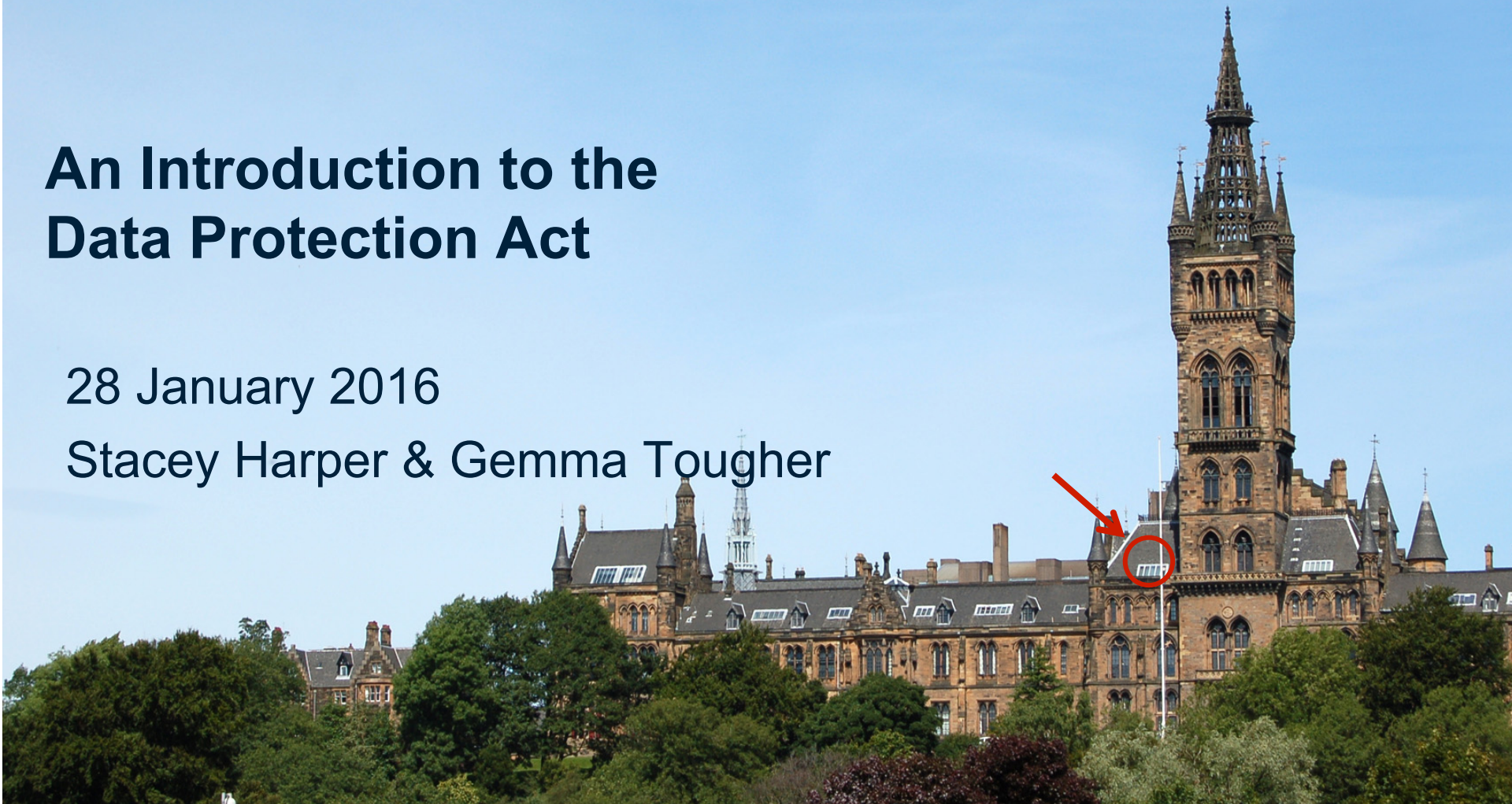


An Introduction to the Data Protection Act

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Data Protection Act 1998

- Privacy, accuracy, holding, processing and security of information about **you**
- Personal data, in **any format or media**, about a **living person** who could be identified from that data
- Many University Staff process personal data for administrative, management and research purposes

8 Data Protection Principles

Data must be:

- 1. fairly and lawfully processed;
- 2. processed for limited purposes;
- 3. adequate, relevant and not excessive;
- 4. accurate;
- 5. not kept for longer than is necessary;
- 6. processed in line with your rights;
- 7. secure; and,
- 8. not transferred outwith EEA.

Personal Data

- **Personal data** means data which relate to a living individual who can be identified –
 - (a) from those data, or
 - (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,
- and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

Sensitive Personal Data


Information relating to:

- racial or ethnic origin of a data subject
- political opinions
- religious beliefs
- trade union membership
- sexual life
- physical or mental health or condition
- criminal offences or record.

DPA – what is processing?

- collection, recording, receipt
- storage, backup, filing, retention
- display, scanning, review
- deletion, destruction
- editing, updating, modification
- copying, transmission, transfer, release
- loss, mislaying, misdirection

When can you process personal data?

PERSONAL DATA	SENSITIVE PERSONAL DATA
Implicit or explicit consent	Explicit consent
Protect vital interests of individual	Protect vital interests of individual
Necessary for performance of contract	Required to comply with employment legislation
Required under legal obligation	In connection with legal proceedings and administration of justice
In order to carry out public functions	Information already made public by individual
In the legitimate interests of data controller	Necessary for medical reasons
	Necessary for ethnic monitoring

Your rights

Right in relation to the following:

- a copy of all personal data held on you (SAR)
- have information corrected;
- object to direct marketing;
- object to processing likely to cause substantial damage or distress;
- prevent automated decision-making
- compensation for damage and distress caused by contravention of the Act

Your responsibilities

- Data security
 - appropriate storage
 - laptops
 - pen drives/CDs
- Authorised access only
- Not sharing information with 3rd parties (internal or external) – always let DP & FOI Office know if any exchange of personal data planned
- Retention of information
- Appropriate language

Criminal offences under the Act

- *Section 55 offences:*
 - Obtaining and disclosing personal data without consent of the data controller
 - Procuring personal data and selling it on
- Tampering with personal data which has been subject to a request for access (SAR)
- Providing false information to the ICO or ignoring his information/enforcement notices
- Obstructing a warrant obtained by the ICO

Regulating Bodies

UK Information Commissioner (ICO):

- the independent regulator for the DPA & UK FOI - *but not FOISA*
 - undertakes “assessments” following complaints
 - investigates alleged serious incidents
 - issues formal written guidance
 - prosecutes persons for offences committed under the Act

Office of the Scottish Information Commissioner (OSIC):

- the independent regulator for FOISA
 - Handles all appeals following complaints from applicants
 - Issues formal written guidance on decisions related to appeals
 - Makes publicly available extensive briefing and guidance notes



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Questions? Comments?

DP/FOI Office

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Email: foi@gla.ac.uk, dp@gla.ac.uk

<http://www.gla.ac.uk/services/dpfoioffice/>

OSIC

<http://www.itspublicknowledge.info/home/>

[ScottishInformationCommissioner.aspx](http://www.scottishinformationcommissioner.gov.uk/)

ICO

<http://ico.org.uk>