A “Beginner’s Guide” to Data Protection
Aims

• understand what personal information ("personal data") is to start with
• what the requirements are when collecting, using, keeping and disposing of it
• understand the pitfalls of publishing personal information
• understand some of the possible issues around the fire dataset
TYPES OF INFORMATION
Getting information off the Internet is like taking a drink from a fire hydrant.

Mikhail Kapor
“Personal” information

- age
- marital status
- name
- net worth
- email
- car owner
- voting habits
- clicks
- downloads
- political party
- purchases
- internet searches
- astrological sign
- criminal record
- average spending
- kids in house
- homeowner
- usernames
Personal information

Privacy

…and how in DCLG we have to handle personal information
Captain Flack – Fire Chief – Trumpton
• personal information
• (very) widely known / in public domain
• hard to see unfairness / harm to individual on its own
• needs to be linked with other information
Expectations and Fairness

- Crime
- Health
- Income
- Details of family
- Captain Flack
- Fire Chief
- Trumpton
- D.O.B.
Expectations and Fairness

• what would the individual expect?

• what’s likely to be fair and reasonable?

• what would be the harm if any?

• what would you expect?
“Personal data” (think “information”)

“...data which relate to a living individual who can be identified from those data or those data and other information likely to be available...”

Source: Data Protection Act
“Sensitive personal data”

- racial or ethnic origin
- political opinions
- religious or similar beliefs
- trade union membership
- physical/mental health/condition
- sexual life
- offences and criminal proceedings
Main requirements

- **Data Protection Act**
- other privacy-related legislation, e.g. CCTV regs; electronic comms regs
- HMG Security Policy Framework
- Codes of Practice
- Information Commissioner guidance *(uphold information rights and data privacy for individuals)*
... 8 data protection principles

- "fair" and lawful processing...consent or "necessary"
- only for stated / compatible purpose
- adequate, relevant, not excessive
- accurate, kept up to date
- kept no longer than necessary
- rights of access
- security (including contractors)
- transfer overseas
1st principle

• “fair” – individual sufficiently informed about who, what, why etc and freely consents (“privacy notice”) at outset
• “explicit” consent for “sensitive personal data”
• “necessary” = e.g. for contract; legal obligation or function; vital interests of individual; Crown, Ministers or Department core function; public interest vs fairness / rights of individual
Individuals’ rights

- of access
  - whether/what/why personal data held
  - its source and who it’s passed to
  - copy of the personal data
  - unless also third party and not “fair”
- to prevent if substantial damage/distress
- to prevent use for marketing purposes
- compensation for damage/distress
- rectification, blocking, erasure, destruction if inaccurate
• national security
• crime and taxation
• health, education, social work
• disclosures by law; legal proceedings; by order
• research
• journalism
• legal professional privilege
• parliamentary privilege
• domestic purposes
• confidential references or Crown employment
• regulatory activity (e.g. H&S; protection of charities; malpractice – Ombudsman investigations)
...exemption limitations

- they are quite limited
- they’re complicated
- “subject information provisions”
- “non-disclosure provisions”
- exemption from part of or one of more of the principles
- e.g. “national security” sweeping; “research” just purpose + time limit
…why bother?

By the book:

- it’s the law!
- notification to Commissioner (offence if not accurate enough and up to date)
- SPF annual reporting
…why bother?

Good practice:

• our values
• efficiency
• reputational damage
• VFM (fines!!!
…why bother?

Information Commissioner action:
• practical advice
• assess and action a complaint
• information notices
• require improvement plans
• issue undertakings
• serve enforcement notice
• conduct audits
• issue monetary penalty notices up to £500k
• prosecute
...why bother?

...two years and counting...
What should one expect if one or one’s friends or family were involved in a fire?