

## THE NATIONAL ARCHIVES DATA PROTECTION POLICY STATEMENT

### 1 The scope of this policy statement

1.1 This policy statement sets out how The National Archives implements the Data Protection Act 1998. This Act was brought into force on 1 March 2000, entirely replacing the 1984 Act. Its scope was extended by the Freedom of Information Act 2000.

1.2 The National Archives collects and uses information about the people with whom we deal. We also acquire information about others in the course of those dealings. These people – collectively called ‘data subjects’ - include our own staff, researchers and other users of our services, staff in other government departments and in a wide range of organisations and institutions, as well as contractors and suppliers of various kinds. The information can be factual information, such as name and address, or expressions of opinion about or intentions towards individuals. It can occur in any form or format - WORD documents, IT systems of various kinds, emails, CCTV, index cards, paper files. We also acquire responsibility for personal information in our archival holdings which, in some circumstances, are subject to parts of the Data Protection Act (see section 4).

1.3 This policy statement applies to all personal data acquired, held and used by all constituent parts of The National Archives, as does the companion document, our Data Protection Procedures. Note that this includes personal data for which the Queen’s Printer for Scotland is responsible and personal data managed by third parties/contractors on behalf of The National Archives.

### 2 Background

2.1 The 1998 Data Protection Act (DPA) came into force on 1 March 2000. It supersedes and extends the provisions of the Data Protection Act 1984. The 1998 Act implements a European Directive of 1995 and has two aims:

- to protect individuals’ fundamental rights and freedoms, notably privacy rights, in respect of personal data processing
- to enable organisations to process personal information in the course of their legitimate business

2.2 The Act applies to any processing of personal information. Processing is the term used for virtually anything that can be done with or to information, including acquisition, storage and destruction as well as active use.

2.3 Personal information held by The National Archives is subject to the Data Protection Act if it relates to an identifiable living individual.

2.4 Individuals have the right, upon written request, to be informed whether information about them is being processed by us; to be given a description of the information, the purpose of our processing and to whom it may be disclosed; and to be provided with the information in intelligible form. We have the right to charge a fee for this and will do so if to provide the information would cause an inordinate amount of work. The fee is set at £10 in the Data Protection Regulations.

2.5 We are obliged to follow certain procedures and to comply with the eight Data Protection Principles unless the personal data is exempt. These Principles (which are set out in Schedule 1 to the Act) require that personal information is handled as follows:

- Principle 1 It shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met
- Principle 2 It 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
- Principle 3 It shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed
- Principle 4 It shall be accurate and, where relevant, kept up to date
- Principle 5 It shall not be kept for longer than is necessary for that purpose or those purposes
- Principle 6 It shall be processed in accordance with the rights of data subjects under the Act
- Principle 7 Appropriate technical and organizational measures shall be taken against unauthorized or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data
- Principle 8 It shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data

2.6 The principles apply only in part to our archival holdings but for all other personal information must be adhered to. There are sanctions to ensure compliance: the Information Commissioner has powers to enter premises where an offence under the Act is suspected of having been committed and to inspect or seize material. He also has the right to prosecute offenders and compensation or fines may be payable.

### **3 The National Archives' commitment to data protection**

3.1 The National Archives is committed to whole-hearted compliance with the Data Protection Act 1998. We regard responsible handling of personal information as a fundamental obligation and one that is in keeping with our role as a leader in the information, records and archives community. To this end we endorse and adhere to the Data Protection Principles set out above.

3.2 Staff of The National Archives are expected to do whatever is necessary to ensure compliance with the Data Protection Act 1998, and in particular to follow our Data Protection Procedures.

#### **4 Data protection and our archival holdings**

4.1 The Data Protection Act applies to all archives that contain personal information about identifiable living individuals. However, it applies only in part to personal information in records that are not sufficiently structured for specific information about specific individuals to be readily accessible, e.g. the names of those attending a meeting in a file about meetings.

4.2 Where personal information in archives is being processed solely for the purposes of archival preservation, and is not accessible to the public, we can claim exemption from most of the Data Protection Principles and from the obligation to respond to access requests from data subjects. However, as a matter of policy, we will respond to access requests when an individual's rights or entitlements seem to be at stake, in recognition of our role as a public body. See section 10 of the Data Protection Procedures for more information.

#### **5 Data Protection Officer**

5.1 The National Archives' Data Protection Officer is Susan Healy of Information Policy Department (ext 2305). She has two deputies: Yudit Collard Trembl for general data protection matters and Mark Harvey for Principle 7 (data security) matters. David Thomas is accountable to Management Board and the Executive Team for data protection in his capacity as Chief Information Officer and Senior Information Risk Owner for The National Archives.

OLIVER MORLEY  
CHIEF EXECUTIVE AND KEEPER  
16 NOVEMBER 2011