’ve made it easier for visually-impaired users to understand when they access an external web page and are outside the app.
  - Some important images, like an example representation of exposure notification message were not read back to the user. The user would not know how the exposure notification would appear on his/her phone. By fixing this we have tried to make it easier for the user to know how the notification message would appear and what information it would carry.

- Some unexpected benefits were, the accessibility tests helped us uncover some spelling mistakes in the text which were too easy to be missed when reading through in a normal circumstance.

## **Digital Inclusion**

20. Around 3.9m or 88% of people in Scotland have used apps on mobiles, tablets or other digital devices. Those who are most likely to be digitally excluded are people and families on low incomes, people from BAME communities, and those with additional challenges such as care leavers, disabled people, those who have a communication difficulty, sensory impaired, those shielding and older people. People who live in remote and rural communities may also suffer from access to the internet. Those people who are digitally excluded are disproportionately disadvantaged due to the extensive role digital plays supporting people to flourish in educational, economic, social, employment, access to services, and wellbeing terms. The Connecting Scotland programme aims to provide a national, human-centred, consistent and comprehensive approach to reducing the rates of digital exclusion and digital marginalisation. The programme aims to bring 50,000 people – particularly those on low incomes – into the digital world by the end of 2021. The programme aims to address the potential communication barriers identified by working with our equality organisations and stakeholders by gathering feedback on the experience of using the Protect Scotland App following the launch. This feedback will inform the reasonable adjustments that may be needed to ensure that the barriers are mitigated as far as possible and is reasonable. These mitigating actions will not only relate to access to the technology they will look at access to skills and training.
21. Digital exclusion, particularly for older people, is a concern, however the introduction of digital health and care developments like the Protect Scotland App may provide an opportunity for older people to get digitally enabled.
22. It is also recognised that some people choose to be digitally excluded in Scotland. These are non-users who state the internet is not for them or do not see the personal benefit in being online.
23. In addition we included questions in a recent Scottish Government YouGov Poll (Week 21: 14 August). 54% of those polled would use an app as opposed to 22% who would not. Over 70% also indicated they were very or fairly comfortable with the app alerting them, or being used to alert others, in the event of a positive test, whilst just over half were comfortable with the concept of using it for things such as location tracking. The Protect Scotland App will not monitor or track location of individuals. Disability Equality Scotland have also included questions in their weekly poll for the week of 24<sup>th</sup> August. The poll is shared with disabled people in Scotland. The poll showed that 59% (51 of 86 respondents) of people having concerns around the accessibility and usability of the App. Concerns around: information and communication; privacy; engagement with

disabled people and digital exclusion were also highlighted. The results of the poll have informed the EQIA. The programme has committed to continue working with Disability Equality Scotland.

24. As part of wider engagement taking place on Digital for the rest of 2020 and this includes the refresh of the [Digital Health & Care strategy](#) we will ensure that we gather further evidence and address any gaps to ensure that any potential impacts are captured, and reasonable adjustments can be made to ensure equality of access. Similarly as part of our communication and marketing strategy for Protect Scotland there will be a focus on reaching out to those who have specific concerns around community languages, Plain English and privacy and use of data. A copy of the privacy notice is available at: [www.protect.scot/privacy-policy-app](http://www.protect.scot/privacy-policy-app).
25. Some people in the community may feel digitally excluded from using the Protect Scotland app because some older phones which are not supported by Google/Apple will not be compatible with the app. Unfortunately, this is outwith the control of the app development. For the app to work, it relies on the google/apple 'exposure notification' system. Google and Apple have only made this available on phones they still support – iPhone 6S and above and Android 6.0 and above. Therefore, there is no way of making the app work on older phones as it is entirely reliant on the Google/Apple system. It is acknowledged that this will exclude many people in the community who may not be in a position to update their smartphone. The app offers additional protection as part of our well established Test & Protect service and even if some people can't download it, people will benefit from the collective protection it offers. **Note: on 15 December 2020, Apple announced that they will bring the exposure notification framework to older phones, allowing older iPhones to download the Protect Scotland app.**
26. As stated previously, the Protect Scotland app is a part of the wider NHS Scotland Test & Protect service. Test & Protect as a whole has been considering equalities, and there have been a number of sessions held looking for an overall Test & Protect EQIA. These have helped inform this EQIA.
27. Giving due regard to all these factors it is also intended to help Scottish Government meet its obligations in relation to the Fairer Scotland Duty, which requires public bodies to reduce inequalities of outcome caused by socioeconomic disadvantage. The programme will engage with the Improvement Service and the fairer Scotland leads to integrate the potential socio economic and cultural impacts to inform the equality impact assessment.

### **Potential benefits, barriers, and mitigation**

28. Potential benefits and barriers and associated national and local mitigations are summarised in boxes one to four, respectively.

**Box 1 | Potential benefits in downloading the Protect Scotland App, including:**

- The App assists in slowing the spread of Covid-19 in Scotland, by anonymously contacting people who have been in close contact with someone who has tested positive for the virus.
- It will help contact people users who have tested positive don't know, that would not otherwise be warned by the manual contact tracing process, that they might be infected.
- It will potentially help speed up the process of contact tracing, helping to slow the spread of the virus.
- No personally identifiable information is entered on the App. The 'App settings' gives you the ability to remove the App at any time, including any information stored on the phone while using the App.
- The App is free and has been designed to use virtually no mobile phone data or battery.

**Box 2 | Potential barriers to accessing the App, including:**

- There may be barriers resulting in limited use of the Protect Scotland App for certain groups where people make assumptions or have perceptions about the effectiveness, security and/or use of data by the App.
- People who may be digitally excluded. Such as people under the age of 12, older people, those with a communication need, people where English isn't their first language, people with an incompatible device and those from low socio-economic backgrounds.
- Health literacy - the stress of the current COVID-19 environment has added to the existing conditions of the individuals, as well as the nature of communications may mean that some people find information more difficult to engage with or absorb, and as a result may not engage, or else engage later.
- Digital literacy – as more communications are shared digitally it is important to recognise that not everyone has the skills to engage with information through digital solutions.

