

DATA PROTECTION ACT 1998

GUIDANCE FOR THE INDIVIDUAL

1 INTRODUCTION

This leaflet explains your rights as an individual under the Data Protection Act 1998 (the 'DPA'). It also describes the rules which the Council has to follow in collecting and processing personal data. The final section tells you how you can obtain a copy of any personal data held by the Council which refers to you.

2 DATA PROTECTION ACT 1998

The purpose of this section is to help you to understand what the DPA means for you as an individual.

Useful definitions contained within the DPA:

PERSONAL DATA – This is the term used for the information about a living identifiable individual, which is held by the Council in a relevant filing system.

DATA USER – This is a term used to describe a person or organisation who control the contents, use and collection of personal data.

DATA SUBJECT – This is the terms used for the person to whom the personal data relates.

The DPA sets out a number of rules, which must be followed by the Council. The purpose of these rules is to safeguard the rights of individuals.

The Council requires to be registered with the Information Commissioner to allow it to process personal data. The Council must also comply with eight Data Protection Principles. These state that all personal data must be:-

- 1 collected and processed fairly and lawfully;
- 2 held only for the lawful purposes described in the register entry;
- 3 adequate, relevant and not excessive in relation to the purpose for which they are held;
- 4 accurate and, where necessary, kept up to date;
- 5 held no longer than necessary for the registered purpose;
- 6 made available to the data subjects on request;

- 7 properly protected against loss, destruction, improper access or disclosure; and
- 8 not transferred to a country or territory outside the European Economic Area unless that country ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data

The DPA also gives certain rights to the data subject: -

- 1 they can make a complaint to the Information Commissioner if they think there has been a breach of one of the principles or any other provision of the DPA;
- 2 they have the right to claim compensation from the data user if they suffer damage as a result of inaccurate personal data or the loss, destruction or unauthorised disclosure of personal data;
- 3 they have the right to have inaccurate personal data corrected or deleted; and
- 4 they have the right to receive certain information about their personal data and receive a written copy of their own personal data on making a written application.

3 HOW TO OBTAIN A COPY OF YOUR OWN PERSONAL DATA

The DPA gives you the right to know whether or not the Council holds personal data about you, and if so what that data is.

You can obtain an application form for data subject access from your local library or from any Division of the Council. The form should be completed as follows:

- PART 1** Enter your own name and address, and a daytime telephone number if you have one.
- PART 2** The form lists the general headings and the purposes for which the Council uses personal data. Tick the box for each purpose for which you would like to receive a copy of your own personal data.
- PART 3** Read the declaration, sign and date it.

The form should be sent to:-

The Director, Corporate Services
Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith EH22 1DN