

Data Protection Act – Compliance Checklist for Employees

Introduction

The new Data Protection Act 1998 regulates the way in which personal data must be dealt with. Breaches of the Act could give rise to legal action against your employer or might damage its reputation or affect its ability to use personal data. Moreover certain breaches might give rise to criminal liability personally or on the part of your employer.

Personal data means information (including opinions and intentions), which relate to a living individual and from which he or she can be identified. Such information which identifies an individual and which is being processed by computer will be personal data. The Act also applies to certain information held in manual filing systems. The test is whether the manual files are internally and externally structured so that you can find specific information about a particular individual easily.

What you must do

You must make sure that you do not obtain personal data or disclose personal data without your employer's authority. For example you must not impersonate another person in order to obtain personal data. Nor may you disclose personal data, for example to telephone callers, unless you know that you are authorised to make that disclosure.

If it is part of your job to obtain personal data you must ensure that the correct data protection notices are given either directly to individuals or to the individuals after you have obtained the data from third parties. You must follow company procedure in doing this.

Whenever you use personal data you must ensure that your activities stay within those authorised by the employer and you must not use the data for your own purposes or for new purposes, which have not been authorised. Do not start

your own collection of personal data without checking with your manager even if you think it would be helpful.

You must ensure that any personal data for which you are responsible is accurate and is kept up to date. For example if you are deciphering information from an invoice do not be tempted to guess its content if you cannot read it clearly, otherwise your employer may end up holding inaccurate information. Your organisation will also have rules on when to archive or destroy data and you must ensure that these rules are complied with.

You must play your part in keeping personal data secure and protected against unauthorised or unlawful processing and against accidental loss, destruction or damage. To do so you must follow the organisation's security rules and policies.

You must not under any circumstances make transfers outside the European Economic area unless you are specifically authorised to do so by your employer.

Right of data subjects

Data subjects have the right to apply for a copy of the personal data held about them and information about the processing carried out. If you receive any requests eg by letter or telephone or in a face to face interview, for access to personal data or information about processing, you must pass those requests on to the appropriate person. There are strict time limits to deal with this request and any wasted time may count against your employer. Sometimes it is not obvious that a letter or a complaint also contains a request for information but when in doubt you should treat it as such.

Data subjects have the right to object to processing which they think may cause them substantial damage or distress which is unwarranted; they also have an absolute right to prevent processing for direct marketing purposes and a right to object to automated decisions being made about them where those decisions significantly affect them and are taken solely on the basis of automated processing. If you receive any requests that relate to these rights you should pass the objection to your manager or your data protection officer immediately.

Individuals also have rights to compensation and to remedies of rectification and erasure for inaccurate data. If you receive claims for any of these remedies, again they should be passed to your manager or data protection officer as soon as possible.

If you are aware of any practices or procedures in your organisation that do not comply with the Act's requirements the responsible action is to draw them to the attention of the appropriate manager.

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