

London
**Evening
Standard**

THE 
INDEPENDENT

EVENING STANDARD LIMITED AND INDEPENDENT PRINT LIMITED

DATA PROTECTION POLICY

In the course of the Company's¹ business, employees, workers and contributors may have access to personal information about employees, readers, the general public, contributors, advertisers, subjects of journalistic investigations, customers or suppliers (including payment card data). It is important that all those whose personal or confidential information we deal with have total confidence that we will treat such data lawfully and correctly.

Like all businesses, the Company is subject to the provisions of the Data Protection Act 1998 (the 'DP Act') in the UK and corresponding data protection legislation in other countries. In summary, the DP Act requires those who use information about individuals to ensure it is accurate, relevant and up to date, and is used appropriately.

What is 'personal data'?

Very broadly, it is information relating to an identifiable, living human being (the 'data subject') that is held either electronically, capable of being processed by a computer, or in a manual filing system. So, whenever someone obtains information which is entered into any type of database or computer, or a filing system, the principles apply. The DP Act provides even stronger protection to a person's sensitive personal data: information relating to racial or ethnic origins, political or religious beliefs, trade union membership, physical and mental health, sex life and criminal offences.

What is 'processing'?

This includes obtaining, recording, holding the information or data, or carrying out operations on it such as consulting, adapting, organising, retrieving, disclosing (which includes publishing), erasing and destroying it.

DATA PROTECTION PRINCIPLES

The Act sets out eight principles about how personal data is handled: whether electronically or manually, it should be

- 1) fairly and lawfully processed
- 2) processed for limited purposes only
- 3) adequate, relevant and not excessive in relation to the purpose of the processing
- 4) accurate and, where necessary, kept up to date
- 5) not kept longer than necessary for the specified purpose
- 6) processed in accordance with the data subject's rights
- 7) secure

¹ The 'Company' means Evening Standard Limited, Independent Print Limited, their holding companies and fellow subsidiaries, jointly and/or separately as the context indicates.

8) not transferred outside the European Economic Area without adequate protection or consent (the USA is a particularly lax jurisdiction, and transfer of data there requires careful consideration)

What does 'fairly and lawfully' mean?

To ensure data is processed 'fairly and lawfully' either the data subject must have given their consent or the processing must be necessary for compliance with any legal obligation on the Company, the administration of justice or the Company's legitimate interests.

What are legitimate interests?

It is accepted that journalists and the media must be allowed to process data about individuals without news-gathering, investigations or publication being scotched by the requirements of the law. So journalists do not have to comply with some restrictions on the processing of personal data where this would prejudice journalism. See 'Privacy and Data Protection' in Editorial Provisions of the Code of Conduct for more detail on the public interest defence for journalistic purposes.

What does 'Not kept longer than necessary' mean?

This means that we need to consider how long we retain data. This is not likely to be a problem for data held for journalistic purposes, but could impact on how long we should retain personal data held on commercial lists, for example, before considering erasure. You should consult the legal department² to discuss any such issue.

What does 'secure' mean?

Data must be kept securely and precautions taken against physical loss or damage, so both access and disclosure must be restricted. Common sense applies, but everyone is responsible for ensuring that: 1) any personal data which you hold is kept securely; and 2) personal information is not disclosed either orally or in writing or otherwise to any unauthorised third party.

Consult your manager or your link person if you are in any doubt about security of personal information or what you could disclose to a third party.

Enforcement

It is a criminal offence to obtain, disclose or procure the disclosure of personal information knowingly or recklessly, without the consent of the data subject.

There is a defence for anyone who can show that it was 'in the public interest'. If you are in any doubt, please discuss any compliance issue with the legal department.

FAILURE TO COMPLY

Failure to comply with any part of the Code of Conduct or a Policy, including this Data Protection Policy, by an employee could lead to disciplinary action in accordance with the Company's disciplinary procedures, up to and including termination of employment. In the case of someone who is not an employee, the relationship or any arrangements with the Company could be terminated without notice, or such other action taken as the Company might decide. See the FAILURE TO COMPLY WITH THE CODE OF CONDUCT OR A POLICY section of the Code of Conduct.

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² The legal department should be consulted for guidance on all matters of Company business by any person to whom the Code of Conduct or the Policies apply, on both sides of the Evening Standard Limited / Independent Print Limited business.