

NORTH SUNDERLAND PARISH COUNCIL

DATA PROTECTION AND FREEDOM OF INFORMATION

An171 – Information Management: Data Protection and GDPR

Data protection imposes wide-ranging controls on the way information – personal data – can be processed and used by controllers. The General Data Protection Regulation (GDPR), applies as does the UK Data Protection Act 2018, which supplements GDPR and repeals the Data Protection Act 1998. Information is available on the Information Commissioners website: <https://ico.org.uk>

The GDPR & the Data Protection Act 2018 apply to both automated personal data and to Manual filing systems where data is accessible according to specific criteria. Below are some important GDPR definitions, but for the full wording and further definitions, see Article 4 of the GDPR:

- “Personal data” means any information relating to an identified or identifiable natural person (data subject). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- “Processing” means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- “Filing system” means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis
- “Controller” means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data
- “Processor” means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

Note also that what was “sensitive personal data” (that is, personal data revealing racial or ethnic origin, political opinions, religious beliefs, sexual orientation etc) for the purposes of the 1998 Act becomes, under GDPR, “special categories of person data”, as set out in Article 9 of the GDPR.