



***The Consumer Focus***  
**Data Protection Policy**

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## **Section 1 : Introduction**

1.1 Consumer Focus keeps certain personal data, for example about its staff and members of the public who call to make enquiries about energy, post or issues of general interest, to fulfil its purpose and to meet its legal obligations. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. In doing this, Consumer Focus complies with the Data Protection Act 1998 as well the Cabinet Office's Regulation on Data Movement and Management.

1.2 This activity forms a critical part of Consumer Focus's wider commitment to effective Records and Knowledge Management.

## **Section 2 : Principles**

### **Commitment**

2.1 Under the Data Protection Act, personal data must:

- i. be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met;
- ii. be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose;
- iii. be adequate, relevant and not excessive for those purposes;
- iv. be accurate and kept up to date;
- v. not be kept for longer than is necessary for that purpose;
- vi. be processed in accordance with the data subject's rights;
- vii. be kept secure from unauthorised access, accidental loss or destruction; and
- viii. not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

2.2 More specifically under the Cabinet Office Regulation on Data movement and Management no information should be copied via CD/DVD or USB memory or onto a laptop where that data has personal information on. Where such transport is necessary (such as during organisational transition) the data must be moved in person, by a nominated member of staff and the media wiped or destroyed once copied onto the organisational systems.

2.3 Consumer Focus and all its staff who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, Consumer Focus has developed this Data Protection Policy.

### **Responsibility**

2.4 The Secretariat develops the policy on behalf of the Board and the Director of Finance and Operations is charged with delivery. Responsibility is shared by all staff.

## **Section 3 : Delivery**

### **What do we mean by personal data?**

3.1 The definition of personal data is –

- A) Any information that links one or more identifiable living person with private information about them. There should be protection for a data set that includes:
- one or more of the pieces of information through which an individual may be identified (e.g. name, address, postcode, email, telephone numbers, driving licence number, date of birth, photograph); combined with
  - information about that individual whose release could cause harm or distress, including:

- DNA or finger prints;
- Bank/ financial/ credit card details;
- National Insurance number/ tax, benefit or pension records;
- Passport number/ information on immigration status/ travel records;
- Health records;
- Work record or place of work;
- School attendance/ records;
- Material related to social services (including child protection) or housing case work;
- Conviction/ prison/ court records/ evidence; and
- Groups/ affiliations/ political or other sensitive personal data as defined by the Data Protection Act.

Note that this is not an exhaustive list. Staff should determine whether other information they hold should be treated in the same way.

B) Any source of information about 1000 identifiable individuals or more, other than information sourced from the public domain. This could be a database with 1,000 or more entries, or an electronic folder or drive containing 1,000 or more records about individuals.

### **Electronic Data**

3.2 Electronic data encompasses not just personal data held on databases but, for example, emails, web pages, letters and other documents held on disk or on a hard drive.

### **Manual Filing Systems**

3.2 The Act covers 'relevant' manual filing systems which may have the following characteristics:

- grouping within a common criteria, even if not physically kept in the same file or drawer;
- structuring by reference to the individual by name, number, division, geographical office or other mechanism, or by criteria common to individuals such as sickness, type of job, membership of pension scheme; and
- most important of all, structuring that allows specific information about the individual to be readily accessible.

### **Notification of Data Held and Processed**

3.3 All staff, members of the public who contact Consumer Focus and other users are entitled to:

- ask what information Consumer Focus holds about them and why;
- ask how to gain access to it;
- be informed how to keep it up to date; and
- be informed what Consumer Focus is doing to comply with its obligations under the 1998 Data Protection Act.

### **Responsibilities of Staff**

3.4 All staff and Data Subjects are responsible for:

- checking that any personal data that they provide to Consumer Focus is accurate and up to date;
- informing Consumer Focus of any changes to information which they have provided, e.g. changes of address. (Consumer Focus cannot be held accountable for errors arising from changes about which it has not been informed);
- checking any information that Consumer Focus may send out from time to time, giving details of information that is being kept and processed.

