

Data Protection Act Fact Sheet

1. Appoint a Data Protection Officer at the highest level in the organisation. This should be one individual to assume overall responsibility for Data Protection.
2. Register as a data processor on line at www.dataprotection.gov.uk There is an annual fee of £30. If you fail to register and there is a complaint by an individual of a potential breach of the Data Protection Act, you are immediately in technical breach of the Act by being unregistered.
3. The Data Protection Act applies to all organisations that handle data about living individuals (personal data). The Act:
 - a) Establishes a public register of organisations which use personal data;
 - b) Imposes obligations on organisations that handle personal data relating to privacy and data quality (the 8 principles of data protection). These are the most important elements of the Act;
 - c) Grants individuals rights in relation to their data (including the right to access their data and to prevent certain use of their data).
4. The Act is enforced by the Information Commissioner who has powers to issue notices requiring compliance with the Act, to require organisations to co-operate with his enquiries and to search and seize material. Breach of certain provisions of the Act is a criminal offence. Breach of certain provisions of the Act could also lead to civil proceedings against the organisation by the individual.
5. The 8 data protection principles are:
 1. Personal data should be processed fairly and lawfully;
 2. Personal data should be obtained only for one or more specified lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes;
 3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
 4. All personal data shall be accurate and, where necessary, kept up to date;
 5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes;
 6. Personal data shall be processed in accordance with the rights of data subjects (individuals);
 7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data;
 8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

6. “Data Subject” means an individual who is the subject of personal data.
7. “Personal Data” means data which relates to a living individual who can be identified from that data, or from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller.
8. The data controller is the organisation who holds or processes the personal data.
9. “Sensitive Personal Data” means personal data consisting of information as to:
 - a) The racial, ethnic origin of the data subject;
 - b) His political opinions;
 - c) His religious beliefs or other beliefs of a similar nature;
 - d) Whether he is a member of a trade union;
 - e) His physical or mental health or condition;
 - f) His sexual life;
 - g) The commission or alleged commission by him or any offence, or;
 - h) Any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any Court in such proceedings.

Where sensitive personal data is involved the individual’s explicit consent is needed before it can be processed for any purpose.

10. The Data Protection Act gives the individual the right to access personal data held by them. This includes being given a copy of all the personal data held about them. This is subject to a £10 fee being paid to the organisation holding the data and the organisation holding the data has 40 days to comply with the request to provide a copy of the personal data.
11. There are certain exemptions in the Data Protection Act for disclosure of certain types of information. Please obtain legal advice on these exemptions if you feel they apply to your organisation.
12. The Data Protection Act applies to both computer and manual records