**Box 3 | National mitigation**

- Build links with Connecting Scotland, Public Health Scotland, and to understand the scope and impact of digital exclusion including access and availability of smartphone technology to use the Protect Scotland App.
- Develop accessible information and embed principles of inclusive communication and marketing materials to promote using the Protect Scotland App, including easy read (people with learning disabilities

and literacy issues), languages other than English and bespoke to groups as required.

- Continue to engage with stakeholders in Scotland and beyond on the impacts and challenges the App may present to different parts of the community.
- Opportunity for users to feedback on the app on issues such as accessibility & privacy via app stores and by email at: [testandprotect@nhs.scot](mailto:testandprotect@nhs.scot)

## Next steps

29. The Protect Scotland App went live on 11 September 2020, however the app will be further developed in response to user needs and consider. Next steps include:

- Digital Health and Care have established an Equalities & Digital Inclusion Group to support the ongoing development of the EQIA and monitor the impacts and barriers of the App on people across all communities. The group has met twice and will meet again January 2021. The group includes representation from:
  - Health & Social Care Alliance (the ALLIANCE);
  - MECOPP;
  - deafscotland;
  - Scottish Commission for Learning Disability (SCLD);
  - NHS24
  - Scottish Council for Voluntary Organisations (SCVO); and
  - Scottish Government
  - RNIB
  - Health Scotland (part of Public Health Scotland)
- A media plan was developed and delivered a campaign across TV, radio, press, cinema and digital so that it would reach 90% of the Scottish population across a 4 week period.
- Any potential technical modifications to the App will be described and promoted through [www.protect.scot](http://www.protect.scot).
- The anonymised metric data will be used to create aggregate totals of how the App is being used.
- As part of the development for the final version of the EQIA, the vision for the Protect Scotland App will be continually reviewed to ensure it is

consistent with feedback and evidence. Mitigation strategies and plans will be further developed and implemented.

## Ends

# Full interim National Equality Impact Assessment

## Screening

### Policy vision and aim

30. Given the infectiousness of Covid-19 and the high proportion of transmissions from pre-symptomatic individuals, controlling the epidemic by manual contact tracing alone is challenging. The Scottish Government and NHS Scotland, in line with growing international evidence, recognise that the use of a proximity tracing app that builds a memory of proximity contacts and immediately notifies contacts of positive cases could prove an invaluable tool in the prevention of a second wave particularly as SG look to ease lockdown measures.
31. As part of NHS Scotland's Test & Protect service, the Scottish Government have therefore developed the 'Protect Scotland' proximity tracing app utilising the Google/Apple 'API'. This uses Bluetooth technology to help reduce the spread of the virus, with user privacy and security central to the design (the 'decentralised' approach), with a key aim of helping to alert unknown/anonymous contacts.

### Objectives:

- a. **Enhance Test & Protect:** Complement the existing person to person contact tracing which will remain the main component of NHS Scotland's Test and Protect system.
- b. **People in Scotland download the App: This utilises** existing technology that people carry around with them every day to stop the spread of the virus. Records are collected anonymously and stored on the individual's mobile phone.
- c. **Simple proximity tracing:** The App will simply and anonymously notify users when they have been in recent proximity with another user who has confirmed symptoms of Covid-19.
- d. **Use Proximity data:** Which consists of anonymous identifiers broadcast by pairs of devices that have been within 2 metres of each other for 15 minutes or more. Users will get advice on what to do next if they have been exposed to the virus.

### Who will it affect?

32. Public bodies are required to assess the impact of applying a proposed new or revised policy, against the needs of the general equality duty, namely the duty to:
  1. Eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act 2010;
  2. Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
  3. Foster good relations between people who share a protected characteristic and people who do not share it
  
33. The relevant protected characteristics are:
  1. age
  2. disability
  3. gender reassignment
  4. pregnancy and maternity
  5. race
  6. religion and belief
  7. sex
  8. sexual orientation
  9. marriage and civil partnership (relates to the elimination of discrimination only)
  
34. This assessment seeks to improve equality where possible and consider health inequalities and disparities in health outcomes between individuals or groups. Health inequalities arise because of inequalities in society, in the conditions in which people are born, grow, live, work, and age.
  
35. Health inequalities are influenced by a wide range of factors including access to education, employment and good housing; digital readiness; equitable access to healthcare; individuals' circumstances and behaviours, such as their diet and how much they drink, smoke or exercise; and income levels.
  
36. The potential impact of the support provided to people at clinically higher risk of severe illness from Covid-19 on an individual's human rights has also been considered.
  
37. Giving due regard to these factors is also intended to help meet the Fairer Scotland Duty, which requires public bodies to reduce inequalities of outcome caused by socioeconomic disadvantage.
  
38. The Scottish Government has also considered whether the measures could constitute direct and/or indirect discrimination. A list of the stakeholders involved in the EQIA process is attached at Appendix 2 and the list will be updated as the EQIA is developed. Stakeholder feedback and recommendations and how they have been considered are included in the tables attached below.



