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**Statutory Equality Duties**

**Screening Of New/Revised Council Policies**

**(Questionnaire)**

# Screening of New/Revised Policies

**Introduction and Guidance Notes**

* 1. Section 75 of the Northern Ireland 1998 (“The Act”) requires the Council in carrying out its functions, powers and duties to have due regard to the need to promote equality of opportunity:

1. between persons of different religious belief, political opinion, racial group, age, marital

status or sexual orientation;

1. between men and women generally;
2. between persons with disability and persons without;
3. between persons with dependants and persons without.

1.2 In addition, without prejudice to its obligations above, the Council shall in carrying out its functions, powers and duties have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. The Council supports the principles of good relations: equity, respecting diversity and interdependence, and the development of relationships built on trust and respect.

1.3 As stated in its Equality Scheme, the Council intends to screen all of its policies (formal

and informal), functions and roles in order to determine which would require a fuller

equality analysis in the form of an impact assessment.

* 1. This questionnaire is aimed at providing a standardised, systematic approach to the

screening exercise. A summary of this document will be made available to the Council’s

consultees and the general public, via the Council’s web-site and in other formats, (upon

request). This document may also be produced, in full, as part of consultations

regarding Equality Impact Assessments.

1.5 When the Council is considering a new/revised policy, it will determine whether the policy has the potential to have significant implications for equality of opportunity on the Section 75 categories if so will conduct a full equality impact assessment.

It will also help to determine if there are opportunities to:-

* Better promote good relations through tackling prejudice and/ or promoting understanding between the three Section 75 (2) categories, namely persons of different religious belief, political opinion and racial group.
* Promote positive attitudes towards people with a disability
* Encourage participation by disabled people in public life.

Where such opportunities are identified the new/revised policy will be referred to a designated working group for consideration.

* 1. Where due limited quantitative and/or qualitative research data, it is not possible to establish the ‘significance’ of the equality impact, policies which score positively against the equality of opportunity screening criteria should be designated for detailed impact assessment.

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| --- |
| **Part 1: Policy Scoping** Name of Policy: General Data Protection Regulations Policy |
| Please tick as appropriate X  **New Policy Revised Policy**  **Corporate Policy** **Departmental Policy**  If Departmental, please specify which department;  **\_\_** |
| 3a. Please describe the aims of the policy:The aim of the policy is to ensure that all personal data held by the Council is dealt with in the appropriate manner and in compliance with the General Data Protection Regulations. **3b. Are there any associated objectives of the policy? If so, what are they?**  Yes. This policy will help ensure that control measures are in place to facilitate online transactions via the Council’s web-site. |
| Are there any Section 75 groups which might be expected to benefit from the intended policy? If so, explain how. No. The policy fulfils a statutory requirement and applies fairly to and consistently to all persons. |
| Who initiated or wrote the policy? The Data Protection Officer initiated the policy in accordance with the requirement to comply with the General Data Protection Regulations. |
| Who is responsible for the implementation of the policy? Overall responsibility for the efficient administration of the Data Protection policy lies with the Council and is exercised by the Policy and Resources Committee.  Day to day responsibilities lie with the various Heads of Department and the Data Protection Officer. |
| Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision? If yes, are they    Financial  X  X  Legislative  X  Other, please specify: Organisational culture |
| **8.**  **Who are the internal/external stakeholders (actual or potential) that the policy will impact upon?**  X  **Staff**  X  **Service Users**  X  **Other public sector organisations**    X  **Voluntary/Community/Trade Unions**    **Other, Please specify - Third party service providers**  X |
| 9. Is this policy associated with any other Council Policy(s)? Yes No  X  **If yes, please state the related policy(s) below.**  Freedom of Information Policy; Internet and Email Policy; Privacy Policy; Records Management Policy |
| **10. How does the policy contribute towards the achievement of the Council’s**  **strategic objectives?**  This policy will ensure that the Council fulfils its statutory requirements as a Data Controller which will help with its strategic objective of being an effective, efficient, accountable and transparent organisation. |
| 11. How does the Council interface with other bodies in relation to the implementation of this policy? **Council will take specialist advice and guidance from the ICO to ensure the effective implementation of this policy.** |

