

THE DATA PROTECTION ACT

Introduction

Current Data Protection legislation is contained within the Data Protection Act of 1984. The act applies only to personal data, that is, information that would permit one to identify an individual from the data. The 1998 Data Protection Act increases the scope of Data Protection and those who process data are required to register with the Data Protection Registrar not later than 1st March 2000. From October 2001 manual records also come within the scope of the act. This includes filing systems where the individual is the basis for its structure and could include paper based personnel files.

Data Processing

The simple act of holding data is considered as 'processing'. A data controller (i.e. a person who handles and processes data) is given the right to process data for legitimate interests unless this 'might prejudice the rights, freedoms and interests of the data subject'. It is only lawful to process data with the consent of the data subject and if registered under the Act.

Registration

The Brigade is registered with the Data Protection Registrar and this registration covers records held at Regional, District, Battalion and Company level. All Officer Registration Forms indicate that data is held by the Brigade and therefore completion of the form implies consent.

Data Disclosure

The Act gives an individual the right to know what information is being held about him or her and to have access to it. Once the individual has requested any such information, it must be made available to him or her in an accessible format and details of the source and likely usage of the information must be disclosed.

Sensitive Data

The processing of 'sensitive' personal data will also be subject to new regulations such as the giving of 'explicit consent' by the data subject. This category includes information such as an individual's race, religion or health, police record or political opinion. This means that when Criminal Record Certificates are requested in support of an application to be a leader, copies may not be retained by the Brigade without the specific approval of the person concerned.

Data Security

Data controllers must take steps to ensure that the data held is not processed unlawfully or accidentally lost whether it is being processed in-house or by a third party.

Identification of boys on Web Sites

A number of companies operate their own web sites and includes pictures of boys engaged in various activities. Boys should not normally be identified by name and in no circumstances should addresses be given. However, in cases of awards it may be desirable to give names as in local press reports. Whilst there is no legal requirement for parental permission to be obtained for photographs of boys to be used it is a matter of good practice that the views of parents are taken into account.

A brief statement has been included on the Annual Consent Form:

'It is possible that BB members may appear in photographs of company activities that will be used for publicity purposes (church magazine, company newsletter, local newspaper, BB website etc.) care will be taken to ensure that addresses of individuals are not given but if you would prefer your child not to be included in such photographs please indicate below.'

If individual boys indicate they do not wish to appear in photographs, their wishes must be respected.