



How to do your job and stay within the law

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Fundamentals

- **Fairly and lawfully processed**
- **Processed for limited purposes**
- **Adequate, relevant and not excessive**
- **Accurate and up to date**
- **Not kept for longer than is necessary**
- **Processed in line with the rights of the data subject**
- **Secure**
- **Not transferred to other countries without adequate protection**

Fairly and Lawfully Processed

Lawful

- **Consent has been obtained**

or, if data held is not sensitive

- **Processing is for the legitimate interests of the data controller**
 - “So long as there is no likelihood of a significant adverse effect on the individual as a result of processing their information, the specific consent of the data subject will not always be required.” *ICO*

Fairly and Lawfully Processed (2)

Fair

- **The data subject must not have been misled or deceived as to the reasons why data was requested**
- **information must be provided to data subjects about**
 - **The identity of the data controller**
 - **The purpose(s) for which the data is being processed**
 - **The consequences of such processing**
 - **Whether particular disclosures are envisaged.**



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Sensitive Data

Unless the data subject has made the information public, the following is *sensitive*

- Racial or ethnic origin
- Political opinion or affiliation
- Religious or other beliefs of a similar nature
- Membership of trades unions
- Physical or mental health or condition
- Sexual Life
- The commission of any offence or criminal records

Note:

- This does not include financial, employment or family information

Questions

Do you process Sensitive Data?

- If no, then rely on “Legitimate Interest”

Do you data subjects what you do with their data?

- Tell data subjects what you are doing.

What about Prospect Research on people unconnected with your organisation?

- “before the relevant time or as soon as practicable thereafter”

How long is “no longer than necessary?”

Your questions



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