



Donegall Pass Community Forum

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DATA PROTECTION: CODE OF PRACTICE

The Purpose of Data Protection

“The fundamental principle of data protection is to protect the privacy of the individual in relation to their personal information. Proper information handling procedures are a key requirement of the modern business environment and the privacy requirements of data protection legislation will...”be essential to create trustworthy systems for the information age” (Elizabeth France, Data Protection Registrar).

The data protection legislation puts responsibilities and limitations on organisations and gives rights to individuals in respect of personal information. The legislation creates a number of offences with liability potentially falling on both the organisation and individuals dealing with personal data. Anyone breaking this code of conduct may also find themselves subject to disciplinary procedures.

Implementation of the Data Protection Act 1998

The Data Protection Act 1998 came in to force on the 1st March 2000 and replaced the 1984 Act, subject to transitional provisions.

The Key Changes Introduced by the 1998 Act

1. The definition of data has been widened to include **non-computerised** records of all kinds. Personal data means data which relate to a living individual who can be identified.
2. New rights for individuals (data subjects), including the right to prevent processing of data for direct marketing and wider grounds for compensation claims.
3. An increase in responsibilities of data controllers with regard to data processed on their behalf.
4. A new notification (registration) scheme.

5. A wider definition of the term processing to include obtaining, recording, holding, organising, retrieving, using, disclosing and destroying information.
6. Special treatment given to sensitive data (examples are racial or ethnic origin, membership of trade unions, physical or mental health or condition, commission or alleged commission of offences).
7. Restrictions on transfer of personal data overseas.
8. The importance of the informed consent of the data subject. The restrictions on overseas transfers do not apply, for example, if the data subject has consented to the transfer.

Notification (Registration)

A new notification (registration) scheme was introduced under the 1998 Act – however, the Organisation is not required to be registered. While the Organisation is exempt from registration, as a data controller it is still bound by the 1998 Act. It is recognised that staff, in the course of their work, will need to process personal data. Donegall Pass Community Forum's policy is that the minimum amount of personal data necessary is processed for the Organisation's purposes which are broadly staff administration, advertising, marketing and public relations and accounts and records.

The Data Protection Principles

All members of staff processing personal data should be aware of the data protection principles, which must be complied with. These are:

(1) Personal data shall be processed fairly and lawfully and shall not be processed unless certain conditions are met.

There are two parts to meeting the requirements of this principle. The first relates to fair obtaining which requires that certain information be made available at the time of obtaining information; and the second to the conditions for legitimising processing, one of which must be met. These include:

- a. The data subject consenting to the processing.
- b. Processing for various contractual or legal and statutory purposes.
- c. Processing for the pursuit of the legitimate interests of the data controller (subject to conditions).

Conditions for the processing of sensitive data are separately specified and are more rigorous and extensive.

(2) Personal data should be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.

Personal data obtained for one purpose may not be used for a completely different one without prior reference to the individual.

(3) Personal data shall be adequate, relevant and not excessive in relation to the purpose.

The question to answer is what is the minimum information that would allow efficient management?

(4) Personal data shall be accurate and where necessary kept up to date.

Information quality and reliability are critical factors in effective data protection.

Note that data are inaccurate if they are incorrect or misleading as to any matter of fact.

(5) Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes.

(6) Personal data (data relating to a living individual who can be identified) **shall be processed in accordance with the rights of data subjects under the Act. These include the rights to:**

- i. Subject access – see below.
- ii. Prevent processing likely to cause damage or distress.
- iii. Prevent processing for the purposes of direct marketing.
- iv. Take action for compensation if damage is suffered by any contravention of the Act by the data controller.
- v. Take action to rectify, block, erase or destroy inaccurate data.

(7) 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.

It is important that security appropriate to the situation is in place and to remember that processing includes operations from collecting and acquiring through to disposal.

(8) Personal data shall not be transferred to a country or territory outside the European Economic Area (the 15 EU member States plus Iceland, Liechtenstein, Norway), Switzerland or Hungary) unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

There are certain exceptions to this, the most important of which is when the data subject has given consent to the transfer.

Disclosures

Personal data should not be disclosed to anyone outside the Organisation (except with authorisation). The sending of personal data by email, a conference network, the Internet or file transfer constitutes a disclosure to the addressee and users must ensure that such disclosures have been previously notified and that such disclosures are compatible with the data protection principles. Disclosures with the consent of the data subject are always permissible.

Subject Access

An individual is entitled to be supplied with all the personal data held about them, subject to conditions. In view of the strict time limit imposed on organisations to comply, all such requests should be forwarded promptly to Lyudmyla Ostanina.

Date:

Signature: Chairperson

Signature: Treasurer

Signature: Secretary