

Chapter 7

Data rights

Data

There are eight principles put in place by the Data Protection Act to make sure that your information is handled properly.

The data must be:

1. Fairly and lawfully processed;
2. processed for limited purposes;
3. Adequate, relevant and not excessive;
4. kept accurate and up-to-date
5. kept adequate, relevant and not excessive for the purposes for which they are required Processed in line with your rights;
6. Secure and kept as safe as possible from unauthorized access or accidental loss or destruction
7. Not transferred to countries without adequate protection.

Rights of data subjects under the Data Protection Act

❖ Data subjects have the following rights under the Data Protection Act:

- **A right of Subject Access:** a data subject has a right to be supplied by any organization or institution with the personal information held about him or her.

🚦 Subject Access Requests

What is a Subject Access Request?

- ➡ Under the Data Protection Act, individuals (**i.e. data subjects**) have a right to know what data is held about them at any organization or institution and a right to access their personal data.

Data subjects exercise this right to know and access by submitting a "**Subject Access Request**" to the concerned organizations.

- **A right of correction of their personal information held by that organization.**
- **A right to prevent processing likely to cause damage or distress.**
- **A right to prevent direct marketing:** a data subject may stop their information being used to sell them for the organization related services.
- **A right of complaint to the Information Commissioner:** a data subject can ask for the use of their personal information by that organization to be reviewed by the Information Commissioner, if they think that the organization is not handling their personal data properly; and
- **A right to compensation:** the data subject is entitled to use the Act to receive compensation, if personal data about them is inaccurate, lost or disclosed without good reason.

Information Commissioner's Office (ICO)

The Information Commissioner's Office is an independent authority, which has been set up to promote access to official information and to protect personal information.

The legal powers of the Information Commissioner include:

- ➡ The right to conduct compliance checks on the concerned department.
- ➡ The right to service enforcement notices and 'stop now' orders, and
- ➡ The right to prosecute those who commit criminal offences under the Act.

The following are criminal offences under the Act:

- ➡ The destruction of information required for a Subject Access Request;
- ➡ Unauthorized disclosure of personal information;
- ➡ Failure to comply with the enforcement of an information notice; and
- ➡ Failure to notify the Information Commissioner of the organization's processing details in the Register of Notifications.

Rights & responsibilities of the data subject

Our personal information is held by many organizations, which means in legal terms that we are all data subjects.

Protecting your Personal Data

When personal data goes missing or falls into the wrong hands, it can be embarrassing, costly and emotionally draining for those involved.

You have responsibilities over the protection of your information. You also have the right to expect organizations to handle your information lawfully.

What you need to know?

- ➡ Organizations have to operate within the law when handling information about you. This includes information about you that is in the public domain.
- ➡ Organizations' need a reason for holding your information.

What are your rights?

You have the right to:

- ✓ Obtain a copy of all of the personal information that an organization holds about you. You may need to pay a small fee to the organization.
- ✓ Choose not to receive direct marketing information. You can request this by writing to the organization concerned.
- ✓ Have incorrect, misleading or out-of-date personal information about you corrected.
- ✓ Know whether an organization, or someone acting on their behalf, is processing personal information about you.
- ✓ Know what information is being processed, why it is being processed and to whom it may be disclosed.
- ✓ Know from where an organization received its information about you.

What are your responsibilities in protecting your personal data...?

- ➡ Think before disclosing your information, and think again...
- ➡ Never give your bank account or password information when the conversation was not initiated by you.
- ➡ Only disclose information that is needed by the organization.
- ➡ Question why someone might ask for your particular personal information.

What can you do when it goes wrong...?

- If you think an organization may have breached the Data Protection Act in the way it holds and handles your personal information, you can complain to the **Information Commissioner's Office**.

Students' Personal Information

The University collects information about students for administrative, statutory and health and safety reasons. It conforms to the **Data Protection Act** in its collection, processing and disclosure of personal data. It cannot operate effectively without processing information about you and requires your consent to do so. Your consent is therefore a condition of your enrolment.

Your signature on registration gives your agreement to the processing of your **personal data** for any purposes connected with your registration with the University, your health and safety or for any other legitimate reason, such as confirming privilege to use the services of the University Library.

Database directives

The database Directive: deals with the subject matter requirements for protection of database.

1. This Directive concerns the legal protection of databases in any form.
2. For the purposes of this Directive, '**database**' shall mean a collection of independent works, data or other materials arranged in a systematic or methodical way and individually accessible by electronic or other means.

A **directive** is a **legislative act** of the **European Union**, which requires **member states** to achieve a particular result without dictating the means of achieving that result. It can be distinguished from **regulations** which are self-executing and do not require any implementing measures. Directives normally leave member states with a certain amount of scope as to the exact rules to be adopted. Directives can be adopted by means of a variety of **legislative procedures** depending on their subject matter.

The Directive's definition of a database contains **three requirements** regarding the database contents, which must cumulatively be fulfilled.

Therefore, a collection is a database if:

- 1) It consists of independent items;
 - 2) The items are arranged in a systematic or methodical way; and
 - 3) The items are individually accessible by electronic or other means.
- Although every database is a collection, not every collection is a database.
 - Databases are **formal special is** of collections since they need to comply with special requirements that collections in general do not have to satisfy.

Independence of the items

The items contained in the collection must be independent. It follows from this requirement in combination with the Condition of individual accessibility that each item must represent a value of its own. This criterion distinguishes a database from an autonomous work, in which the parts are interdependent.

Systematic or methodical arrangement

In addition to their independence, items in a collection must also be arranged in a systematic or methodical way in order for the collection to qualify as a database. This requires an arrangement according to objective, Non-personal criteria which are both useful and obvious for users.

Individual accessibility of the items

- ✚ The items are individually accessible, which supplements the requirement that they must be independent.
- ✚ Individual accessibility means that users have the possibility to search among individual items in the database.
- ✚ This requirement is not met when a user has to check the whole contents in order to find a specific item.
- ✚ Searching and finding may be done directly by using the database's arrangement, or indirectly by means of an index, a thesaurus or computer program.

The contents of a database may consist of works, data or other materials. This enables collections of three-dimensional material to qualify as databases. A useful addition to the database definition would be to specify that a database must be for information purposes.