**Available evidence**

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

|  |  |
| --- | --- |
| **Section 75 category** | **Details of evidence/information** |
| **Religious belief** | |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | **LGD** | **All usual residents** | **Catholic** | **Protestant and other Christian** | **Other religions** | **None** | | **Northern Ireland** | 1,810,863 | 817,385  (45.14%) | 875,717  (48.36%) | 16,592  (0.92%) | 101,169  (5.59%) | | **Derry & Strabane** | 147,720 | 106,600  (72.16%) | 37,527  (25.40%) | 940  (0.64%) | 2,653  (1.80%) |   **The breakdown detailing the religious belief profile of residents in the Derry City and Strabane District Council is as follows:**  **The new data protection framework protects personal data regarding ‘religious or philosophical beliefs’ as ‘special category personal data’.**  **This policy provides additional safeguards. An existing condition, which allows certain categories of sensitive personal data to be processed ‘for the purpose of identifying or keeping under review the existence or absence of equality of opportunity’, including data revealing religious or philosophical beliefs, is retained. This is intended to help promote equality of opportunity between those who share these protected characteristics and those who do not[[1]](#footnote-1).** |
| **Political opinion** | **The political opinion of the Council’s elected members is as follows:**  **Sinn Féin 16 seats**  **SDLP 8 seats**  **Democratic Unionist 7 seats**  **Independents 7 seats**  **Ulster Unionist 2 seats**  **This breakdown is taken as an approximate representation of the political opinion of people within the Derry City and Strabane District Council area.**  **The new data protection framework protects personal data regarding ‘political opinion” as ‘special category personal data’.**  **There is a link that exists between politics and religion which is often used as a proxy indicator. It might therefore be said that any differential impact identified for “Religious Belief” would be reflected in this Section 75 grouping.** |
| **Racial group** | **The breakdown detailing the ethnic profile of the residents of the new Council area is as follows:**   |  |  | | --- | --- | | **Total Usual Residents** | **147720** | | White | 145546 | | Chinese | 301 | | Irish Traveller | 116 | | Indian | 670 | | Pakistani | 48 | | Bangladeshi | 23 | | Other Asian | 222 | | Black Caribbean | 53 | | Black African | 86 | | Black Other | 41 | | Mixed | 462 | | Other | 163 |   **As with religion or belief, the new data protection framework protects personal data ‘revealing racial or ethnic origin’ as ‘special category personal data’.**  **The existing condition for processing personal data revealing racial or ethnic origin ‘for the purpose of identifying or keeping under review the existence or absence of equality of opportunity’ is retained. This is intended to help promote equality of opportunity between those who share these protected characteristics and those who do not.[[2]](#footnote-2)** |
| **Age** | **The age profile of the Derry and Strabane LGD area at Census Day 2011 is as follows:**   |  |  |  | | --- | --- | --- | | **Age Profile** | **NI** | **Derry and Strabane** | | **0-4** | 124382 | 10259 | | **5-7** | 67662 | 5653 | | **8-9** | 43625 | 3858 | | **10-14** | 119034 | 10904 | | **15** | 24620 | 2363 | | **16-17** | 51440 | 4729 | | **18-19** | 50181 | 4443 | | **20-24** | 126013 | 10399 | | **25-29** | 124099 | 10481 | | **30-44** | 373947 | 30635 | | **45-59** | 347850 | 28082 | | **60-64** | 94290 | 7475 | | **65-74** | 145600 | 10775 | | **75-84** | 86724 | 5876 | | **85-89** | 21165 | 1217 | | **90+** | 10231 | 571 |   **There is no identifiable impact on adults as a result of the new data protection regulations.**  **In recent times with the emergence of technological advancements and online threats have dictated the need to strengthen the safeguards for children has been highlighted.**  **Children will benefit from specific protection with regard to their personal data, as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data. Such specific protection will, in particular, apply to the use of personal data of children for the purposes of marketing and the collection of personal data with regard to children when using services offered directly to a child.**  **In addition, online services will need to gain parental consent where they process the personal data of individuals below a certain age. The Information Commissioner has issued a code of practice on the processing of personal information online which states that, under current law, some form of parental agreement would normally be required before collecting personal data from children under 12 years of age.[[3]](#footnote-3)** |