## Public Sector Equality Duty (PSED)

39. The Protect Scotland App is expected to have the most impact on the second of the aims of the PSED, by contributing to advancing equality of opportunity between people who share a protected characteristic and those who do not. The App gives anyone over secondary school age the opportunity to support the test and protect system through Bluetooth technology on their mobile smartphone. Signal strength is used to determine whether two smartphones were close enough together (within 2 metres for at least 15 minutes), in order to calculate the probability of for their users transmitting the virus. Therefore, if one of the users becomes infected with Covid-19, others whose proximity has been logged by the app could be informed, and advised to self-isolate for 14 days from the point of contact.
40. As most people do not collect contact information for everyone they encounter, or will not know everyone they encounter, Protect Scotland can do so automatically which will provide reassurance to most. These anonymised alerts are not shared beyond the devices that come into contact with each other and therefore the App gives the control to its users. There is no way of identifying individuals from the app.
41. The App will provide advice for its users on what do next if alerted, thus to take immediate action and reduce the risk of further spread of infection. The App has been designed simply to support NHS Scotland's Test & Protect service and will not share any information for research and or planning purposes. . It will not track or share the location of an individual as the app can't tell this.
42. This EQIA therefore focuses on ensuring there is equality of opportunity to access and utilise the App. It also assesses any equality risks from a low uptake within particular groups and any potential impact this could have so that mitigating actions can be applied where possible.
43. Stakeholders have expressed a strong willingness to continually engage with Scottish Government to further develop the EQIA and support with promotion of the App in their communities while highlighting any unknown issues or concern.
44. This assessment did consider the extent to which Protect Scotland could have an impact on the elimination of unlawful discrimination, harassment and victimisation and other conduct. However, it was concluded that the impact of the App is neutral in relation to this aim. The impact on fostering good relations between different people with protected characteristics was also considered but this too was deemed neutral at this stage – particularly given the anonymous aspect where there is no way of knowing who has the app and who doesn't. It was agreed at the session that further work would continue to review the impact on equality.

## Creative Testing

45. Creative testing was undertaken between 12 and 13 August 2020. This identified a number of factors:
- a. Cost and low confidence in the integrity of any app are the main barriers to downloading. Data security concerns, poor reviews, lack of storage space on phone and providing too many personal details (e.g. address) were additional barriers.
    - i. It is worth noting that a detailed [Privacy Notice](#) has been prepared which covers how data is being used. The app is relatively small by app standards and no personal details are requested or required.
  - b. The proposed creative route performed well in terms of relevance and motivation to act. The specific aspects of language that resonated most were 'easy', 'automatically', 'private' and 'anonymous'.
  - c. In terms of imagery, the research indicated that the proposed animation style is effective at delivering the message as per previous Test & Protect related advertisements.
  - d. The key personal benefit was perceived to be 'protecting yourself, family and friends' and is included in the advertising to complement the national, collective benefits of the app.

#### **If the App is downloaded**

46. The Test & Protect App is free to download and can be used by anyone over the age of secondary school age who is currently resident in or visiting Scotland (as long as they have an address in Scotland for the purposes of accessing a test and uploading a positive test result). This EQIA will be update if this age requirement changes. The App has been designed to make contact tracing possible without users needing to know the name or identity of people they have been in contact with or proximity to. The App will alert people if they have been near another App user who tests positive for Covid-19. To allow this to happen the person who tests positive must update the App with the Test Result Code received via SMS from the contact tracing team.
47. It uses technology developed by Apple and Google and built into sufficiently modern smartphones called 'exposure notification' and 'exposure logging' to do this. If a notification is received, advice will be given on checking symptoms and links will be provided to 1) advice on self-isolating, 2) National assistance helpline, 3) a symptom checker and. The diagram below gives an overview of how the app works from a user perspective:

How it works from a Citizen Perspective



48. The App is designed to make fast, accurate digital contact tracing possible while protecting the privacy and identity of the user. It uses the minimum amount possible of individuals' personal data and is optional to download. Once the App has been set up it will work in the background and will only engage with the user if a contact is made.
49. A copy of the Data Protection Impact Assessment (DPIA) and Privacy notice is available on [www.protect.scot](http://www.protect.scot)

**If someone chooses not to download the App**

50. It is entirely optional for anyone over secondary school age to download and use the app. Manual contact tracing is and will remain the main method used to contact trace in Scotland. The App is a supplementary means to tackle and stop the spread of COVID19, although if a sufficiently high proportion of the population do download the app, then those that don't will still benefit from the app helping to slow the spread of the virus in the community. Anyone under 12 and not in secondary education will be asked to remove the app from their device during the set up process.
51. A real challenge in tackling the spread of infection is that most people with Covid-19 won't know they have it until they get symptoms. Therefore, they could pass on the infection without knowing they have it, the App supports those people by informing people who they may not know that they may have been infected and it does this in an anonymous way.

52. A marketing campaign will build awareness of the app and address concerns that people have to encourage them to download and set up the app on their phone. The campaign which will run for 4 weeks will use the media channels including radio; digital and press. This will be further supported by media relations and partnership activity. Concerns around privacy, cost and how the app works will be prioritised.
53. In view of potential levels of demand for the app, a standalone website is being created at **protect.scot**. The website will host an explainer video and copy that addresses the key questions on the app. The programme has also made it as easy as possible for people to find the right website by registering every variant of testandprotect.nhs.scot, protectscotland.com. This will help to prevent cybercrime and scams.

### ***What might prevent the desired outcomes being achieved?***

54. The success of the Protect Scotland App depends on members of the public downloading the App in Scotland. It is hard to predict the rate of uptake of the App but it is recognised that with the right approach to communications and marketing, the public can be motivated to download these types of apps. However, this may be prevented from being achieved due to:
- Uncertainty about downloading a ‘Government’ App by the public albeit this is a Public Health initiative
  - Low confidence in security and safeguards;
  - Digital exclusion and/or low rate of ownership of smartphones in certain groups in the community:
    - Excluding anybody under the age of 12 and not in secondary education;
    - People with a communication need or disability struggling to access the app;
    - Lack of connectivity, including those in rural, remote and island regions preventing download;
    - Compatibility or lack of device;
    - Concern around impact on devices and in particular battery usage; and
    - Income (including phone and data costs) associated with mobile data.

