



# DATA PROTECTION POLICY

## Version Control

| <b>Version</b> | <b>Date</b>     | <b>Notes</b>                               |
|----------------|-----------------|--------------------------------------------|
| 1.0            | 3 March 2003    | Approved by General Purposes Committee     |
| 2.0            | 1 July 2009     | Approved by SEELB I.T. Executive Committee |
| 2.0            | 12 October 2009 | Approved by SEELB Commissioners            |

## Purpose of the Policy

The South Eastern Education & Library Board has an obligation to ensure compliance with the Data Protection Act 1998. The Board, as a Data Controller, will take all reasonable steps to meet this responsibility and to promote good practice in the handling and use of personal information.

This policy statement applies to all Board members and employees, and individuals about whom the Board holds and uses personal information, as well as other partners and companies with which the Board undertakes its business.

## Scope

The South Eastern Education and Library Board needs to collect and use certain types of information about people with whom it deals in order to operate. These include current, past and prospective employees, pupils, students, suppliers, clients, and others with whom it communicates. In addition, it may be required by law to collect and use certain types of information to comply with the requirements of government departments. This personal information must be dealt with properly however it is collected, recorded and used - whether on paper, in a computer, or recorded on other material - and there are safeguards to ensure this in the Data Protection Act 1998.

We regard the lawful and correct treatment of personal information by the Board as very important in order to secure the successful carrying out of operations and the delivery of our services, and to maintaining confidence with those whom we deal. The Board wishes to ensure that it treats personal information lawfully and correctly.

To this end we fully endorse the obligations of the Act and adhere to the Principles of data protection, as enumerated in the Data Protection Act 1998.

## Overview of the Data Protection Act 1998

### Main Provisions of the 1998 Legislation

- Ensuring Personal Data is notified to the Information Commissioner. The Board must supply certain information to the Commissioner who maintains a public register of data controllers, the type of personal information organisations process, its sources, and purposes for which the personal information is processed.
- Observing the eight Data Protection Principles (more detail below).
- Allowing the data subject to exercise his/her rights and have right of access to their personal information, what is held, how it is processed, to whom it is disclosed and to be told of the logic behind automated decisions. Such requests must be complied within 40 calendar days. ***The Board charges £10 per subject access request as permitted under the legislation.***

## Definitions

- Data Controller** Any individual or organisation who controls personal data, in this instance the Board.
- Personal Data:** Information held on a relevant filing system, accessible record or computerized record (as well as digital audio or video equipment), which identifies living individuals.
- Sensitive Personal Data:** Personal data relating to an individual's race or ethnic origin, political opinions, religious beliefs, physical/mental health, trade union membership, sexual life and criminal activities.
- Relevant Filing System:** Also known as manual records i.e. a set of records which are organised by reference to the individual/their criteria and are structured in such a way as to make specific information readily accessible e.g. personnel records.
- Data Subject:** An individual who is the subject of the personal data, for example, employees, pupils, claimants etc.
- Processing:** Obtaining, recording or holding data or carrying out any operation on the data including organising, adapting, altering, retrieving, consulting, using, disclosing, disseminating, aligning, blocking, erasing or destroying the data.

## Data Protection Principles

Specifically, the Principles require that personal information:

- (a) shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;
  - (b) shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes;
  - (c) shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
  - (d) shall be accurate and, where necessary, kept up to date;
  - (e) shall not be kept for longer than is necessary for that purpose or those purposes;
  - (f) shall be processed in accordance with the rights of the data subject under the Act;
- and that:
- (g) appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data;

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- (h) shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

## **Caring for your Data**

The Board undertakes that it will have in place a level of security appropriate to the nature of harm that might result from a breach of security.

The Board further undertakes that it will:

- Observe fully conditions regarding the fair collection and use of information,
- Not hold information about you which is excessive in relation to the purposes for which it is processed,
- Keep any information about you accurate and where necessary up to date. To help us do this please keep us informed if any of your details change,
- Not keep data processed for any purpose or purposes longer than necessary,
- Process your information in accordance with your rights under the Data Protection Act.
- Take appropriate technical and organizational security measures to safeguard personal information.

## **Your Rights**

- Access to personal data: you may request by writing to the address at the end of the document. The Board has procedures on handling subject access requests.
- You are entitled, by notice in writing to require us to cease (or not to begin) processing personal data on the grounds that it is causing, or is likely to cause substantial damage or distress to you or to another and that damage or distress is, or would be unwarranted. This does not apply where you have consented to the processing, the processing is necessary for compliance with a legal obligation, or the processing is necessary to protect your vital interests,
- You are entitled, by notice in writing, to require us to stop using information about you for the purposes of direct marketing, Direct marketing means the communication (by whatever means) of any advertising or marketing material which is directed to you.
- You are entitled, by notice in writing, to require us to ensure that no decision taken by or on behalf of us and which significantly affects you is based solely on the automated processing of your information.
- You are entitled to take action to seek compensation if you suffer damage by any contravention of the Data Protection Act.
- You are entitled to take action to rectify, block, erase or destroy inaccurate data.

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- Any notice in writing should be directed to the Board's FOI Unit at the address below.

## **Compliance**

In addition, the South Eastern Education & Library Board will take steps to ensure that:

- there is someone with specific responsibility for data protection in the organization – see below for contact
- Line Managers monitor staff compliance in regard to the management and handling of personal information
- everyone managing and handling personal information understands their responsibility and are appropriately trained.
- queries about handling personal information are promptly and courteously dealt with;
- a regular review and audit is made of the way personal information is managed;
- information on good practice in respect of handling, using and storing personal information are disseminated to employees.

## **Roles and Responsibilities**

### **Senior Management**

The Chief Executive and Senior Officers have overall responsibility for all matters relating to the obligations under the Data Protection Act 1998, and for ensuring all persons employed by the Board are aware of their duties in respect to the handling, usage and storage of personal information, including inclusion in the Risk Assessment process.

In the discharge of these duties the following applies:

### **Service/Unit Managers**

Each manager has a duty to adhere to the eight Data Protection Principles in relation to the information within their area of responsibility, as well as other Board information to which they have access as part of performing their duties.

Adherence to the Principles involves regular review of collecting, recording, handling, storing and releasing personal information to both internal and external parties according to the Board's notification to the Information Commissioner.

Each manager must ensure that staff are made aware of their role and responsibility in this area, and regularly review procedures, and the accuracy and relevancy of information held and requests received for access to information.

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Log all subject access requests with the FOI Unit immediately to support monitoring of compliance in accordance with subject access rights.

### **Board Employees**

Every Board officer has a legal duty to take care of personal data and thus comply with the Data Protection Act 1998. Employees must comply with policies and procedures issued in respect of personal information and take care in the collection, recording, handling, storing and releasing personal information during the course of their duties. A copy of this policy statement will be made available to all employees.

### **Review**

This Policy will be reviewed regularly, added to, or modified from time to time and may be supplemented in appropriate cases by further statements and procedures relating to the work of the particular groups of workers.

The Board also operates a formal Complaints Procedure which employees and the public can avail of in respect of this policy.

### **Points of Contact for this Policy**

Freedom of Information Unit  
South Eastern Education and Library Board  
Board Headquarters  
Grahamsbridge Road  
Dundonald  
BT16 2HS  
Tel: 028 9056 6994  
Email: [foi@seelb.org.uk](mailto:foi@seelb.org.uk)