

# Information Systems

## ***7 Data Protection Act***

**Terry Marris February 2009**

The Data Protection Act defines a legal basis for handling information relating to people. Companies in the United Kingdom are obliged to comply with the Act. We see how the Act could apply to TradeBreak.

### **7.1 TradeBreak**

TradeBreak is a monthly 40-page magazine containing just advertisements for local small businesses such as roof repairers, children's nurseries and plumbers.

A small business owner wishing to place an advertisement contacts TradeBreak Sales either in person, by phone or by e-mail. Wording, layout design and dates for inclusion of the advert in the magazine are agreed and the small business owner is billed.

The layout and content of TradeBreak is set up on Apple Macs by copy editors who are skilled in layout, making the material attractive and easy to read. On the next day after the copy deadline date, the copy is sent to print. TradeBreak has a printing press.

Paper, ink, staples and spare parts for the printing presses are bought in from suppliers as needed. Their own engineers service the paper cutting, stapling and printing machinery.

When the print run is completed copies of TradeBreak are delivered by van to members of the distribution team for posting in every letterbox in their area. Of course, TradeBreak contains an advertisement for itself, since it makes its money from those who place advertisements with them and the company wants to attract more customers.

The company works on tight profit margins and good financial control has helped them survive and thrive.

The company has 33 employees including three apprentices.

Members of the management team have been in printing all their working life.

For further information on the company e-mail [tmarris@lec.ac.uk](mailto:tmarris@lec.ac.uk).

## 7.2 The Data Protection Act

TradeBreak must register with the Information Commissioner's Office; the Office ensures TradeBreak complies with the Data Protection Act. The Act covers any data - names, e-mail addresses, and dates of birth, ... that could be used to identify a person.

	<b>Key Principles</b>	<b>Application to TradeBreak</b>
1	<p>Personal data shall be <i>processed</i> fairly and lawfully, but only if:</p> <ul style="list-style-type: none"> <li>• the individual has agreed to their data being processed OR</li> <li>• the processing is necessary for the completion of a contract OR</li> <li>• the processing is required by law OR</li> <li>• the processing is required to protect the individual OR</li> <li>• the processing is necessary for public functions OR</li> <li>• the processing is necessary for the company's activities</li> </ul>	<p>TradeBreak's customers, employees and distributors agree to having their personal data, such as name and address, bank details ... kept on TradeBreak's servers for processing e.g. bills, payments received and salaries paid.</p>
2	<p>Personal data shall be <i>obtained</i> for specific and lawful purposes only</p>	<p>TradeBreak's business is entirely lawful and the customer's and employee's personal data is kept and processed to enable TradeBreak to perform its business.</p>
3	<p>Personal data shall be adequate and <i>relevant</i> to the purpose</p>	<p>TradeBreak are not allowed to keep and process data that has no connection with its business of producing the magazine.</p>
4	<p>Personal data shall be <i>accurate</i> and kept up to date</p>	<p>TradeBreak ask their employees and customers to look at their data held on the servers and confirm whether the data is correct</p>
5	<p>Personal data shall be kept for <i>no longer</i> than is necessary</p>	<p>TradeBreak keeps customers details for (say) three years before they are deleted; this allows customers to make repeat orders, or a new order similar to a previous one.</p> <p>TradeBreak keeps records of enquiries for (say) six months before deleting them.</p>

6	Personal data shall be processed in accordance with the <i>rights</i> of the individual (whatever they are)	TradeBreak allows its Customers (and employees) to: <ul style="list-style-type: none"> <li>• examine the data held on them</li> <li>• have incorrect information corrected</li> <li>• require that their data is not used in any way that causes damage or distress</li> <li>• require that their data is not used for direct marketing</li> </ul>
7	Appropriate measures shall be taken to <i>prevent</i> unauthorised access or damage or loss to personal data	TradeBreak must not allow anybody, except the office staff that deal with taking customer's requirements and the staff concerned with designing and printing the magazine, to access to the computer systems that can access customers' information.  TradeBreak must protect access to the computer systems with log-ons and passwords, which must be changed from time to time.  Servers containing the customers information - names and addresses, their payment details, adverts placed ... must be backed up daily and the backups kept locked in a fire and water proof safe.
8	Personal data shall <i>not be transferred</i> to a place outside the European Economic Area unless the place has an adequate level of protection for the individual.	Does not apply to TradeBreak since they operate only in a small area of Leicestershire and Northamptonshire.

	<b>Exemptions</b>	<b>Application to TradeBreak</b>
1	National Security - any processing for the purpose of safeguarding national security is exempt	Does not apply to TradeBreak since they do not deal with national security.
2	Crime and Taxation - data processed for the prevention or detection of crime, the catching and prosecution of criminals, or the processed involved in the collection of taxes, are exempt	TradeBreak are obliged to allow Police and Tax Inspectors to examine the data held.
3	Domestic Purposes - processing by an individual of his or her family's data, for the benefit of his or her family, is exempt	Does not apply to TradeBreak since TradeBreak is a commercial business.

	<b>Offences</b>	<b>Application to TradeBreak</b>
1	It is an offence for people such as hackers and impersonators, for people outside the organisation, to obtain unauthorised access to the personal data	TradeBreak must keep the server that stores personal data separate from the server that provides its presence on the Internet.

## **Bibliography**

*[http://en.wikipedia.org/wiki/Data\\_Protection\\_Act\\_1998](http://en.wikipedia.org/wiki/Data_Protection_Act_1998) accessed 8 Feb 2009*