



Wiltshire Fire & Rescue Service

Wiltshire and Swindon Fire Authority

Policy Statement (DRAFT) Data Protection Act 1998



Your Safety: Our Priority

Wiltshire and Swindon Fire Authority

Policy Statement

Data Protection Act 1998

Wiltshire and Swindon Fire Authority is committed to full compliance with the Data Protection Act 1998 (DPA) and is ultimately responsible for determining and establishing the policies that shall apply to information held by Wiltshire Fire & Rescue Service (Wiltshire FRS), and for the instigation of procedures and guidance for the administration of requests for that information in compliance with the provisions of the DPA.

Wiltshire FRS is committed to fulfil all its obligations under the DPA and individuals are assured that it will treat their personal data with all due care. Wiltshire FRS will, as far as practicable, ensure that all individuals whose details we hold are aware of the way in which that information is held, used, and disclosed and whether the recipients are internal or external to Wiltshire FRS. The 'processing' within Wiltshire FRS will be fair and lawful and individuals will not be misled to the uses of their data. If anyone feels that they have been deceived or misled over the collection of their personal information they have the right to have it rectified.

Wiltshire FRS will ensure that contractors and bodies working under service level agreements and partnership agreements are made aware of their DPA responsibilities to Wiltshire FRS and that they have in place sufficient and effective means to ensure that they can competently carry out their responsibilities.

This policy will be reviewed annually by the Data Controller to ensure that it remains up to date, effective and takes account of emerging good practice. Where new legal directions come into force, the policy will be reviewed in line with the commencement date of that legislation.

Definitions of the Data Protection Act 1998

For the purposes of this Policy the terms defined within the Act are;

Data - is information that:

- is being processed using equipment automatically in response to instructions given for that purpose;
- is being recorded with the intention that it should be processed by means of such equipment;
- is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system;

does not fall within the three definitions above, but forms part of an accessible record (based on the numbering in section 1 of the Data Protection Act); or

is recorded information held by a public authority and does not fall within any of paragraphs above.

Personal Data - means data that relates to a living individual who can be identified from that data; or from that data and other information which is in the possession of, or is likely to come into the possession of, the Data Controller.

Sensitive Personal Data - is defined in section 2 of the Data Protection Act as:

- the racial or ethnic origin of the data subject;
- his/her political opinions;
- his/her religious beliefs or other beliefs of a similar nature;
- whether he/she is a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992);
- his/her physical or mental health or condition;
- his/her sexual life;
- the commission or alleged commission of him/her of any offence; or
- any proceeding for any offence committed or alleged to have been committed by him/her, the disposal of such proceedings and the sentence of court in such proceedings.

Data Subject(s) - is an identifiable or identified living individual who is the subject of the personal data.

Data Controller - the organisation capturing, storing and processing Personal Data.

Data Processor - any person other than an employee of the data controller who processes data on behalf of the data controller.

Processing - obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including;

- organisation, adaptation or alteration of the information or data;
- retrieval, consultation or use of the information or data;
- disclosure of the information or data by transmission, dissemination or otherwise making available; or
- alignment, combination, blocking, erasure or destruction of the information or data.

The Principles of the Data Protection Act 1998

Specifically, the eight Principles require that personal data:

- 1) shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;
- 2) shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes;

- 3) shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
- 4) shall be accurate and, where necessary, kept up to date;
- 5) shall not be kept for longer than is necessary for that purpose or those purposes;
- 6) shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
- 7) shall be protected from unauthorised or unlawful processing, accidental loss, destruction or damage by appropriate technical and organisational measures;
- 8) shall not be transferred to a country or territory outside of the European Economic Area (EEA) unless there is an adequate level of protection for the data can be ensured.

Roles and Responsibilities

Wiltshire and Swindon Fire Authority have devolved responsibility for the implementation of the Data Protection Act to Wiltshire FRS:

The Management Board is responsible for ensuring that the processing of information by the Authority and by contractors and partners or other bodies working under service level agreements fully complies with the policies and procedures set by the Authority

The Management Board

The Management Board is responsible for ensuring that staff under its direction and control are made aware of the policies, procedures and guidance laid down by the Authority and for checking that those staff understand and appropriately apply policies, procedures and guidance in carrying out their day to day work.

To comply with the eight Principles of the DPA the Management Board will, through appropriate management, and application of criteria and controls:

observe fully the requirements regarding the fair collection and use of information;

meet its legal obligations to specify the purposes for which information is used;

collect and process appropriate information, and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;

ensure the quality of the information used;

apply appropriate checks to determine the length of time information is held;

ensure that the rights of people about whom information is held can be fully exercised under the DPA.

These include:

- the right to be informed that processing is being undertaken;
- the right of access to one's personal information;
- the right to prevent processing in certain circumstances;

- the right to correct, rectify, block or erase information which is regarded as wrong information;
- take appropriate technical and organisational security measures to safeguard personal information;
- ensure that personal information is not transferred outside the EEA without suitable safeguards.

The Corporate Information Manager

The Corporate Information Manager is responsible for administering all requests for personal information made to Wiltshire FRS. The Corporate Information Manager will also provide a point of contact for all members of staff in Wiltshire FRS who require advice on Data Protection matters. The Corporate Information Manager will, where possible, provide advice directly to staff on Data Protection matters or otherwise refer to a competent person to obtain such advice.

All staff are to be responsible for processing information in accordance with the DPA and the policies, procedures and guidance that are laid down by Wiltshire FRS.

The Data Controller

Specific responsibility for compliance with the DPA lies with the Deputy Chief Fire Officer who is the Data Controller. The Data Controller will ensure that everyone fulfilling a role for or on behalf of the Authority

understands that they are legally and contractually responsible for following good data protection practice whilst managing and handling personal information;

is appropriately trained to manage and handle information;

is appropriately supervised whilst managing and handling information.

The Data Controller will ensure that

anybody wanting to make enquiries about the information held by the Authority knows what to do;

enquiries about the information held by the Authority are promptly and courteously dealt with;

methods of handling information are clearly described;

a regular review and audit is conducted of the way information is managed;

methods of handling information are regularly assessed and evaluated;

regular assessments of compliance with the DPA take place;

legal obligations to specify the reasons for withholding information are met;

appropriate information is collected and processed, and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;

the quality of the information used is maintained to a high standard;

checks are applied to determine the length of time information is held;

the rights of people about whom information is held can be fully exercised under the DPA.

Monitoring, review and evaluation

Wiltshire FRS will maintain procedures for systematically reviewing its arrangements for handling personal information. These procedures will include systems for auditing compliance with the Act by Wiltshire FRS and those who hold data on Wiltshire FRS' behalf.

Wiltshire FRS will maintain a register of all complaints received about its Data Protection arrangements and will ensure that any learning points that arise from such complaints are used to improve related policies, procedures and guidance.

Issue Control: Policy Statement Data Protection Act 1998		
Owner:	Data Controller (Deputy Chief Fire Officer)	
Author:	Director Corporate Planning	
Review	This policy will be reviewed annually. Next review date June 2011.	
Equality Impact Assessment		Hyperlink
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Version 1.1	16 July 2010	Amended and approved by Standards Committee on 15 June 2010. To be approved by Combined Fire Authority in September 2010.

