

# Data Protection



## Introduction



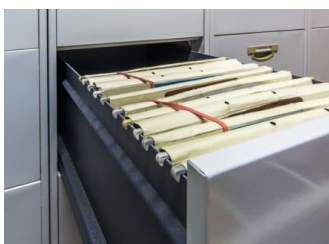
A law called the Data Protection Act 2018 covers the use of **personal information** and people's right to keep information private.

**Personal information** means any information on any living person that would help someone find out who you are.



The Act applies to personal data which is kept in any kind of storage, such as:

- electronic – like on a computer
- or manual – like folders in a cabinet



It is important that the public can trust Community Councils with their personal information.

## Personal Data and Sensitive Personal Data



**Sensitive personal data** means information about a person's:

- racial or ethnic origin
- political or religious beliefs
- physical or mental health
- sexual life

This has extra protection under data protection law.



A **data controller** is a person or organisation that decides what happens to data.

There is more information about this on the ICO website: [ico.org.uk](http://ico.org.uk)

## Data Protection Principles

The Act has rules called the Data Protection Principles.

These are that data must:



- be processed in a way that:
  - is fair
  - follows the law
  - is open and honest
- is kept for one or more reason and is not used in any other way
- only what is needed
- correct and kept up to date
- not be kept longer than needed
- protect people's rights
- be kept safe so:
  - it cannot be used illegally
  - it cannot be lost, damaged or destroyed by accident



## The rights of data subjects – the people the data is about



The Act gives important rights to data subjects, including the right:

- to be told that their personal data is being processed by the data controller
- to get their personal data
- to ask that their data is not used for **marketing** – to sell something
- to ask the data controller to stop processing any personal data which is causing them damage or worry

## When the rules in the Act are not followed



A **data breach** is when sensitive or confidential data is copied, sent, seen or changed by someone who does not have permission to do that.

**Data breaches** must be reported to the Information Commissioner's Office before 72 hours have passed.

If the breach could affect someone's rights and freedoms then they must be told straightaway.



A Community Council must make sure there are clear way to investigate, report and record all breaches.

Most breaches are likely to only need action to be taken to correct them and would not be against the law.



Compensation may be payable to any person who suffers damage and distress because Data Protection rules have not been followed.

**Compensation** is money that is awarded by a court.

## The Information Commissioner



The Information Commissioner make sure people's rights are protected.

Their address is: Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

The Commissioner has powers under the Act to:

- give Notices to data controllers telling them:
  - to give information about how they follow the Act
  - or to do things that the Act asks for



It is a crime if you do not do what the Notice asks for.



The Commissioner has powers under the Act to:

- have investigations, including the power to go into the building where the data controller works



Guidance about the Act is online at:

[www.ico.gov.uk](http://www.ico.gov.uk).

You can also get advice from the ICO's Scottish office by emailing:

[Scotland@ico.gsi.gov.uk](mailto:Scotland@ico.gsi.gov.uk)

or phone 0131 225 6341.

## Notification to the Information Commissioner



All data controllers must **notify** the Information Commissioner of:

- what kind of personal data they are processing
- why the data is being processed
- who will see the data



**Notify** means to tell.

Community Councils only need to notify if personal data is processed electronically.



## Following the rules in the Data Protection Act



Community Councils should:

- decide who will be responsible for data protection – for example the Secretary
- tell people:
  - why their the data is being collected
  - the name of the Community Council
  - the name of the person responsible for data protection



- make sure data is kept safe

Electronic data must be protected with a password.



- make sure personal data is never given to anyone else
- do not discuss personal information in public or leave papers or computer files at home in a place that is not safe and secure



- regularly make sure that data is correct and up to date
- shred data that is not needed any more



- tell the Information Commissioner what personal data is being processed, why, and who will see the data

It is a crime to process personal data without having told the Commissioner.



- notification can be done online at: [ico.gov.uk](https://ico.gov.uk)

The template is called: standard template N958 – Scottish Community Council.



A Community Council can also ask for a template to be completed by:

- emailing: [notification@ico.gov.uk](mailto:notification@ico.gov.uk)
- or phoning the Notification Helpline on 01625 545 740



The Information Commissioner will make a draft for the Community Council to approve or change.

The information needed is:

- Community Council name
- Community Council address
- Contact name and role in the Community Council (i.e. Chair/Secretary/Treasurer)
- Contact address
- Contact telephone number
- Contact fax (if available)
- Contact e-mail address







Notification costs £40 or £35 if you pay by direct debit.

The cost must be paid each year.



If you have any questions you should contact the local authority name official for advice and guidance.

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