

Community Councils and the Data Protection Act

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CCWG

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Information Commissioner's Office

Contents

- The Information Commissioner's Office
- The Data Protection Act



The Information Commissioner's Office

Regulators of:

- Data Protection Act 1998
- Privacy & Electronic Communications Regulations 2003

- Freedom of Information Act 2000
- Environmental Information Regulations 2004



The Information Commissioner's Office

Not the Regulator of:

- Freedom of Information (Scotland) Act 2002
- Environmental Information (Scotland) Regulations 2004



The Information Commissioner's Office

- Promote the legislation
- Influence public policy
- *Resolve complaints*
- *Maintain the register of data controllers*
- *Prosecute offenders*



The Data Protection Act 1998

Data Protection

- Applies to personal information only
- Covers all organisations
- Gives individual rights over their information
- Same Act north and south of the border



The Data Protection Act 1998

Relates to personal data (ie, that which can identify an individual) held electronically or in structured manual records

Stricter controls over “sensitive personal data” (eg, race/ethnicity, religion, criminal history, medical records – n.b, *not* financial)

Provides a records management framework



The Data Protection Act 1998

Organisations must ensure that data is:

- *“processed” fairly and lawfully and for (a) specified lawful purpose(s)*
- *adequate, relevant, not excessive, accurate and kept up to date*
- *kept for no longer than is necessary*
- *kept secure*

The Data Protection Act 1998

Organisations must also :

Respect the rights of data subjects

Organisations must not :

*Transfer data out of the EEA unless
appropriate safeguards exist to protect it*



The Data Protection Act 1998

Fair and lawful processing:

- *Data subjects must be told what their data is being used for (fair processing)*
- *Conditions allowing processing must be met (lawful processing)*



The Data Protection Act 1998

Conditions for lawful processing of personal data:

- *Consent*
- *Contract*
- *Legal obligation*
- *Vital interests*
- *Public interest*
- *Legitimate interest*

Additional conditions are imposed when processing sensitive personal information



The Data Protection Act 1998

Some organisations must :

notify the Commissioner of the sources of data, the purposes for which it will be used and the disclosures which may be made of it.

£35 annual fee



The Data Protection Act 1998

Data Protection Register - Entry Details

Registration Number: Z5881526

Date Registered: 10 October 2001 Registration Expires: 09 October 2008

Data Controller: KILLEARN COMMUNITY COUNCIL

Address:

**KILLEARN
GLASGOW**



The Data Protection Act 1998

This register entry describes, in very general terms, the personal data being processed by:

KILLEARN COMMUNITY COUNCIL

This register entry contains personal data held for 3 purpose(s)

Purpose 1

Provision of local services

Purpose 2

Campaigns, public relations and fund-raising

Purpose 3

Staff, agent and contractor administration



The Data Protection Act 1998

Individual rights:

- *Access (Section 7 / Subject Access Request)*
- *Prevention of processing causing distress*
- *Prevention of direct marketing*
- *Prevention of automated decision making*
- *Rectification, blocking, erasure, destruction*
- *Compensation*
- *Request for assessment*



The Data Protection Act 1998

Offences

- *Unlawfully obtaining or disclosing personal data*
- *Selling of personal data*
- *Failure to notify / notify changes*
- *Failure to comply with a Notice from the Commissioner*

The Data Protection Act 1998

Contact

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