



Bootle Christ Church Youth and Community Centre

Data Protection Act Policy

Statement of Intent

This policy sets out the arrangements for ensuring that the organisation complies with the Data Protection Act 1998, which now applies to some paper records as well as computer records.

Preamble

The Data Protection Act 1998 came into force on 1 March 2000. It sets rules for processing personal information and applies to some paper records as well as those held on computers.

The Data Protection Act applies to "personal data" that is, data about identifiable living individuals. Those who decide how and why personal data are processed (data controllers), must comply with the rules of good information handling, known as the data protection principles, and the other requirements of the Data Protection Act.

The rules of good information handling - the principles

Anyone processing personal data must comply with the eight enforceable principles of good practice. They say that data must be:

- fairly and lawfully processed;
- processed for limited purposes and not in any manner incompatible with those purposes;
- adequate, relevant and not excessive;
- accurate;
- not kept for longer than is necessary;
- processed in line with the data subject's rights;
- secure;
- not transferred to countries without adequate protection.

Personal data covers both facts and opinions about the individual. It also includes information regarding the intentions of the data controller towards the individual.

Processing personal data

"Processing" is broadly defined and takes place when any operation or set of operations is carried out on personal data. The Act requires that personal data be processed "fairly and lawfully". Personal data will not be considered to be processed fairly unless certain conditions are met. A data subject must be told the identity of the data controller and why that information is or is to be processed.



Processing may only be carried out where one of the following conditions has been met:

- the individual has given his or her consent to the processing;
- the processing is necessary for the performance of a contract with the individual;
- the processing is required under a legal obligation;
- the processing is necessary to protect the vital interests of the individual;
- the processing is necessary to carry out public functions;
- the processing is necessary in order to pursue the legitimate interests of the data controller or third parties (unless it could prejudice the interests of the individual).

Paper files

The Data Protection Act covers information which is recorded as part of a relevant filing system, that is, a set of information in which the records are structured, either by reference to individuals or by reference to criteria relating to individuals, so that "specific information relating to a particular individual is readily accessible". The definition means a significant amount of manual data falls under the scope of the Data Protection Act, as does the extension of the definition of data to cover "accessible records". Accessible records are broadly: school pupil, housing, social services and health records, to which access was previously available under other legislation.

Security

Data controllers must take security measures to safeguard personal data. The 1998 Act requires that data controllers must take appropriate technical or organisational measures to prevent the unauthorised or unlawful processing, or disclosure, of data. Where a controller uses the services of a data processor, the security arrangements must be part of a written agreement between the two.

Notification

Most data controllers will need to notify the Commissioner, in broad terms, of the purposes of their processing, the personal data processed, the recipients of the personal data processed and the places overseas to which the data are transferred. This information is made publicly available in a register. Notification is not linked to enforcement. Under the 1998 Act all data controllers must comply with the data protection principles, even if they are exempt from the requirement to notify. Data controllers have a single register entry. Notifications are renewable annually.

Transitional Relief

Processing already under way before 24 October 1998 will be eligible to claim transitional relief from the additional requirements introduced by the 1998 Act until 23 October 2001. Data held in accessible records are exempt from the requirements of the data protection regime, except for subject access and rights to compensation for inaccuracy, until 23 October 2001.



The rights of individuals

The Data Protection Act allows individuals to find out what information is held about themselves on computer and some paper records. This is known as the right of subject access. The Data Protection Act allows individuals to apply to the Court to order a data controller to rectify, block, erase or destroy personal details if they are inaccurate or contain expressions of opinion which are based on inaccurate data.

Policy Statement

The Centre will comply with the requirements and principles of the Act. It is the responsibility of the Centre Manager to ensure that adequate systems are in place in order to comply with the Act. It is the responsibility of individual members of staff to ensure that they comply with the requirements of the Act and adhere to the organisation's systems and arrangements.

The Centre Manager is responsible for

1. Ensuring that appropriate registrations are submitted to the Data Protection Registrar.
2. Ensuring that data is held securely.
3. Ensuring that data is accurate and up to date, with appropriate safeguards to monitor and control the disclosure of data.

All computer users are responsible for ensuring that they:

1. Comply with the requirements of this policy, the Data Protection Act, and the terms of the Registration.
2. Only record accurate data.
3. Do not disclose data unless authorised to do so or required by law.
4. Maintain proper security of data.

Subject Access

The data user must respond to a subject access request within 40 days. Having regard to the amount of data likely to be held, it will be the policy to attempt to respond to a subject access request within seven days.

Subject access requests should be made in writing and addressed to the Chair of the Management Committee. On receipt of a request the Centre Manager should arrange for the appropriate data to be extracted, or confirm that either no personal data is held or any data held is exempt from the subject access requirements. The Centre Manager is



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also responsible for preparing any explanations required to make the data intelligible to the subject.

The Centre Manager should prepare the necessary data and explanations. However the Chair of the Management Committee or, if he is not available, another member of the management committee must approve the release of the data and explanation to the data subject.

Disclosure of Data to the Police, Courts, Inland Revenue or other Statutory Agencies

All requests for data from the Police, Courts or other agencies should be made in writing to the Chair of the Management Committee or if he is not available, another member of the management committee. Data will be disclosed where a statutory duty exists to disclose the data or where the Chair believes on the basis of the information supplied by the person making the request, that a non-disclosure exemption from the Act applies.

The Chair of the Management Committee should consider informing the data subject of the request for data and of any data supplied. The data subject should be informed of the request unless there is a statutory duty not to do so or if by informing the data subject, the investigation of a serious arrestable offence could be prejudiced.