



# **T3SC Factsheet**

## **Data protection**

The Data Protection Act requires anyone who handles personal information to comply with a number of important principles. It also gives individuals rights over their personal information. The Data Protection Act gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly. The Act works in two ways.

Firstly, it states that anyone who processes personal information must comply with **eight principles**, which make sure that personal information is:

- ◆ Fairly and lawfully processed
- ◆ Processed for limited purposes
- ◆ Adequate, relevant and not excessive
- ◆ Accurate and up to date
- ◆ Not kept for longer than is necessary
- ◆ Processed in line with your rights
- ◆ Secure
- ◆ Not transferred to other countries without adequate protection

The second area covered by the Act provides individuals with important rights, including the right to find out what personal information is held on computer and most paper records.

Should an individual or organisation feel they're being denied access to personal information they're entitled to, or feel their information has not been handled according to the eight principles, they can contact the Information Commissioner's Office for help. Complaints are usually dealt with informally, but if this isn't possible, enforcement action can be taken.

### **Your rights**

Individuals have a wide range of rights under the Data Protection Act, including access, compensation and the prevention of processing.

### **Your legal obligations**

You have a number of legal responsibilities:

- ◆ To notify the Information Commissioner you are processing information, unless you are an organisation who has personal information only for:
  - ◆ staff administration (including payroll);
  - ◆ advertising, marketing and public relations for your own business; or
  - ◆ accounts and records (some not-for-profit organisations)
- ◆ to process the personal information in accordance with the eight principles of the Act; and to answer subject access requests received from individuals.

If you handle personal information, you have a number of important legal obligations. The Data Protection Act doesn't guarantee personal privacy at all costs, but aims to strike a balance between the rights of individuals and the sometimes competing interests of those with legitimate reasons for using personal information. It applies to some paper records as well as computer records.

This short checklist will help you comply with the Data Protection Act. Being able to answer 'yes' to every question does not guarantee compliance, and you may need more advice in particular areas, but it should mean that you are heading in the right direction.

- ♦ Do I really need this information about an individual? Do I know what I'm going to use it for?
- ♦ Do the people whose information I hold know that I've got it, and are they likely to understand what it will be used for?
- ♦ If I'm asked to pass on personal information, would the people about whom I hold information expect me to do this?
- ♦ Am I satisfied the information is being held securely, whether it's on paper or on computer? And what about my website? Is it secure?
- ♦ Is access to personal information limited to those with a strict need to know?
- ♦ Am I sure the personal information is accurate and up to date?
- ♦ Do I delete or destroy personal information as soon as I have no more need for it?
- ♦ Have I trained my staff in their duties and responsibilities under the Data Protection Act, and are they putting them into practice?
- ♦ Do I need to notify the Information Commissioner and if so is my notification up to date?

## Guidance

The Information Commissioner's Office produces detailed guidance which provides organisations and individuals with all the information they need to know about the Data Protection Act. [www.ico.gov.uk/what we cover/data protection/guidance.aspx](http://www.ico.gov.uk/what_we_cover/data_protection/guidance.aspx)

## Enforcement

The ICO has legal powers to ensure that organisations comply with the requirements of the Data Protection Act. It is important to note that these powers are focused on ensuring that organisations meet the obligations of the Act. The ICO has legal powers, including the power to issue information and enforcement notices, conduct audits and prosecute offenders.

## Notification under the Data Protection Act 1998

Unless you're exempt, the Data Protection Act requires all data controllers who process personal information to register with the ICO.

## Legislation in full

Read the full text of the Data Protection Act 1998 on the Information Commissioner's website [www.ico.gov.uk/](http://www.ico.gov.uk/)

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