

Data Protection – Your Responsibilities

All companies, without exception, deal with personal data and are therefore subject to the provisions of the Data Protection Act. This essentially means that as a company you must show that you have taken steps to protect personal information, both paper and computer records, from the moment you obtain it until its final destruction.

It is often at the point of destruction that many businesses fail to consider the implications of the Data Protection Act. Even if a document is no longer of use to you, it may still contain personal information protected by the Act or be of value to others.

“Research carried out by Experian found that 41% of businesses in London were disposing of confidential financial information via their general waste”

Data Protection Act

The 1998 Data Protection Act (that became law in March 2000) places a legal duty on companies to protect all forms of personal and confidential information that they may handle or record.

Any failures under the Data Protection Act could result in fines or even prosecution. Its not merely companies that can be prosecuted. If you handle confidential matter inappropriately you could be held personally responsible for the transgression and could face prosecution and imprisonment.

The key elements of the Data Protection Act are set out in the Seventh Principle:

7. Seventh principle

7.2 the Act introduces express obligations upon data controllers when the processing of personal data is carried out by a data processor on behalf of the data controller. In order to comply with the seventh principle the data controller must:-

- Choose a data processor providing sufficient guarantees in respect of the security measures they take,
- Take reasonable steps to ensure compliance with those measures, and
- Ensure that the processing by the data processor is carried out under contract which is made or evidenced in writing, under which the data processor is to act only on instructions from the data controller. The contract must require the data processor to comply with obligations equivalent to those imposed on the data controller by the seventh principle.

To fully comply with the law, you must therefore have a written contract with a company capable of handling your confidential waste and providing a guarantee that all aspects of collection & destruction are carried out in a secure and compliant manner.

A complete version of the Data Protection Act can be downloaded from the Government's Office of Public Sector Information website www.opsi.gov.uk