

## **Data Protection Policy**

The Data Protection Act 1998 is an act of Parliament of the United Kingdom of Great Britain and Northern Ireland which defines UK laws on the processing of data on identifiable living people. This Act replaced and consolidated earlier legislation such as Data Protection Act 1984 and the Access to Personal Files Act 1987. At the same time it aimed to implement the European Data Protection Directive.

It is the main piece of legislation that governs the protection of personal data in the UK. Although the Act itself does not mention privacy, it was enacted to bring British law into line with the European Union Data Protection Directive, which required member states to protect individuals fundamental rights and freedoms and in particular their right to privacy with respect to the processing of personal data. This allows a way for individuals to control information about themselves.

Anyone holding personal data for other purposes is legally bound to comply with the Act, subject to some exemptions. The Act defines eight data protection principles, and also requires companies and individuals to keep personal information about themselves.

For the purpose of The Act personal data covers any data that can be used to identify an individual.

The Act creates rights for those who have their data stored, and responsibilities for those who store, process or transmit such data.

### **Protection Principles**

1. Personal data shall be processed fairly and lawfully.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be processed in any manner incompatible with that purpose or purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or the purposes for which they are processed.
4. Personal data shall be accurate and, where necessary kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than necessary for that purpose or purposes (Stewartry Care

Ltd will retain any data held on individuals and for financial purposes for seven years).

6. About the rights of individuals e.g. personal data shall be processed in accordance with the rights of data subjects (individuals).
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Further information can be found in Stewartry Care Ltd's Data Protection folder or alternatively through these external links:

- Information Commissioner's office - <http://www.ico.uk>
- The Department for Constitutional Affairs - <http://www.dca.gov.uk/foi/datprot.htm>
- Overview of Data Protection Act - <http://www.jisclegal.ac.uk>