See <i>Stage Three</i> for a more detailed analysis of benefits and barriers to use of Protect Scotland App.
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## **Stage 1: Framing**

### ***Results of framing exercise***

55. The Protect Scotland App is a national development and is available for anyone over secondary school age to use. Therefore a full EQIA has been developed.
56. In August, a virtual workshop was held with NHS Boards and organisations representing the nine protected characteristics. Organisations in attendance included the Scottish Consortium for Learning Disabilities and Deaf Scotland
57. 8 organisations were in attendance at a workshop on 24<sup>th</sup> August 2020. Following the workshop, a draft national EQIA was circulated for comment. A follow up virtual meeting was held on 7<sup>th</sup> September 2020 to consider the draft content and format of the document.
58. It was agreed to simplify the document by including the data gathered and any supporting evidence at Appendix 1. It was all agreed to highlight common themes and address any intersectionality considerations as the EQIA is developed. Finally, it was agreed it would be helpful to have an executive summary (see above). These helpful comments have been incorporated in this document and further explored as the EQIA evolves.
59. The EQIA will be published at the time of the apps launch. Due to the fast pace of the App development it will be necessary to review and update the EQIA by the end of 2020 to ensure that any impacts that are not currently known can be considered actioned where possible to ensure equality of access. In the development of the App, tests were performed to make sure it is user-friendly, fast and reliable for the Scottish public. This included conducting accessibility testing for those with motor difficulties, learning disabilities, or impaired sight or hearing.
60. There was an overall impression from the group that the exact purpose of the app needs to be clear for the public, this will help clarify the potential impacts and support the identification of potential mitigating actions against these. Good communication was highlighted as being important and the website and accompanying explainer video will help around the key questions on the app.
61. Communications should be targeted, clear, accessible, simple, available in different formats and use non-threatening language. It was felt that this would support the needs across the various protected characteristics and support knowledge of the app within traditionally marginalised communities. The group agreed that a roadmap could be useful to get trusted information out to trusted sources. Once these sources are fully up to speed on the app then they can become advocates and reassure members of their community.
62. The marketing campaign partnership toolkit will be issued to the organisations who Scottish Government have worked with on coronavirus-related campaigns with the aim of accessing their communication

channels. This will increase the range of voices. For the app this will include:

- a. Additional languages versions of the explainer assets, to be distributed via Policy, NHS 24 and third sector partners.
  - b. Working with BEMIS and Gypsy/Traveller partners to create relevant launch assets for the Protect Scotland App
  - c. BEMIS to share launch information across their network, which will include newsletter inclusion, sending out updates to their 1,000 recipients
  - d. Campaign also being highlighted to specific relevant groups within the network, including BEMIS Education Resilience Group.
  - e. Cross sector promotion
  - f. Awareness messaging with Retailers
63. It is acknowledged that those organisations who have worked with Scottish Government may not cover every community or group across Scotland. Therefore, the new Equalities & Digital Inclusion Group will assess engagement undertaken and look to address gaps where possible.

**Stage 2: Table setting out data gaps, actions taken and possible mitigation, by each characteristic**

Characteristic	Findings from session	Actions taken/mitigation
<p><b>AGE</b></p>	<p>The app is only intended for those over secondary school age in order to match with the requirements in place for the manual contact tracing process. The app asks the user to confirm that they are in secondary education or older when installing. If the app user then tests positive, a contact tracer will only issue an authorisation code if a person is of secondary school age or over. It is intended that these checks will be enough to deter someone younger from downloading the app.</p> <p>This position is under review, and the Scottish Government is working in conjunction with the UK Government and the Devolved Administrations of Northern Ireland and Wales to consider whether there is merit in lowering the age.</p> <p>Those of working age, especially those who are in low-paid work, may have specific requirements in terms of their ability to self-isolate without risk of losing their employment or eligibility for sick pay. BD informed the group that there is a list in Scotland which provides legitimate reasons why someone is exempt from attending work.</p> <p>The group had experience of finding that older people engaged less with technology. This seemed to be a particular issue for those aged over 85. It was also</p>	<p>The findings from the test and protect deliverables EQIA sessions will help inform the mitigation action plan. The NHS NSS Head of Equality and Engagement as agreed to share these findings with Digital Health &amp; Care.</p> <p>The NHS NSS Head of Equality and Engagement agreed to share the outputs from the EQIA Near Me sessions with the SG policy &amp; strategy team who are leading on the APP. Digital Health &amp; Care colleagues will connect with the national Near Me team.</p> <p>The Scottish Government have developed and published a Children's Rights and Wellbeing Impact Assessment. The CRWIA investigate and assessed the impact of lowering the age of consent and applying a Human Rights Based Approach. A copy of the CRWIA can be accessed at: <a href="https://www.protect.scot.nhs.uk/CRWIA-stage-3-december-2020.pdf">CRWIA-stage-3-december-2020.pdf (protect.scot)</a></p> <p>Confirmation received from DWP that for the purposes of the Statutory Sick Pay regulations, a notification by the app is sufficient to meet the definition of a relevant notification. The notification from the app must explicitly state that the person is advised to stay at home (and self-isolate) because they have had contact with someone who has coronavirus.</p> <p>The Equality &amp; inclusion group will monitor what specific advice and guidance is required for those people,</p>