| **Marital status** | **The table below illustrates the marital status profile of the Derry and Strabane LGD:**   |  |  |  | | --- | --- | --- | | **Marital Status** | **Derry & Strabane** | **NI** | | All usual residents: Aged 16+ years | **83663** | **1431540** | | Single (never married or never registered a same-sex civil partnership): Aged 16+ years | **46326**  (40.39%) | **517393**  (36.14%) | | Married: Aged 16+ years | **49218**  (42.92%) | **680831**  (47.56%) | | In a registered same-sex civil p’ship: Aged 16+ years | **93**  (0.08%) | **1243**  (0.09%) | | Separated (but still legally married or still legally in a same-sex civil p’ship): Aged 16+ years | **5886**  (5.13%) | **56911**  (3.98%) | | Divorced or formerly in a same-sex civil partnership which is now legally dissolved: | **6179**  (5.39%) | **78074**  (5.45%) | | Widowed or surviving partner from a same-sex civil partnership: Aged 16+ years | **6981**  (6.09%) | **97088**  (6.78%) |   **This General Data Protection Regulations Policy creates a comprehensive framework for data protection, which is applicable to everyone. Whilst it does not specify particular protection for people of differing marital status the policy seeks to work in harmony with existing rights for individuals**  **The policy has no identifiable differential impact on this particular Section 75 grouping.** |
| **Sexual orientation** | **Analysis of the Census 2011 indicates that between 2% and 10% of the population may be lesbian, gay or bisexual.**  **There are no official statistics in relation to the number of gay, lesbian or bisexual people in Northern Ireland. However, research conducted by the HM Treasury shows that between 5% - 7% of the UK population identify themselves as gay, lesbian, bisexual or ´trans´ (transsexual, transgendered and transvestites) (LGBT). This is a sizeable proportion of the population here in Northern Ireland.**  **As with other Section 75 groups, the new data protection framework protects personal data concerning “sexual orientation” as a special personal data category.**  **The existing condition for processing personal data revealing sexual orientation ‘for the purpose of identifying or keeping under review the existence or absence of equality of opportunity’ is retained. This is intended to help promote equality of opportunity between those who share these protected characteristics and those who do not.[[4]](#footnote-4)** |
| **Men and women generally** | **The gender profile for the Derry and Strabane LGD is as follows:**   |  |  |  | | --- | --- | --- | | **LGD** | **Male** | **Female** | | Northern Ireland | 887323 | 923540 | | Derry and Strabane LGD | 72475 | 75245 |   This General Data Protection Regulations Policy creates a comprehensive framework for data protection, which is applicable to everyone. The policy seeks to work in harmony with existing rights for individuals and whilst it does not specify particular protection for a certain gender and should provide reassurance to individuals that have or may wish to clarify their preferences in the future.  The policy has no identifiable differential impact on this particular Section 75 grouping. |
| **Disability** | * **According to the 2011 Census 22.95% of people in the Derry and Strabane LGD have a long-term health problem or disability that limits their day-to-day activities;**  |  |  |  |  |  | | --- | --- | --- | --- | --- | | **LGD** | **All usual residents** | **Day-to-day activities**  **limited a lot** | **Day-to-day activities limited a little** | **: Day-to-day activities not limited** | | **Northern Ireland** | 1810863 | 215232  (11.89%) | 159414  (8.8%) | 1436217  (79.31%) | | **Derry and Strabane** | 147720 | 20710  (14.02%) | 13193  (8.93%) | 113817  (77.05%) |   The **As with other Section 75 groups, the new data protection framework protects personal data ‘concerning physical or mental health or condition as a special category. Additional safeguards are provided throughout the new data protection framework, and where a data subject is legally incapable of giving consent the processing is necessary to protect their vital interests.**  **This is intended to help promote equality of opportunity between those who share these protected characteristics and those who do not.**  **The standards of consent will be higher under the new framework. It is recognised that there may be an impact on those incapable of giving consent which is ‘freely given, specific, informed and unambiguous’, such as those who have a learning disability. However, in such cases consent to process personal data can be given legally by another with a lasting power of attorney or through the Court system[[5]](#footnote-5).** |
| **Dependant** | * **According to the 2011 Census 37.65% of households in the Derry and Strabane LGD have a dependants as compared to the Northern Ireland average of 33.85% households;**  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | |  | All households | Married or in a registered same-sex civil partnership couple:  Dependent children | Cohabiting couple:  Dependent children | Lone parent: Dependent children | Other household types: With dependent children | | Northern Ireland | 703275 | 138677  (19.72%) | 16186  (2.3%) | 64228  (9.13% | 18980  (2.7%) | | Derry and Strabane | 55596 | 10370  (18.65%) | 1097  (1.97%) | 7284  (13.1%) | 2187  (3.93%) |   **This General Data Protection Regulations Policy creates a comprehensive framework for data protection, which is applicable to everyone. Whilst it does not specify particular protection for people with dependants the policy seeks to work in harmony with existing rights for individuals**  **The policy has no identifiable differential impact on this particular Section 75 grouping.** |