3.5 If, as part of their responsibilities, staff collect information about other people they must comply with the Policy and with any appropriate Records and Knowledge Management guidelines.

### **Data Security**

3.6 The need to ensure that data is kept securely means that precautions must be taken against physical loss or damage, and that both access and disclosure must be restricted. All staff are responsible for ensuring that:

- any personal data which they hold is kept securely; and
- personal information is not disclosed either orally or in writing or electronically, intentionally or otherwise to any unauthorised third party.

3.7 Staff should note that any unauthorised disclosure may be a disciplinary matter, and could be considered gross misconduct in certain cases.

### **Rights to Access Information**

3.8 Staff and Data Subjects have the right to access any personal data that is being kept about them on computer and also have access to paper-based data held in certain manual filing systems. This will normally be provided in the form of copies of the personal data or a report of the data held, depending on the type and format of the original data. Any person who wishes to exercise this right should make the request in writing to Consumer Focus. Consumer Focus will consider making a charge when access is requested, depending on the resources required to extract the information, see Consumer Focus's charging scheme under the Freedom of Information Policy's Publication Scheme.

3.9 Consumer Focus aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 20 days of receipt of a written request, unless there is good reason for delay. In such cases, the reason for delay will be explained in writing to the individual making the request.

### **Publication of Consumer Focus Information**

3.10 Information that is already in the public domain is exempt from the 1998 Act. This would include, for example, information on staff contained within externally circulated publications, such as the Consumer Focus Annual Report. Individuals will be consulted before their details are published to obtain their consent for the inclusion of data.

### **Monitoring of Communications and Use of CCTV**

3.11 Consumer Focus must ensure that its resources are not abused or used illegally, for example, for downloading pornographic material on the world wide web. In particular, staff and other authorised users of Consumer Focus's IT systems have responsibilities for using IT resources in accordance with Consumer Focus regulations. For example Consumer Focus may consider continuously monitoring staff use of the Internet and examine e-mail traffic in accordance with its internal policies.

3.12 For reasons of personal security and to protect premises and the property of staff and others, Consumer Focus may consider operate close circuit television cameras in locations. CCTV procedures are that:

- monitoring will be carried out by only a limited number of staff;
- personal data obtained during monitoring will be discarded after 14 days; and
- staff involved in monitoring will maintain confidentiality in respect of personal data.

3.13 Staff or other users of Consumer Focus premises who consider the positioning of a close circuit television camera is inappropriate should contact Consumer Focus.

### **World Wide Web and Email**

3.14 The provisions of the Act apply as much to web sites and email as they do to data processing by other means; any personal data downloaded from the web, included within a web site or contained within an email are subject to the same restrictions as information held in manual files or on databases. In particular, authors of web pages should be aware that information posted onto a web page is potentially accessible world-wide (unless access is restricted in some way). The type of data placed onto web pages should reflect this.

### **Cross-border Transfers**

3.15 The Act places restrictions on the transfer of personal data outside the European Economic Area (EEA), unless the country or territory involved ensures an adequate level of protection for the rights and freedoms of data subjects in relation to processing of personal data. If it is regarded as essential to transfer data outside the EEA, the consent of the Data Subject must be sought.

### **Subject Consent**

3.16 The need to process data for normal purposes has been communicated to all staff. In some cases, if the data is sensitive, for example information about health, race or gender, express consent to process the data must be obtained. Processing may be necessary to operate Consumer Focus policies, such as health and safety and equal opportunities.

### **Retention of Data**

3.17 It is not in the interest of either the data subject or of Consumer Focus to retain unnecessary or duplicative information. Consumer Focus does, however, retain some data relating to former staff, former complainants and others in order to comply with statutory requirements. Consumer Focus discourages the retention of personal data within files for longer than is needed.

3.18 Archived files should be destroyed in accordance with Consumer Focus's Records and Knowledge Management scheme.