	<p>recognised that people living with dementia may also find it difficult to use the app. It was also unclear what the differences may be between a BME older person and a white Scottish older person.</p>	<p>including unpaid carers, who are supporting others to set up and use the app.</p>
<p><b>DISABILITY</b></p>	<p>During the pandemic there has been a significant impact on the learning disability community, a large portion of who are digitally excluded. Digital access for those with a learning disability needs to be considered including funding available for support.</p> <p>The deafblind community require specific consideration as their communication is tactile. They are at a higher risk due to their lack of access to communication, and due to the tactile nature of communication used.</p> <p>Communications need to be as inclusive as possible. Consideration needs to be given to BSL but the use of subtitles, audio and visual communications are important. .</p> <p>Consideration is to be given to the accessibility of BSL users and others who may have a communication need needs to be considered.</p> <p>People with profound and multiple learning disabilities (PMLD) should also be considered. Especially as they are unable to access the app themselves and will rely on others to do this for them. It was acknowledged that they also rely on support workers regularly entering their homes which includes a rotation of support, again</p>	<p>Deafscotland, Disability Equality Scotland and SCLD will work with the SG address these impacts. Disability Equality Scotland included a proximity App question in a weekly poll. The responses have informed the EQIA and a link to the results is provided in the appendix.</p> <p>A telephone number will be included in the app. NHS 24 will manage this number and scripts are being developed to re-assure users and provide further support if required. This will benefit those across the protected characteristics as it provides an additional layer of accessibility.</p> <p>The app has been specifically tested for accessibility but work will continue with developers to maximise accessibility.</p> <p>The app contains no audio but is compatible with the Apple and Google screen readers which can be accessed via settings on an individual's device.</p> <p>The App can be used by any person in assistive, medical, care or similar capacity on behalf of another person.</p>



	<p>putting this group at higher risk although these contacts should be picked up under traditional contact tracing methods.</p> <p>Consideration will need to be given to those with mental health conditions; specifically, around learning that this community change their phone numbers quite frequently, which could have an impact on the use of the app and contact tracing.</p>	<p>The Equalities and Digital inclusion group will work with groups including those with communication needs to understand any barriers people may have in accessing and using the app.</p> <p>Glasgow Disability Alliance found that 60% of their members surveyed were digitally excluded. Digital inclusion specifically for those with a disability should be considered. Mitigation, linking with Connecting Scotland and PHS.</p> <p>The phone number is separate from the app operation, so if someone does change the number it will not interrupt the app or any data previously collected under the old number. If someone changes their smart phone they will have to start again. The proximity information is stored on the phone, so will be lost if they change phones or reinstall the app.</p> <p>Digital Health &amp; Care met with PAMIS to discuss challenges for people with PMLD and these concerns were reaffirmed. PAMIS committed to working with their community and Scottish Government to further understand any issues and challenges around the App. It was acknowledged that if a user was supported to download and set up the app it would sit in the background.</p>
<p><b>SEX</b></p>	<p>In terms of Gender based violence (GBV), communications around tracking will be vital; as users may avoid downloading the app in fear of being tracked. This is a particular concern for women in</p>	<p>The NHS NSS head of equality and engagement has held follow up sessions with women’s organisations as part of the EQIA sessions for the test and protect deliverables.</p>

	<p>refuge. Communications should emphasise that the app will not know who you are or track your location, with no identifiable information to be shared with anyone.</p> <p>There is also a consideration around whether the notifications appear on the lock screen or not – for someone in an abusive relationship this might be a problem. This may have a negative impact on uptake.</p> <p>Consideration is needed on the impact on sex workers and/or people who access sex workers. Often this is the only source of income for the sex workers, and they may have concerns around certain aspects of the app including tracking and location sharing – again, clear communication that that the app is wholly anonymous and cannot track you will help here/</p>	<p>We will ensure that the findings from those sessions inform the developments of the Protect Scotland App.</p> <p>The App is entirely voluntary, wholly anonymous and there no need to share personal information. The app also does not track or share the location of individuals nor know who they are. Individuals can set their own phone up on how they receive message and notifications but the Equalities and inclusion group will consider if specific guidance is required for the App.</p>
<b>PREGNANCY AND MATERNITY</b>	There is no intended indirect or direct negative impact on pregnancy, maternity and paternity envisaged.	
<b>GENDER REASSIGNMENT</b>	There are no intended negative impacts envisaged.	It was noted that issues been raised in the wider Test & Protect programme and they were particularly around confidentiality and safety.
<b>SEXUAL ORIENTATION</b>	<p>The Protect Scotland app is available to all people above secondary school age.</p> <p>There are no negative impacts intended or envisaged.</p>	
<b>RACE</b>	<p>Due to timescales the first iteration of the app will be in English only. Additional languages will be considered for later versions.</p> <p>An explainer video will be created; the group strongly suggested that the video is scripted to ensure language</p>	<p>It was agreed that further work was needed. The new Equalities &amp; Digital Inclusion Group will consider what specific work is required and advise Scottish Government.</p> <p>The Scottish Government team will share the media content with the EQIA stakeholders.</p>

	<p>is consistent with the version used within that (i.e. BME, BSL) community.</p> <p>Evidence has shown that there is a disproportionate impact of COVID-19 on BAME communities.</p>	<p>In addition to explainer film clips in community languages, it is recognised that it is important to cascade information to BAME community organisations and other resources (e.g. businesses frequented by BAME communities, places of worship, etc.) as these assets have key role to play not only in sharing information but encouraging community members to participate.</p>
<b>RELIGION OR BELIEF</b>	<p>The group emphasised the need to avoid language such as tracking, surveillance etc. and this has already been planned for media promotions. This is particularly important for communities who distance themselves from officialdom. Language, communication and advocacy will all be key parts of engaging these communities.</p> <p>A point was made in which male family members within some communities will not hold mobile numbers of female family members and that it could impact the effectiveness of contact tracing.</p>	<p>The App is entirely voluntary anonymous and there no need to share personal information. The app also does not track or share the location of individuals.</p> <p>The App does not need to know the phone numbers of other App users.</p>
<b>MARRIAGE AND CIVIL PARTNERSHIP</b>	<p>There is no intended indirect negative impact on marriage and civil partnership envisaged Please refer to earlier reference to GBV in this assessment.</p>	

### Stage 3 Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence gathered, stage three considers the potential impacts – benefits and barriers –implementing the policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – which we are required to explore whether the policy offers the opportunity to promote equality and/or foster good relations.



