

Data Protection Act Notes

The Data Protection Act (DPA) covers “personal information” about identifiable living individuals, that is:

- Held on any relevant filing system (including paper systems and files on service users)
- Stored on any form of personal computer or automated filing system
- Any information intended to be placed on either of the above systems.

The Data Protection Act has many references to post of Data Controller – the person or people identified as being responsible for deciding how personal information is used within an organisation.

The Data Controller may be a nominated individual or in many cases, as the organisation as a whole. The Act tries to strike a balance between the needs of the Data Subject and the Data Controller.

There are a number of key questions that any organisation should ask itself when looking to ensure that the Act is being complied with.

1. Is personal data fair?

The information you hold must be used in the right way. Does your organisation make use of the information it has or there any pieces of information held that are not needed.

2. Do people and organisation know you hold information about them?

If you are holding information on an organisation or individual it is good practice that they are aware of this and agree to this information being held by you.

3. When do you need people’s consent?

Often consent is not needed for “standard” information such as contact and organisation details. Consent though should be sort for personal information such as:

- Racial or ethnic origin
- Religious beliefs
- Trade Union or Professional Body membership
- Sexual orientation
- Criminal Record

There are exceptions and it is best to use your commonsense and think about what information you as an individual would be happy for an organisation to hold about you.

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4. Is information protected?

Information should be protected from unauthorised access. Always take special care when information is being given to individuals outside the Data Controller's organisation.

5. Are information collection processes up to date?

The process by which you collect information and the information you collect should be reviewed from time to time. Some types of information may only be needed in certain cases meaning it may better be collected as and when you need it.

6. How long do you keep information for?

As the DPA covers paper and electronic files, how long you keep information needs to be considered carefully. Think about whether there will ever be a situation where it matters that you no longer have the information. If so, consider discarding it or put it into an anonymous or purely statistical form. Different rules cover accounting information and they should be adhered to separately.

7. What procedures exist for people who want to stop information being used for certain purposes?

Some groups or individuals will not wish their information to be used in certain ways. This may be in relation to marketing purposes or use on websites. It is important that procedures are in place to accommodate this requirement.

8. What information can be placed online?

When putting information online, remember it can be accessed by anyone, anywhere in the world. The very least your organisation should be doing is to get prior agreement from those whose information is going to be published that this is acceptable. Issues of privacy are particularly important where photographs of individuals are going to be used.

This information is intended as a guide to help your organisation think about its requirements under the Data Protection Act. For more information visit the Data Protection website www.dataprotection.gov.uk

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