**Needs, experiences and priorities**

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

|  |  |
| --- | --- |
| **Section 75 category** | **Details of needs/experiences/priorities** |
| **Religious belief** |  |
| **Political opinion** |  |
| **Racial group** | **People from ethnic minority groups or those whose first language is not English may have different needs regarding access to their personal data. This will have to be taken into account (e.g. translation services).** |
| **Age** | **Parental agreement would normall be required before collecting personal data from children under 12 years of age** |
| **Marital status** |  |
| **Sexual orientation** |  |
| **Men and women generally** |  |
| **Disability** | **People with disabilities may have different needs and requirements regarding access to their personal data. These needs will be taken into account by providing access by a variety of means and in alternative formats.** |
| **Dependants** |  |

**Part 2: Screening questions**

**Introduction**

**Equality of Opportunity**

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1 and 2.

If the public authority’s conclusion is **none** in respect of all of the Section 75 equality of opportunity categories, then the public authority may decide to screen the policy out. If a policy is ‘screened out’ as having no relevance to equality of opportunity, a public authority should give details of the reasons for the decision taken.

If the public authority’s conclusion is **major** in respect of one or more of the Section 75 equality of opportunity categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority’s conclusion is **minor** in respect of one or more of the Section 75 equality categories categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

* measures to mitigate the adverse impact; or
* the introduction of an alternative policy to better promote equality of opportunity.

**In favour of a ‘major’ impact**

1. The policy is significant in terms of its strategic importance;
2. Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
3. Potential equality impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
4. Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
5. The policy is likely to be challenged by way of judicial review;
6. The policy is significant in terms of expenditure.

**In favour of ‘minor’ impact**

1. The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
2. The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
3. Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
4. By amending the policy there are better opportunities to better promote equality of opportunity.

**In favour of none**

The policy has no relevance to equality of opportunity.

1. The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity for people within the equality categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity for those affected by this policy, in any way, for each of the equality categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

**Good Relations and Disability Duties**

In relation to the policy under consideration, if the answer to the screening questions 3 to 5 set out in the screening template a designated working group will:

* Consider the potential opportunities to promote good relations (Q3)
* Consider the potential opportunities to promote positive attitudes towards people with a disability (Q4)
* Consider the potential opportunities to encourage participation by disabled people in public life.

The group will collate all available evidence and consult with relevant stakeholders as part of its consideration, where this consultation is proportionate, relevant and enhances decision-making.

Completion of the screening template will take the Group’s consideration into account together with relevant evidence.

**Screening questions**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 1. **What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none** | | | | |
| **Section 75 category** | | **Details of policy impact** | | **Level of impact? minor/major/none** |
| **Religious belief** | | **As with other Section 75 groups, the new data protection framework protects personal data concerning religious or other belief as a special category. Additional safeguards are provided throughout the new data protection framework to promote equality of opportunity for those within this Section 75 grouping.** | | Minor - Positive |
| **Political opinion** | | **As with other Section 75 groups, the new data protection framework protects personal data concerning political opinion as a special category. Additional safeguards are provided throughout the new data protection framework to promote equality of opportunity for those within this Section 75 grouping.** | | Minor - Positive |
| **Racial group** | | **As with other Section 75 groups, the new data protection framework protects personal data concerning racial or ethnic origin as a special category. Additional safeguards are provided throughout the new data protection framework to promote equality of opportunity for those within this Section 75 grouping.**  **Council will also have to ensure that those whose first language is not English are made aware of how to access their personal data.** | | Minor - Positive |
| **Age** | | **As with other Section 75 groups, the new data protection framework protects personal data for children - Children will benefit from specific protection with regard to their personal data, as they may be less aware of the risks, consequences and safeguards concerned and their personal data** | | Minor - Positive |
| **Marital status** | | **No differential impact** | | None |
| **Sexual orientation** | | **As with other Section 75 groups, the new data protection framework protects personal data concerning sexual orientation as a special category. Additional safeguards are provided throughout the new data protection framework to promote equality of opportunity for those within this Section 75 grouping.** | | Minor - Positive |
| **Men and women generally** | | **No differential impact** | | None |
| **Disability** | | **As with other Section 75 groups, the new data protection framework protects personal data ‘concerning physical or mental health or condition as a special category. Additional safeguards are provided throughout the new data protection framework**  **We will have to take into account the needs of people with disabilities to ensure that they are able to access their personal data.** | | Minor - Positive |
| **Dependants** | | **No differential impact** | | None |
| 1. **Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?** | | | | |
| **Section 75 category** | If **Yes**, provide details | | If **No**, provide reasons | |
| **Religious belief** |  | | The policy does not impact on the equality of opportunity for this category | |
| **Political opinion** |  | | The policy does not impact on the equality of opportunity for this category | |
| **Racial group** | By implementing measures to help with language needs | |  | |
| **Age** |  | | The policy does not impact on the equality of opportunity for this category | |
| **Marital status** |  | | The policy does not impact on the equality of opportunity for this category | |
| **Sexual orientation** |  | | The policy does not impact on the equality of opportunity for this category | |
| **Men and women generally** |  | | The policy does not impact on the equality of opportunity for this category | |
| **Disability** | By implementing measures to help those with disabilities | |  | |
| **Dependants** |  | | The policy does not impact on the equality of opportunity for this category | |