**Stage 3: Table assessing the impacts and identifying opportunities to promote equality, by characteristic**

<b>Age</b>				
<b>Equality consideration</b>	<b>Benefits</b>	<b>Barriers</b>	<b>Neutral</b>	<b>Reasons for our decision</b>
Eliminating unlawful discrimination, harassment, and victimisation			<b>X</b>	The Protect Scotland App does not create unlawful discrimination
Advancing equality of opportunity		<b>X</b>		<p>The Protect Scotland App Near Me is available for all people over the secondary school age to download.</p> <p>Anyone aged 11 and younger may feel Digitally excluded as they are below the age threshold to use the App.</p> <p>The public engagement and marketing activity should help to identify any areas where the App may have disproportionate effects on people young or old.</p>
Promoting good relations among and between different age groups			<b>X</b>	<p>The Protect Scotland App may promote better relationships and rapport between age groups in setting up the App. However, this should not be an expectation as privacy and, confidentiality issues are important considerations.</p> <p><a href="#">The Scottish Household Survey</a> report published in September 2019. It shows which methods were used to access the internet for personal use by age.</p> <p>Younger internet users were more likely to access the internet using a smartphone than older users, with 96 per cent of 16-24 year olds using smartphones compared to 29 per cent of adults aged 75 and above.</p>

				<p>Older internet users were more likely than younger users to use a tablet to access the internet.</p> <p>The proportion of internet users reporting that they access the internet using a smart phone increased from 78 per cent in 2017 to 81 per cent in 2018.</p>
<b>Disability</b>	<b>Benefits</b>	<b>Barriers</b>	<b>Neutral</b>	<b>Reasons for our decision</b>
Eliminating unlawful discrimination, harassment, and victimisation			<b>X</b>	The Protect Scotland App does not create unlawful discrimination
Advancing equality of opportunity		<b>X</b>		<p>The Protect Scotland App is available for all people over secondary school age to download.</p> <p>It is recognised that the depth of digital exclusion for people with disabilities is generally much greater than for the wider population. This disparity may include difficulties around access to the internet, lower digital skills and support. The Protect Scotland app has undergone accessibility through testing and improvements have been made.</p> <p>The Scottish Government will work with deafscotland, Disability Equality Scotland and SCLD to explore and address common barriers for people, with a disability and or a communication need in accessing the live Protect Scotland App.</p> <p>The public engagement and marketing activity should also help to identify any areas where the App may have disproportionate effects on people with a disability and or a communication need.</p>

Promoting good relations among and between disabled and non-disabled people			<b>X</b>	The Protect Scotland App is unlikely to impact relations among disabled and non-disabled people.
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<b>Sex</b>	<b>Benefits</b>	<b>Barriers</b>	<b>Neutral</b>	<b>Reasons for our decision</b>
Eliminating unlawful discrimination			<b>X</b>	The Protect Scotland App does not create unlawful discrimination
Advancing equality of opportunity			<b>X</b>	<p>The Protect Scotland App is available for all males and females over secondary school age to download.</p> <p>We are not aware of any relevant evidence, at this time, on the protected characteristic in relation to The Protect Scotland App. Due to the anonymous nature of the app, we also have no way of knowing the sex of those who choose to download the app.</p> <p>The public engagement and marketing activity should help to identify any areas where the App may have disproportionate effects on people who are male or female.</p> <p>It is acknowledged that females are more likely to use digital health &amp; care tools and seek medical help more than men (e.g. we know from July 2020 YouGov polling that a typical user of health apps in Scotland is more likely to be female and aged 25-34). It is noted that this is particularly common in the Gypsy/Traveller community. The Equalities &amp; Digital inclusion group will consider what can be done to encourage men from that community to participate.</p>

Promoting good relations between men and women			<b>X</b>	The Protect Scotland App is unlikely to impact relations between men and women.
<b>Pregnancy and Maternity</b>	<b>Benefits</b>	<b>Barriers</b>	<b>Neutral</b>	<b>Reasons for our decision</b>
Eliminating unlawful discrimination			<b>X</b>	The Protect Scotland App does not create unlawful discrimination.
Advancing equality of opportunity			<b>X</b>	We are not aware of any relevant evidence, at this time, on the pregnancy & maternity protected characteristic in relation to The Protect Scotland App.  The public engagement and marketing activity should help to identify any areas where the App may have disproportionate effects on people in under this protected characteristic.
Promoting good relations			<b>X</b>	The Protect Scotland App is unlikely to impact relations for women due to pregnancy and maternity.

<b>Gender reassignment</b>	<b>Benefits</b>	<b>Barriers</b>	<b>Neutral</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			<b>X</b>	The Protect Scotland App does not create unlawful discrimination
Advancing equality of opportunity			<b>X</b>	The Protect Scotland App is available for anyone over secondary school age to download regardless of their gender.  We are not aware of any relevant evidence, at this time, on anyone who has or is considering undergoing gender reassignment protected characteristic in relation to The Protect Scotland App.  The public engagement and marketing activity should help to identify any areas where the App may have



				disproportionate effects on people under this protected characteristic.
Promoting good relations			<b>X</b>	The Protect Scotland App is unlikely to impact relations due to gender reassignment.
<b>Sexual orientation</b>	<b>Benefits</b>	<b>Barriers</b>	<b>Neutral</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			<b>X</b>	The Protect Scotland App does not create unlawful discrimination.
Advancing equality of opportunity			<b>X</b>	<p>The Protect Scotland App is available for anyone over secondary school age to download regardless of their sexual orientation.</p> <p>We are not aware of any relevant evidence, at this time, on sexual orientation protected characteristic in relation to The Protect Scotland App.</p> <p>The public engagement and marketing activity should help to identify any areas where the App may have disproportionate effects on people due to their sexual orientation.</p>
Promoting good relations			<b>X</b>	The Protect Scotland App is unlikely to impact relations due to sexual orientation.

