Data rights

- *DATA RIGHTS*
- *DATA PROTECTION PRINCIPLES*
- *RIGHTS OF DATA SUBJECT UNDER THE DATA PROTECTION ACT*
- *ICO ND ITS LEGAL POWERS*
- *GI ND RIGHTS IT PROVED*

UNIT 7

LESSON TOPIC: DATA RIGHTS

What are data rights?

“Data rights” refer to the Government’s nonexclusive license rights in two categories of valuable intellectual property, “technical data” and “computer software” delivered by contractors under civilian agency and DoD contracts.

Technical data (TD)”

- Includes any recorded information of a scientific or technical nature (e.g., product design or maintenance data, computer databases, and computer software documentation).

Computer software”

- Includes executable code, source code, code listings, design details, processes, flow charts, and related material that would enable the software to be reproduced, recreated or recompiled, but excludes computer databases or computer software documentation

1. Principle 1: Fairly and lawfully processed

This means that your school must: -

- Except in limited circumstances, tell everybody, in clear language, that their personal data are being processed.
- Emphasis is placed on "clear language" because hiding your processing in complex terms is not to be regarded as fair

2. Principle 2: Processed for limited purposes and not in any manner incompatible with those purposes

- This amplifies Principle 1 by adding that your school must have a very specific reason or **purpose** for processing data.

Principle 3: Adequate, relevant and not excessive

- This means that your school should collect just the right amount of information for the specified purpose - no more and no less.

4. Principle 4: Accurate and where necessary, up to date

- Personal data **must** be accurate at all times

5. Principle 5: Not kept for longer than is necessary

- When any personal data that you hold has served its purpose, it must be disposed of (and disposed of securely).

6. Principle 6: Processed in line with the data subject's rights

- These include the right to **confidentiality** under common law.

7. Principle 7: Security

- The main emphasis is on surrounding personal data with a suitable degree of security

8. Principle 8: Personal information shall not be transferred to countries outside without adequate protection

- At the moment it is best to get the **explicit** consent of the individual first before transferring any personal data outside.

Rights of data subjects under the Data Protection Act

- **A right of access to a copy of the information comprised in their personal data: Subject Access**
- **A right of correction or deletion of inaccurate 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;
- **A right to compensation**: the data subject is entitled to use the Act to receive

Information Commissioner's Office (ICO)

- 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.

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.



A geographical indication (GI)

is the use of a place name to identify the origin, quality, reputation or other characteristics of a product.

As, for example, Champagne, Roquefort or Tequila.

GEOGRAPHICAL INDICATION??

- Geographical indications are indications that identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographic origin

  Examples of geographical indications from the United States include: "FLORIDA" for oranges; "IDAHO" for potatoes; "VIDALIA" for onions and "WASHINGTON STATE" for apples

Geographical indications serve the same functions as trademarks, because like trademarks they are:

√ source-identifiers,

√ guarantees of quality, and

√ valuable business interests.

Rights GI provide

ffl A geographical indication right enables those who have the right to use the indication to prevent its use by a third party whose product does not conform to the applicable standards