

# Northumberland Knowledge



Know Guide

Data Protection

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## **Data Protection**

### **Who is responsible?**

Everyone who is responsible for using data should follow strict rules called 'data protection principles'. They must make sure the information is:

- used fairly and lawfully
- used for limited, specifically stated purposes
- used in a way that is adequate, relevant and not excessive
- accurate
- kept for no longer than is absolutely necessary
- handled according to people's data protection rights
- kept safe and secure
- not transferred outside the UK without adequate protection

There is stronger legal protection for more sensitive information, such as:

- ethnic background
- political opinions
- religious beliefs
- health
- sexual health
- criminal records

### **The Data Protection Act**

The Data Protection Act 1998 came into force on 1 March 2000. The main principles of the Act are that when you collect personal data about people you must take great care with it and you must process it fairly. You must also let people know what you are going to be doing with it and also if requested give them access to what you have collected. The Act makes no distinction between data stored electronically or by more traditional means. It applies to living individuals and also to children as well as adults. The Policy Officer Equality and Diversity (Irene Fisher 623099) is responsible for issues arising from this Act, and will provide further advice and guidance for your project.

### **What is covered?**

The Act applies when you collect data which is capable of identifying an individual. This could be name, address, telephone number, NI number, driving licence number, benefits reference numbers etc. – anything which means you could work out who the individual is. There are some situations where care needs to be taken because someone can be identified without reference to a name or number. e.g. you conduct an interview with the only male geography teacher at school X – you do not have to collect any of the above for people to work out who the information you are collecting is about!

### **What not to collect**

- Never collect personal details e.g. name and address date of birth or other such information that would enable a person to be identified unless it is absolutely necessary. e.g. in some cases to note that the person is female, lives on her own in Morpeth and is between 25 and 34 – will be more than enough for you to build up a profile of views. You could still ask the

person if they would like to be sent more information and if they do and give you their name and address – you can keep this on a separate list.

- Don't ask for any more personal information than you need for your project. For example if it is important to your research to know if someone is a homeowner – ask that question but if it is not necessary to know what Council Tax Band their property falls into – don't ask the question.

## **Taking care of your personal data**

- If you do collect personal data be sure that you do so accurately and also that you keep it up to date.
- You need to take great care of personal data. Be sure to take careful precautions with such a list in the office whether it is in paper form or on computer.
- Be sure that everybody involved in collating, typing and analysing the results is fully aware how important it is to treat such information not only confidentially but also to take every care to ensure that it is not lost or stolen or passes into the wrong hands

## **Permission to pass on personal data**

If your consultation results do not contain any personal data or anything that would lead to anyone being identified then you can share that quite freely with your partners since the Act does not apply. There will be times when you do want to collect personal data and pass it on for subsequent uses. In these circumstances you must comply with the Act. The individual must give their consent to this **before** the data is collected and must agree to it being passed on. An example of how this can be covered is:

'We are carrying out a review of local transport and would like to know what you think of the services we provide. A summary of the results will be presented to our senior management team, and will also be shared with our Community Safety partners so that they can help improve their services to you'.

If you are carrying out written consultation, this type of information should be printed on the forms/questionnaire/e-mail, or included in any covering correspondence. If carrying out a telephone survey, it should be mentioned at the beginning of the conversation.

## **Using the data again for another project**

After gaining consent to use this information, personal data collected for research can be re-processed for similar research purposes. This means that you can use the information you have collected in a different way.

e.g. a questionnaire was given to parents living in Hexham to look at the schools transportation strategy. You are now looking at providing out of school clubs. You can use the results of the original questionnaire again even if it means re-processing them with this new emphasis.

## **How long can you keep your data?**

Personal data for research purposes can be kept indefinitely but only if you have a reason for doing so, for example so that you can make comparisons in the future. If you have data from which any reference to a particular person has been removed and it could not be traced to anyone, then that is exempt from the Act and can be kept indefinitely.

## Rights of Access

People have rights to access information about them if it contains personal data. This means that respondents can request a copy of the primary data record – e.g. the completed questionnaire – as long as it contains what enables them to be identified such as address, name, date of birth, NI number, even e-mail address. People do not have a general right to access your data if it is at a stage where all identifiers have been removed.

Further information can be found at <https://www.gov.uk/data-protection/the-data-protection-act>



**Northumberland Knowledge**

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