

A Simple Guide to Personal Data

This page summarises some key points, but is not exhaustive. The rest of this guide sets out other important points and obligations in more detail. This guide is not a substitute for detailed advice which should be sought on a case-by-case basis.

Every individual has a legal right to have his or her personal data protected.

“Personal Data” means any information which can be used to identify an individual. Examples include a name, IP address, National Insurance number, bank details, health records as well as other identifiers.

“Processing” means keeping or making use of Personal Data.

Your business and all of its employees/contractors have strict legal duties governing the way in which Personal Data is used. If you ask others to process Personal Data for you, both they and you will be subject to these duties.

An Individual’s Rights

Access to their Personal Data.	Prevent direct marketing.
Correct errors in Personal Data.	Stop any harmful use.
Request the removal of their Personal Data.	To know how you use their Personal Data.

The 8 Fundamental Principles for Protecting Data

Process Personal Data fairly and usually with consent.	Process Personal Data only for a valid and lawful purpose.
Ensure Personal Data is relevant and not excessive.	Ensure Personal Data is accurate and up-to-date.
Personal Data must be necessary and kept only for a reasonable time.	Process Personal Data lawfully.
Process Personal Data carefully and not disclose it to others.	Protect Personal Data when transferring it abroad.

Processing Personal Data Fairly and Lawfully

You must ensure that Personal Data is being used fairly for certain purposes specified by law and almost always with the individual’s express consent.

Relevant, Accurate & Timely Use of Personal Data

You must only collect information for a specific purpose for which the individual has given consent or otherwise specifically authorised by law. If in doubt, get consent. You need to show that you have kept Personal Data accurate,

up-to-date and not stored it for any longer than necessary.

Security of Personal Data

You must put in place appropriate measures to protect Personal Data. You must have procedures to avoid breaches, unauthorised disclosures and manage or limit data breaches.

Disclosing or sharing data with third parties

Transfers must be for a fair and specified reason. Usually the Individual must approve the transfer. Although the third party may also have certain obligations, you must ensure that they also protect personal data.

Transfer of Personal Data Abroad

The rules about transferring Personal Data to third parties are even stricter if transferring Personal Data abroad, particularly when the recipient is outside Europe. It is your obligation to ensure that Personal Data is protected to the same high standard to which you are subject.

Key Concepts

This section sets out the key definitions that you will need to understand to make the most of this guide.

What is...?	Definition	Further explanation
Consent	This should be fairly self-explanatory but where we talk about “consent” in this guide we mean active, express and informed permission given by an individual for you to do something specific with their Personal Data.	<p>A pre-ticked box next to a message saying “you consent to us sending you marketing emails” is <u>not</u> satisfactory consent. A message saying “tick this box if you do not wish us to send you marketing emails” is <u>not</u> satisfactory consent. This is because consent must be active and not presumed.</p> <p>If the individual ticks a previously unticked box next to a message saying “tick here if you are happy for us to send you marketing emails” you are likely to have consent but only to send that individual marketing emails because they have given active consent for a specific purpose.</p>
a “Data Controller”	A Data Controller is the person or body which either alone, jointly or in common with others determines the purposes for which and/or the manner in which any personal data is, or is to be, processed.	Even though there may be multiple persons in an organisation who satisfy the test, the likelihood is that only the organisation, not the individual, will be recognised as the Data Controller. The organisation will, however, be responsible for the acts of its employees and contractors.
a “Data Processor”		
a “Data Subject”	This is the person who Personal Data is about. In this guide where we mean “Data Subject” we use the term “individual” as this is more easily understood.	<p>It is easiest to explain these concepts together. A computerised spreadsheet recording employees’ working hours will constitute Personal Data as it records something about those individuals. It does not matter whether the employees are referred to by employee number as the employer is likely to have another document which records each employee’s name and employee number.</p> <p>Each individual whose working hours are recorded in that timesheet will be a Data Subject of that timesheet as it records information about that individual – the hours that they worked. A document may contain the Personal Data of multiple Data Subjects.</p>
“Personal Data”	This means information, both facts and opinions, about a living individual who can be identified, whether by name, number or code, from that information or from other information available to a Data Controller.	
“Processing”	Put very simply, this means doing something with Personal Data.	As well as actively doing something with Personal Data, such as obtaining information and using it to make decisions about an individual, “processing” can also include something passive such as simply storing Personal Data.
“Sensitive Personal Data”	Particular categories of Personal Data specified by law. An individual might regard such information as being	Information about an individual’s race, political opinions, health, sexual life, religious and other similar beliefs, trade union membership, and/or

	especially private, but it does not have to be so. There are additional protections required by law if you are processing Sensitive Personal Data.	criminal record will constitute Sensitive Personal Data.
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