Race	Benefits	Barriers	Neutral	Reasons for your decision
Eliminating unlawful discrimination			<b>X</b>	<p>The Protect Scotland App does not create unlawful discrimination.</p> <p>The first iteration of the app will be in English only therefore inclusive communication and guidance materials for other languages will be available.</p>
Advancing equality of opportunity			<b>X</b>	<p>Digital exclusion and inclusive guidance and information on the Protect Scotland App for people who do not have a device to benefit from the use of the App.</p> <p>The broader public engagement &amp; marketing activity should help to explore any barriers such as language and identify ways to support access to the App. The digital activity includes additional activity targeting a BAME audience. The new Digital &amp; inclusion group will have a BAME representative.</p>
Promoting good race relations			<b>X</b>	<p>There is emerging evidence of much greater impact of COVID-19 in terms of infection and mortality in BAME populations. This will have a correlation to socioeconomic factors alluded to above, but we will need to monitor further evidence for additional impacts. It further emphasises the need to work with stakeholders to ensure that the App can meet a diverse set of needs.</p> <p>There may be a greater number of people for whom English is not a first language. They may therefore be unable to understand any information provided or engage fully in collaborative conversations if services are not designed to be responsive to those needs. This may also cause tensions between BAME communities. Therefore, good communication around the App in a format the people can understand is important.</p>

				<p>Black and minority ethnic people are more likely to live in poverty and therefore the issues around digital access noted above could also apply.</p> <p>Older 'Asian' people were noted by the <a href="#">Office of National Statistics</a> as being significantly less likely to have used the internet than people of the same age who identified their ethnicity as white. This suggests that there may be additional digital barriers for some older minority ethnic groups, in comparison to white Scottish/British groups.</p> <p>Evidence is also emerging that some communities are being blamed for Covid clusters and outbreaks due to not adhering to guidance as it relates to physical distancing, resulting in tension between different communities. It is recognised that clearly presented and well disseminated information is vital to ensure that all sections of the population understand current guidance and can make an informed choice about actions they must take.</p>
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<b>Religion or belief</b>	<b>Benefits</b>	<b>Barriers</b>	<b>Neutral</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			<b>X</b>	The Protect Scotland App does not create unlawful discrimination.
Advancing equality of opportunity			<b>X</b>	<p>The Protect Scotland App is available for anyone over secondary school age to download regardless of people's religion or belief.</p> <p>We are not aware of any relevant evidence, at this time, on religion or belief protected characteristic in relation to The Protect Scotland App.</p>

				The public engagement and marketing activity should help to identify any areas where the App may have disproportionate effects on people due to their religion or beliefs.
Promoting good relations			X	The Protect Scotland App is unlikely to impact relations due to religion or belief.
<b>Marriage and Civil Partnership</b>	<b>Benefits</b>	<b>Barriers</b>	<b>Neutral</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	The Protect Scotland App does not create unlawful discrimination related to marriage or civil partnership.
Advancing equality of opportunity			X	
Promoting good relations			X	The Protect Scotland App is unlikely to impact relations due to marriage and civil partnerships.

## **Stage 4: Recommendations, decision making and monitoring**

### **Recommendations**

64. In order to meet the general equality duty, comply with the obligations of the Human Rights Act, and taking into consideration health inequalities, the following recommendations will be considered:
- I. The evidence suggests that some individuals and communities may experience digital exclusion.
  - II. Scottish Government should seek to ensure that these groups of people, and organisations that represent their interests, are involved in the ongoing development and monitoring of the App.
  - III. Engagement with these groups while the App is being used by the public will help explore common barriers to digital enablement and subsequently provide potential mitigating actions for Scottish Government to take, to make the Protect Scotland App more accessible.
  - IV. When changes are made to the App, Scottish Government should develop an engagement plan to raise awareness and promote understanding of such changes amongst the groups highlighted as being more likely to experience digital exclusion.
  - V. Poverty is a key factor in digital exclusion. Scottish Government should seek to ensure that Protect Scotland App is designed to require no more mobile data than is absolutely necessary for the essential information to be accessed.
  - VI. How to overcome common barriers to digital access for anyone should always be considered.
  - VII. The provision of information in other languages should always be considered. In order to reduce the health inequalities gap that exists, Scottish Government should ensure that the appropriate digital access for BAME communities living in Scotland.
  - VIII. Monitor emerging evidence relating to the disproportionate impact of COVID-19 on BAME communities and ensure that tailored communications are targeted where possible.
65. It is not believed the changes recommended in this section will create any new, adverse, impacts in relation to a person's relevant protected characteristics.

### ***Identifying and establishing any required mitigating action***

<p>Have positive or negative impacts been identified for any of the equality groups?</p>	<p>Yes. The EQIA has identified several impacts of introducing the Protect Scotland App. These have been considered for each of the protected characteristics, and fairer duty act, as listed in this document.</p> <p>The analysis has been undertaken using the data and evidence available to date. It will be subject to further review after public engagement and marketing activity has been fully analysed and any new evidence considered.</p> <p>Wider engagement will continue into 2021 to ensure that we gather further evidence and address any gaps. This is to ensure that any potential impacts are captured, and reasonable adjustments can be made to ensure equality of access. There will be a focus on reaching out to those who have specific concerns around privacy and use of data.</p>
<p>Is the policy directly or indirectly discriminatory under the Equality Act 2010?</p>	<p>There is no evidence, so far within this EQIA that the policy is directly discriminatory under the Equality Act 2010.</p> <p>However, given there are existing levels of digital exclusion in Scotland the policy may indirectly discriminate against some groups and this will need to be further explored. An example being that individuals with learning difficulties are often digitally excluded and have a lower life expectancy than the general population. Therefore, barriers in the use of digital technology could have an indirect impact on individuals' protection, although it is noted that non-users of the app will still benefit from the app if sufficient numbers download the app and collectively help to slow the spread of the virus.</p>
<p>If the policy is indirectly discriminatory, how is it justified under the relevant legislation?</p>	<p>Following the EQIA session held we have identified potential negative impacts which will be mitigated. Stakeholders have offered to stay in engaged on any</p>

