



Information Commissioner's Office
Protecting your personal information and
promoting public access to official information

Russell Bain
Team Leader, Community Planning
Public Service Delivery
Area 3H
Victoria Quay

1 November 2007

Dear Russell

Community Councils and the Data Protection Act

Many thanks for meeting with me on Tuesday to clarify aspects of the status and role of Community Councils in Scotland. I found our discussions very helpful.

Although the roles Community Councils play may vary slightly throughout Scotland, from our discussions it would appear that they are "data controllers" under the terms of the Data Protection Act 1998 (a data controller decides the purposes for which personal data is processed and the way in which the processing takes place). As such, they have a legal obligation to notify the Information Commissioner of certain details of the processing which takes place, and failure to notify is a criminal offence. At present, I am unsure that Community Councils have been fulfilling that obligation and I intend contacting them shortly to remind them of their responsibilities.

You made reference to the intention of the Community Council Working Group preparing a series of good practice guidance notes and we discussed the possibility of there being one on the subject of data protection. I believe that this would be extremely helpful as the Act is one which is often misinterpreted as constructing barriers to be overcome rather than one which provides a framework for good information handling. This office would obviously be pleased to provide some assistance with the production of the guidance.

Information Commissioner's Office - Scotland, 28 Thistle Street, Edinburgh, EH2 1EN
t/f: 0131 225 6341 e: scotland@ico.gsi.gov.uk w: informationcommissioner.gov.uk

Head Office: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
t: 01625 545700 f: 01625 524510 e: mail@ico.gsi.gov.uk w: informationcommissioner.gov.uk

As I mentioned to you, I hope to discuss data protection issues with representatives from Community Councils in Orkney during a visit there later this month. I would be happy to hold similar meetings in other areas and I would also be pleased to attend a meeting of the working group if you see benefit in my doing so.

Thank you once again for your assistance and I look forward to hearing from you in due course regarding the data protection guidance.

Best wishes

A handwritten signature in black ink, appearing to be 'Ken Macdonald', with a stylized flourish at the end.

Ken Macdonald
Assistant Commissioner