

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://ucloer.eprints-hosting.org/id/eprint/23/>.

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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