

# The Data Protection Act and Electronic Publishing

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This document is part of a collection of presentations with a focus on the Legal and Social Aspects of Electronic Publishing. For full details of this and the rest of the collection see the cover sheet at: <http://humbox.ac.uk/3101/>

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*The  
Data  
Protection  
Act 1998*

# Legislation

## **Legal enforcement:**

Office of the Information Commissioner

Information Commissioner:

Christopher Graham

# Data Protection Act

What is data?

**Data is:**

Personal information held about a living person, which can identify that person and which may be of a sensitive nature.

# Data Protection Act

## **Relates to:**

- Paper files
- Electronic files and databases
- Microfilm and Microfiche
- Photographs or Digital Images

# Data Protection Act

## **Relates to:**

- WebPages
- Voice recordings
- CCTV
- X-rays
- Publications

# Legislation

## **Institutions must register**

- What Data?
- Why?
- Transfers?

Data Protection Officer

# Data Protection Act

## **The First Principle:**

Personal data shall be processed fairly and lawfully, and shall not be processed unless the relative conditions are met.



# Data Protection Act

## **The Second Principle:**

Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed for any other purpose.

# Data Protection Act

## **The Third Principle:**

Personal data shall be adequate, relevant, and not excessive for the purpose or purposes for which it is processed.

# Data Protection Act

## **The Fourth Principle:**

Personal data shall be accurate and, where necessary, kept up to date.

# Data Protection Act

## The Fifth Principle

Personal data processed for any purpose shall not be kept for longer than is necessary.

# Data Protection Act

## **Exemptions:**

Section 33 for:

Research

History

Statistics

# Data Protection Act

**Does not apply to:**

**Information in the public domain**

Voting Registers

Published C.V.'s of political figures

# Data Protection Act

## **The Sixth Principle:**

Personal data shall be processed in accordance with the rights of data subjects under this Act.

# Data Protection Act

## The Seventh Principle

Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to personal data.



# Data Protection Act

## **The Eighth Principle:**

Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

# Data Protection

## Your Organization

Questions to ask:

- Who is the Data Protection Officer?
- Is there a Data Protection Policy?
- Procedures for opting-out?
- Procedures for Access Requests?

# Data Protection

## Your Organization

Publication includes:

- Books
- Journals
- Articles

**Obtain Consent or Anonymise**

# Data Protection

## Your Organization

### WebPages

- Contact lists
- Digital Images
- Keep up to date

### Obtain Consent

# Data Protection

## Your Organization

### Collection of Data:

- Employment
- Research
- WebPages
- Mailing Lists

**Obtain Consent or Anonymise**

# Data Protection

## Your Organization

### Security:

- Passwords
- Screen Savers
- Clear desk policy

# Data Protection Act

## Legal rights

### **Access:**

- Request in writing
- £10 fee
- 40 days to comply

### **Law enforcement Agencies**

# Records Management

The Data Protection and Freedom of Information Acts will require your organization to have good Records Management for compliance