

DATA PROTECTION

The Data Protection Act 1998 gives individuals the right to know what information is held about them as well as providing a framework to ensure that personal information is handled properly.

General hints and tips:

1. Make sure that you have an up to date data protection policy in place which is distributed to all members of staff, preferably on your Intranet or in the employee handbook. Staff having to deal with personal information such as staff records should also be given specific data protection training;
2. Remember that data protection not only covers current employees but also potential staff, ex-staff and clients;
3. Is all personal information which you hold on employees up to date? If not, it is wise to have regular reviews of all information held;
4. Make sure that you do not keep personal information longer than strictly necessary;
5. Make sure that you have adequate security- do your employees know the rules in relation to not sharing passwords, checking identities of people that phone for information or what personal information they can disclose?
6. Make sure that all relevant employees know how to recognise a Data Subject Access Request (see below) and what to do when one comes in. Ignoring such a request could cause the business serious problems;
7. If you employ sub-contractors that are going to have access to personal information make sure that there are adequate data protection clauses in their contracts dealing with how they should handle personal information and that they are also given a copy of the data protection policy.

The Act also allows individuals to find out what personal information is held on computer and most paper records. This is called a Data Subject Access Request:

Hints and tips on receiving a data subject access request:

1. Send the employee an acknowledgement and give them an idea of how long it will be before you respond to their request (you have up to 40 days to do this);
2. Has the employee provided you with the £10 fee? If they haven't done this you can extend the 40 day deadline by asking for the fee. Time starts ticking from the time you receive the fee not the application;
3. Appoint one person who will be in charge of collecting the data and responding to the employee. Otherwise it is easy for people to think that someone else is dealing with the request;
4. If the employee submits a general Data Subject Access Request do you know what information you need to provide? To save problems with non-compliance make sure that all staff who will have to deal with such requests are trained and know the extent of your duty;
5. Before sending the data out consider whether you need the consent of any third parties who could be identifiable from the data being disclosed;
6. Consider whether any data is exempt from disclosure;
7. Look on the Information Commissioner's Office website (www.ico.gov.uk) they have some very helpful and accessible guidance in relation to data protection.

This note does not constitute legal advice and is intended as general guidance only. If you would like further information or would like to arrange a meeting please email hina@partnerslaw.co.uk or call 07809 694400



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