



Data Protection Act 1998

Policy Outline

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Introduction

The Data Protection Act 1998 (the Act) came into force on 1 March 2000 after receiving Royal Assent on 16 July 1999. The Act repeals the Data Protection Act 1984 and certain other legislation that gives rights of access to information held by organisations.

The Act extends the rights given to individuals in previous legislation and requires data controllers (people or organisations that hold and process details of living individuals) to comply with the Eight Principles (rules governing the use of personal data) and to bear in mind the rights and freedoms of those individuals when processing their details. The eight principles require personal information to be:

- fairly and lawfully processed;
- processed for limited purposes;
- adequate, relevant and not excessive;
- accurate;
- not kept longer than necessary;
- processed in accordance with your rights;
- kept secure;
- not transferred abroad without adequate protection.

This document explains how Peterborough City Council will meet the legal requirements of the Data Protection Act 1998.

1. Statement of Intent

Peterborough City Council (the council) intends to fulfil all its obligations under the Data Protection Act 1998. The council will ensure that all registrable processing is appropriately notified and will conduct a periodic review and update of register entries. It is the aim of the council that all appropriate employees are properly trained, fully informed of their obligations under the Data Protection Act 1998 and aware of their personal liabilities.

Any employee deliberately acting outside their recognised authority will be subject to the council's disciplinary procedures, including dismissal where appropriate, and possibly legal action. Individuals whose information is held and processed by the council can be assured that the council will treat their personal data with all due care. It is possible that other legislation may (at times and under certain conditions) override Data Protection law - individuals should note that the council intends to fulfil all of its legal responsibilities.

This policy document applies only to information covered by the Data Protection Act 1998 and will be updated / amended as necessary according to the laws of England and Wales.

2. Fair Obtaining / Processing

The council will, as far as is practicable, ensure that all individuals whose details are held by the council are aware of the way in which that information will be held, used and disclosed. Individuals will, where possible, be informed of the likely recipients



of the information – whether the recipients are internal or external to the council. Processing within the council will be fair and lawful. Individuals will not be misled as to the uses to which the council will put the information given. If a person feels they have been deceived or misled as to the reason for which information was collected, they should use the complaints procedure at the end of this document.

Collection forms requiring personal information will contain a "fair processing" statement giving details of the likely uses of the information and, where information is collected in person or by telephone, the employee asking for the details will tell the individual how those details will be used. People are free to ask the person collecting the information why they want the details and what they will be used for.

Example of a written statement:



The personal information that you provide on this form will be handled by Peterborough City Council in accordance with the Data Protection Act 1998. We do not pass on your details to any third party without your knowledge unless the council is legally obliged to do so.

If a person's details are going to be used for auto-decision processing (where a computer decides something based on a score or other information) the person will be told about how the system works and whether the decision can be challenged.

Any person whose details are to be included in the council's web site will be notified.

3. Data Uses and Processes

The council will not use or process personal information in any way that contravenes its notified purposes or in any way that would constitute a breach of Data Protection law. Any new purposes introduced will, where appropriate, be notified to the individual and, if required by the law, their consent will be sought. A copy of the appropriate notification document is available from the council's Information Manager or can be viewed on the Data Protection Register at the Information Commissioner's web site:-

http://www.ico.gov.uk/tools_and_resources/register_of_data_controllers.aspx

All employees using personal data within the council will be informed of the limits of their rights to use and disclose such information.

4. Data Quality and Integrity

The council will not collect data from individuals where that information is excessive or irrelevant in relation to the notified purpose(s). Details collected will be adequate for the purpose and no more. Information collected which becomes (over time or by virtue of changed purposes) irrelevant or excessive will be deleted or destroyed in line with the council's Records Retention Policy.

Information will only be held for as long as is necessary for the notified purpose(s) – after which the details will be deleted or destroyed. Where details of individuals are



stored for long-term archive or historical reasons and where it is necessary to retain the personal detail within the records it will always be done within the requirements of the legislation and in line with the council's Records Retention Policy.

The council will ensure, as far as is practicable, that the information held is accurate and up to date. It is the intention of the council to check wherever possible the details given. Information received from third parties will carry a marker indicating the source. Where a person informs the council of a change of their own circumstances, such as home address or non-contentious data, their record(s) will be updated as soon as possible. Where the individual requests that information be changed and it is not possible to update it immediately, or where the new information needs to be checked for its accuracy or validity, a marker will be placed on the disputed record indicating the nature of the problem.

5. Technical and Organisational Security

The council has implemented appropriate security measures as required under the Data Protection Act 1998. In particular, unauthorised employees and other individuals are prevented from gaining access to personal information. Appropriate physical security is in place with visitors being received and supervised at all times within the council buildings where information about individuals is stored.

The council operates a clear desk policy.

Computer systems are installed with password controls and, where necessary, audit and access trails to establish that each user is fully authorised. In addition, employees are fully informed about overall security procedures and the importance of their role within those procedures. Manual filing systems are held in secure locations and are accessed on a need to know basis only.

Security arrangements are reviewed regularly, all reported breaches or potential weaknesses are investigated and, where necessary, further or alternative measures will be introduced to secure the data.

All employees are informed and frequently reminded about the limits of their authority on disclosing information both inside and outside the council. Details will only be disclosed on a needs basis within the council. Where details need to be passed outside the council it will, in general, be done with the person's knowledge except where this is not possible or where it is required by law, allowed under Data Protection Act exemptions such as crime prevention/detection, to prevent injury or where it is in the person's vital interests. Any unauthorised disclosure will be dealt with under the council's disciplinary procedures.

Redundant personal data will be destroyed in line with the council's Records Retention Policy using the council's confidential waste containers, the contents of which are shredded on a regular basis. In general, paper waste is shredded and magnetic media (disks, tapes etc.) are either electronically "wiped" or physically destroyed beyond recovery.

6. Subject Access / Subject Information Requests

Any person whose details are held / processed by the council has a general right to receive a copy of their own information. There are a few exceptions to this rule,



such as data held for child protection or crime detection / prevention purposes, but most individuals will be able to have a copy of the data held on them. The council has a policy of charging £10 for a subject access request. Any codes used in the record will be fully explained.

The council will reply to subject access requests as quickly as possible and in all cases within the 40 days allowed by the Data Protection Act. Repeat requests will be fulfilled unless the period between is deemed unreasonable, such as a second request received so soon after the first that it would be impossible for the details to have changed. A subject access / information request should be submitted on the appropriate forms to ensure that the council has the required information to be able to conduct a data search and to fulfil the request. In some cases, especially with requests not submitted on the correct form, further information may be required from the requester which may delay the start of the 40-day maximum time limit.

7. Further Information, Enquiries and Complaints

Peterborough City Council's Information Manager is the first point of contact on any of the issues mentioned in this policy document. Enquiries should be addressed to:-

Information Manager
Legal Services
Peterborough City Council
Town Hall
Bridge Street
Peterborough
PE1 1HQ

e-mail: ask@peterborough.gov.uk
Tel: 01733 747474
Fax: 01733 452524

Further details of how to make a request for personal information are available on the website at the following link:-

<http://www.peterborough.gov.uk/page-4526>

All complaints should be written, dated and should include details of the complainant as well as a detailed account of the nature of the problem and addressed to:-

Central Complaints
Chief Executive's Department
Bridge Street,
Town Hall,
Peterborough,
PE1 1HQ

e-mail: complain@peterborough.gov.uk
Tel: 01733 452497
Fax: 01733 452503

Further information on the Data Protection Act can be obtained from the Information Commissioner's website at the following link:- www.ico.gov.uk