	<p>issues and or concerns as the App is used across the country in the months ahead.</p>
<p>If not justified, what mitigating action will be undertaken?</p>	<p>The EQIA session captured the agreed mitigating actions which includes continued working with the equality organisations to ensure improved accessibility of information, processes are tested and the principles of inclusive communications are adopted.</p> <p>The new Equalities &amp; Digital Inclusion Group is working with Digital Health &amp; Care to take this forward and in particular understand barriers to using the App.</p>

## ***Describing how Equality Impact analysis has shaped the policy making process***

66. In normal circumstances, this policy would be developed together with the public and a full public consultation held. However, these are exceptional circumstances which pose a risk to life and the proposed measures are to safeguard the Scottish population including anyone who falls within one of nine protected characteristics.
67. Several mitigation strategies will be undertaken in response to the engagement to date. These actions will be both at a National and Health Board level:

### **National mitigation strategies and recommendations**

- The new Equalities & Digital inclusion group has been established and met twice.. The group is chaired by Jonathan Cameron, Deputy Director Digital Health and Care, Scottish Government.
- Build links with Connecting Scotland and Public Health Scotland to understand the scope and impact of digital exclusion on use of the Protect Scotland App. This will include further work to understand smartphone access including skills to set up and use in Scotland along with access to Wi-Fi and data availability to download the APP.
- The work with Connecting Scotland will help identify the current knowledge and skills gap for accessing, installing and using the APP.
- Develop inclusive communication and guidance materials for using Protect Scotland App, including other languages than English in line with [Scotland's health literacy action plan](#). Information will be available in others languages including Arabic, Polish, Chinese (simplified) Urdu, Punjabi. An explainer video will be made available in English, BSL and include subtitles. The programme will continue to work with the NHS Equality Lead Professional network and the Scottish Councils Equality network who will provide the required data on the languages required.
- Review the Protect Scotland App vision to ensure it is consistent with feedback from the engagement activities.
- Work with each Board's communication team and equality and diversity lead to communicate engagement findings and establish mitigation strategies.

### ***Monitoring and Review***

68. An EQIA has been developed to assess gaps in knowledge and potential impacts for use of the Protect Scotland App across the protected characteristic groups.
69. The EQIA will be reviewed towards the end of the year once feedback has been fully analysed.



70. Part of the review process will look at the Vision and aims to reflect analysis of feed-back. Ongoing work is summarised (Box 5).

**Box 5 | Ongoing engagement and evidence gathering**

There are several activities underway across Scottish Government, local boards and other agencies which will impact on the EQIA these include:

- Connecting Scotland
- EQIA by Health Improvement Scotland to understand and mitigate the impact of Covid-19 in terms of engagement.
- NHS Boards remobilisation plans
- Ongoing public and staff engagement
- App store Feedback
- Feedback received via [www.Protect.scot](http://www.Protect.scot)
- Ongoing Engagement with other nations and the WHO
- Correspondence to the Scottish Government/Ministers

## Stage 5 - Authorisation of EQIA

Please confirm that:

This Equality Impact Assessment has informed the development of this policy:

- i. Yes  No

Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- a. Eliminating unlawful discrimination, harassment, victimisation.
- b. Removing or minimising any barriers and/or disadvantages;
- c. Taking steps which assist with promoting equality and meeting people's different needs;
- d. Encouraging participation (e.g. in public life)
- e. Fostering good relations, tackling prejudice and promoting understanding.

1. Yes  No

If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment, and victimisation in respect of this protected characteristic:

- ii. Yes  No  Not applicable

### Declaration

**I am satisfied with the equality impact assessment that has been undertaken for Protect Scotland App and give my authorisation for the results of this assessment to be published on the Protect Scotland website.**

**Name:** Jonathan Cameron

**Position:** Deputy Director, Digital Health & Care

**Authorisation date:** 18 December September 2020

## **ENDS**

### **Appendix 1**

#### **Further resource and research available**

#### **EQIA of the deliverables of test and protect**

<https://nhsnss.org/how-nss-works/data-protection/>

Ebola outbreak in Sierra Leone: <https://anthrosource-onlinelibrary-wiley-com.sheffield.idm.oclc.org/doi/full/10.1111/maq.12440>

ethics of contact tracing apps by the Oxford Internet Institute: <https://www.oii.ox.ac.uk/videos/covid-19-apps-and-ethical-considerations/>

<https://www.equalityhumanrights.com/en/publication-download/scotland-fairer-2018>

<https://www.scottishhumanrights.com/publications/>

<http://www.jogh.org/documents/issue202002/jogh-10-020103.htm>

<https://www.gov.scot/publications/scotlands-people-annual-report-results-2018-scottish-household-survey/>

<https://www.sldo.ac.uk/projects/life-expectancy-and-mortality/life-expectancy-and-causes-of-death-of-people-with-learning-disabilities/>

<https://connecting.scot/>

<https://connecting.scot/>

<https://yoursayondisability.scot/weekly-poll-covid-19-test-and-protect-app/>

<https://www.gov.scot/publications/scotlands-digital-health-care-strategy-enabling-connecting-empowering/>

## **Appendix 2 -**

### **Organisations & Groups involved in the development of EQIA**

1. DeafScotland
2. Minority Ethnic Carers of People Project (MECOPP)
3. NHS24
4. NHS Ayrshire and Arran
5. NHS Lothian
6. NHS National Services Scotland
7. PAMIS
8. Public Health Scotland
9. The ALLIANCE
10. Scottish Council for Voluntary Organisation (SCVO)
11. The Equality and Human Rights Commission
12. Young Scot
13. The NHS Equality Lead Professional Network
14. The Scottish Commission for Learning Disability (SCLD)
15. Disability Equality Scotland
16. Amina Muslim Women Resource Centre
17. Royal National Institute of Blind People (RNIB)