

The Data Protection Act

At VAC we are often asked by groups to clarify what the Data Protection Act means for them, and for how they should keep data on their staff and service users or members. Although the Act was passed more than 10 years ago, in this briefing we provide a reminder about some of the most important principles of which groups should be aware.

The Act applies to 'personal data' – that is, data that is being held and is sufficient to identify a particular person, whether on a computer or within paper files. The Data Protection Act makes it clear that your organisation must have the consent of the individuals you work with to collect and use their information, and that you must be aware of, and working within, the principles of the Act should you need to share that data with other agencies for any reason.

The Data Protection Principles

Whenever you 'process' personal data you must comply with all eight Data Protection Principles covering issues such as accuracy, security and lawfulness of data collection as well as the rights of the Data Subject (the individual whose data you hold). By doing so you will achieve the aim of protecting individuals from harm and demonstrating respect. In this context 'process' means doing anything at all with information, including collecting it, storing it, using it, changing it or disclosing it. Destroying the data when it is no longer necessary should also be regarded as processing of data.

In summary the eight principles of the act state that:

- Data 'processing' must be 'fair' and legal.
- You must obtain data only for specified purpose(s) and use it only in ways that are compatible with the purposes.
- Data must be adequate, relevant and not excessive.
- Data must be accurate and up to date.
- Data must not be held longer than necessary.
- Data Subjects' rights must be respected.
- You must have appropriate security.
- Special rules apply to transfers abroad.

Data Protection Policy

Each organisation should develop their own data protection policy that works for them and enables them to comply with their legal responsibilities. The policy should be known by all staff so that everyone knows their individual responsibility in regards to data protection. There a number of websites that give useful guidance on how to develop your own policy and a particularly useful framework is available on the ICT Knowledge Base Website at <http://www.ictknowledgebase.org.uk/dataprotectionpolicies>

There they suggest a framework with some useful headings, topics and sample text with a voluntary or community sector organisation in mind. The

framework has attempted to cover most of the areas which will be required for a Data Protection Policy, but it makes clear that not all of these need be adopted. For example if you don't fundraise from individuals or try to sell them products or services you will not need to address the issue of direct marketing. Of course, should the organisation change its activities then the policy may need to be revised. The authors of the framework suggest that the policy be reviewed every three years or so and we would endorse this as good practice.

For convenience, the framework is split into 10 main areas:

- Introduction
- Responsibilities
- Confidentiality
- Security
- Data recording and storage
- Subject access
- Transparency
- Consent
- Direct marketing
- Staff training and acceptance of responsibilities

The website also suggests a useful implementation process that you might find it helpful to work through – as follows:

1. Initiate - discuss in team/staff/volunteer/management committee meetings etc.
2. Form working group (if appropriate)
3. Consult departments, teams or individuals to check what purposes they hold personal data for and what policies they already have
4. Draft policy and circulate amongst working group for comment
5. Write up final policy
6. Publish and distribute
7. Publicise to people in organisation
8. Monitor and review

Other sources of useful information about this issue include:

The National Council for Voluntary Organisation's website at:

<http://www.ncvo-vol.org.uk/advice-support/legal-regulatory/data-protection-law>

<http://www.ncvo-vol.org.uk/node/9848>

The Information Commissioner's Office website at <http://www.ico.gov.uk>

If you have any questions about how to store personal data securely on your organisation's computers, you can always contact our ICT Outreach Project for advice. Contact: *Mary Sakho, ICT Outreach Project Worker, T: 020 7284 6573 (Typetalk 18001-020 7284 6573), E: msakho@vac.org.uk*