|  |  |
| --- | --- |
| **3.** **Are there opportunities to better promote good relations between Section 75 equality categories through tackling prejudice and/or promoting understanding?**    X  **Yes No**  **If Yes, the policy will be considered by a Designated Working Group** | |
| **Section 75 category** | **Details of opportunities identified (including details of consultation with relevant stakeholders)** |
| **Religious belief** | **Policy will be applied universally to all** |
| **Political opinion** |
| **Racial group** |

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| --- |
| **4. Is there evidence to suggest that this policy would promote positive attitudes towards people with a disability?**  X  **Yes No** |
| **If Yes, provide details of opportunities identified (including details of consultation with relevant stakeholders** |
| **Policy will be applied universally to all** |
| **5. Is there evidence to suggest that this policy would encourage the participation of people with a disability in public life?**  X  **Yes No** |
| **If Yes, provide details of opportunities identified (including details of consultation with relevant stakeholders** |
| **Policy will be applied universally to all** |

**Additional considerations**

**Multiple identity**

**Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?**

**(*For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).***

The policy applies fairly and consistently to all persons. Issues relating to multiple identities have been covered in responses to the screening questions above.

**Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.**

As above.

**Part 3. Screening decision**

**If the decision is not to conduct an equality impact assessment, please provide details of the reasons.**

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| The policy is screened out for Equality Impact Assessment as it helps to protect and promote equality of opportunity between those who share protected characteristics and those who do not and helps to eliminate unlawful discrimination.  The policy applies to all persons fairly and consistently.  The policy has taken into account the needs of those people whose first language is not English and those people who have disabilities. |

**If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced. Please provide details**

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| As no adverse impact on any Section 75 categories has been identified there is no need for mitigation or an alternative policy. |

**If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.**

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| N/A |

**Part 4: Mitigation**

When the public authority concludes that the likely impact is ‘minor’ and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity.

The public authority may also consider if the policy/decision can be amended or changed or an alternative introduced to:-

* Better promote good relations through tackling prejudice and/ or promoting understanding between the three Section 75 (2) categories, namely persons of different religious belief, political opinion and racial groups
* Promote positive attitudes towards people with a disability
* Encourage participation by disabled people in public life.

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

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| The policy fulfils a statutory requirement and applies fairly and consistently to all Section 75 categories. It is screened out for Equality Impact Assessment without mitigation. |

**Part 5 - Approval and authorisation**

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| --- | --- | --- |
| **Screened by:** | **Position/Job Title** | **Date** |
| Damian McCay  Kay McIvor | Data Protection Officer  Policy Officer (Equality) | 28/03/2018 |
| **Approved by:** |  |  |
| Ellen Cavanagh | Lead Democratic Services and Improvement Officer | 28/03/2018 |

Note: A copy of the Screening Template, for each policy screened should be ‘signed off’ and approved by a senior manager responsible for the policy, made easily accessible on the public authority’s website as soon as possible following completion and made available on request.

1. Department of Digital, Culture, Media and Sport (Oct. 2017) **Data Protection Bill - Equality Impact Assessment** [↑](#footnote-ref-1)
2. Department of Digital, Culture, Media and Sport (Oct. 2017) **Data Protection Bill - Equality Impact Assessment** [↑](#footnote-ref-2)
3. https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/664404/Equality\_Impact\_Assessment.pdf [↑](#footnote-ref-3)
4. Department of Digital, Culture, Media and Sport (Oct. 2017) **Data Protection Bill - Equality Impact Assessment** [↑](#footnote-ref-4)
5. Department of Digital, Culture, Media and Sport (Oct. 2017) **Data Protection Bill - Equality Impact Assessment** [↑](#footnote-ref-5)