

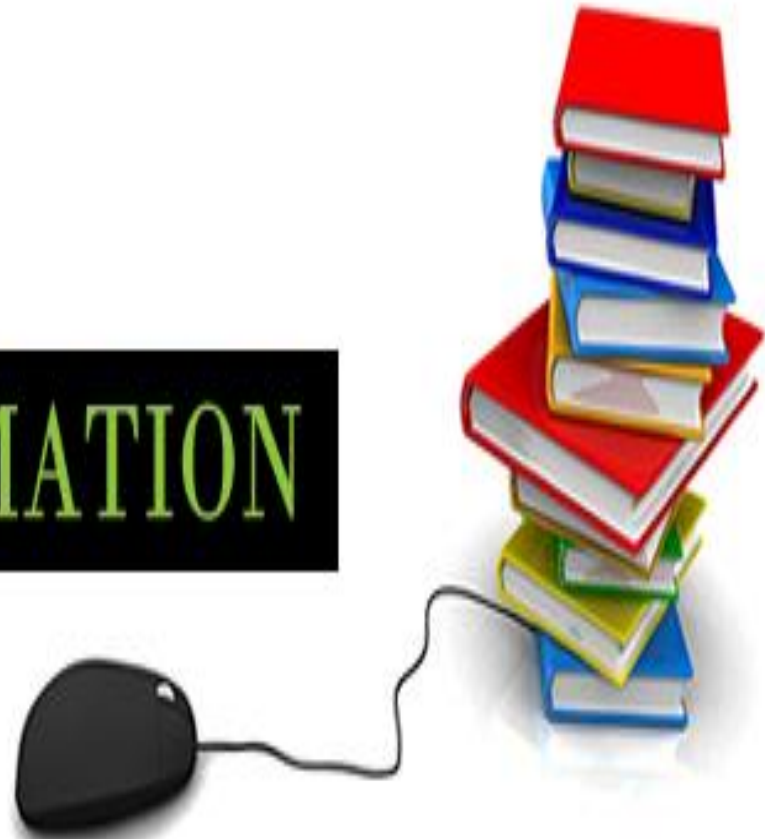


A “Beginner’s Guide” to Data Protection

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.

Michell Kapor

“Personal” information



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

Captain
Flack

Fire
Chief

Health

Trumpton

Income

D.O.B.

Details of
family





FENCING STOLEN GOODS

KIRK © 2004

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?

...and for DCLG?

“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

...exemptions

- 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:

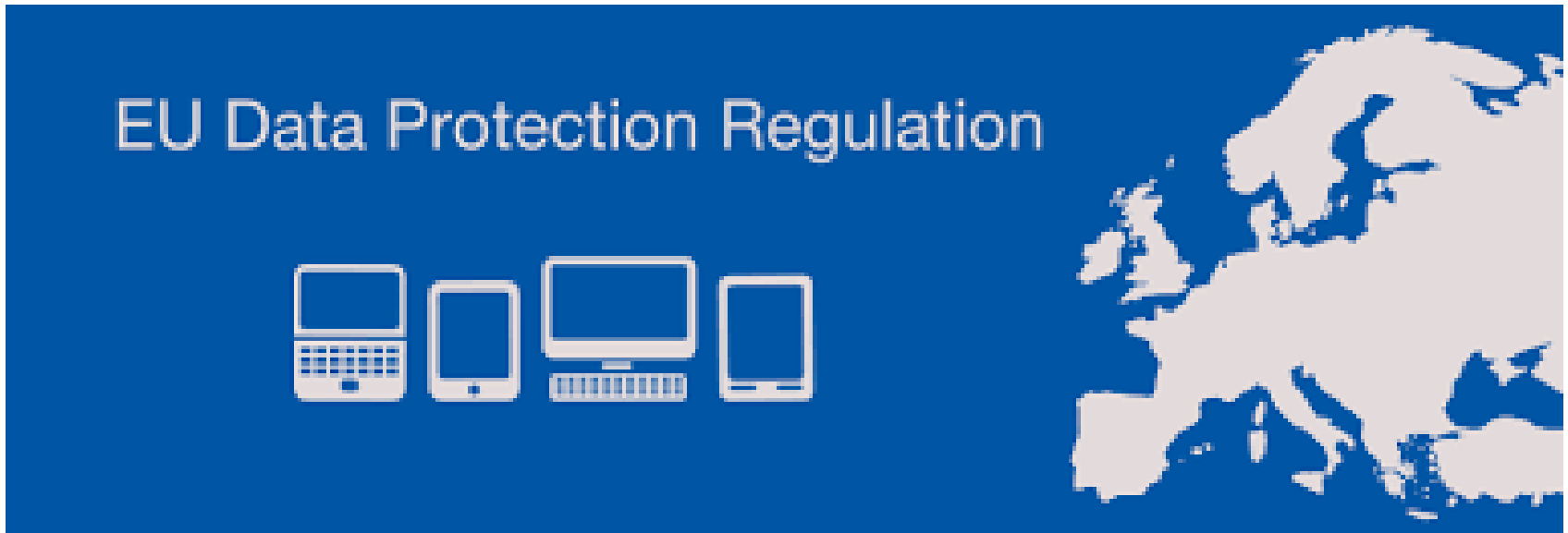
- our values
- efficiency
- reputational damage
- VFM (fines!!!)

...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 ones friends or family were involved in a fire?