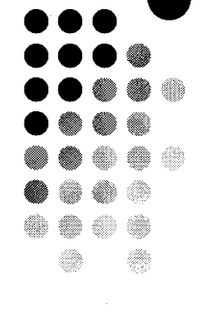
"Information security is a major priority at this company. We've done a lot of stupid things we'd like to keep secret."

Johnston Press plc

The Data Protection Act (1998)

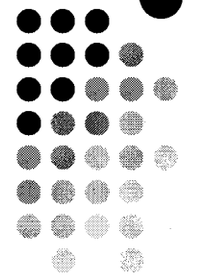
Frank Bingley Group Data Protection Manager

Why do we need a Data Protection Act?



- What does the Data Protection Act mean to you?
- What is personal Data?
- Why do we need a Data Protection Act?
  - Think about all the organisations who you trust to look after your personal information.
- What happens if things go wrong?
- The power of personal information.

What does the Data Protection Act Do?

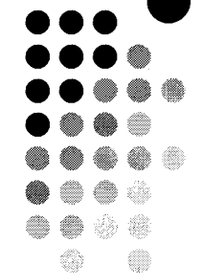


- It's a law
- Protects personal information privacy
- Upholds individuals' rights to have a say in how their personal information is used.
- Maintains a balance between those rights and the sometimes competing interests of those with a legitimate reason for using personal information.

Showtime!

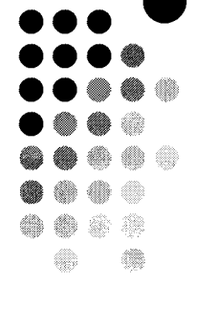
- The Lights are On…….

Who does the Data Protection Act apply to?



- Applies to anyone who handles or has access to information which can identify a living individual.
- This type of information is called personal information.
- Yes, that means it applies to YOU.

How does the Data Protection Act work?

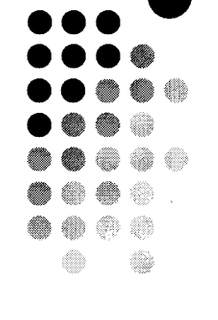


- The Act consists of 8 Data Protection principles.
- The principles give instructions on how we as a company and as individuals process personal information.
- To comply with the Act you must follow the principles.

The 8 Data Protection Principles

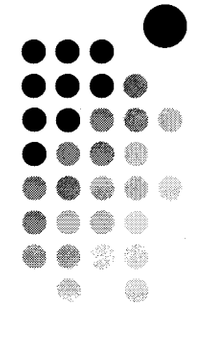
1. Fair & Lawful
2. Specified Purposes
3. Relevant, not excessive
4. Accurate & Up To Date
5. Kept no longer than necessary
6. Rights of the individual
7. Security & Training
8. Not transferred to countries believed to have inadequate Data Protection laws.

What rights do I have under the Data Protection Act?



- Object to personal information being used for direct marketing
- Right to rectification, blocking, erasure or destruction of personal information
- Complain to the Information Commissioner
- Access copy of your personal information
- Object to the processing (damage & distress)
- Object to automated decision making

Johnston Press & the Data Protection Act



- Johnston Press takes compliance with the Act very seriously
- 100% committed to personal information privacy
- Company Policy 1.14: Data Protection
- Act has huge benefits for Johnston Press as without our customers' and employees' personal information we wouldn't have a business.

The Consequences

- For you
  - Need to be aware of personal liability
    - Could mean up to £5000 fine for you, not just the company
  - Possible internal disciplinary action

- For Johnston Press
  - Up to £5000 fine in magistrates court
  - Unlimited fine in crown court
  - Damaging publicity
  - Possible investigation by the Information Commissioner
  - Possible destruction of customer database

Moving Forward

- Use the relevant Johnston Press standard fair collection notice whenever collecting personal information
- Read the Data Protection handbooks
- Keep the principles of the Data Protection Act in mind whenever doing anything with personal information.
- If you are in any doubt, ask.

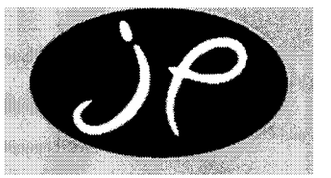
Further Help

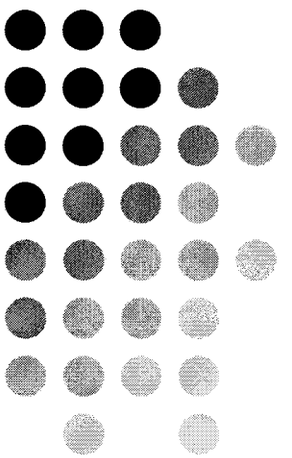
- Intranet
- data.protection@jpress.co.uk

"If you were concerned about identity theft, you shouldn't have left your private information lying around where I could find it!"

**"I stole your cat's identity over the Internet.
I'm here to scratch your furniture and lick the butter."**

Regional Data Protection Coordinator Training





Day Two

Practical Application

Marketing

- What is marketing?
  - Anything which enhances the reputation of the brand / product.
- All Data Protection Principles apply. No special provisions.
- Take into account other privacy rules – PECR
- JP Email Marketing Best Practice
- Consent
- Data Subject can object to processing at any time

Marketing

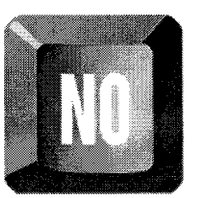
- Codes of Practice
  - British Code of Advertising, Sales Promotion and Direct Marketing (CAP code) produced by ASA
  - Direct Marketing Association (DMA) code of practice
- Consent to market is a requirement under the CAP code
- Marketing to children

The Collection Notice

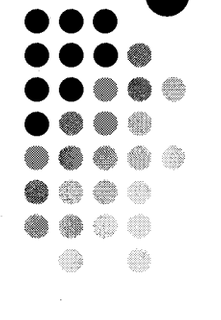
- No secrets
- Describe any marketing purpose
- Give individual opportunity to exercise right to object
- Opt out vs opt-in – the prior consent requirement
- All wording must be prominent, complete, clear and unambiguous.
- Internet – mandatory screen presentation

Objection to Marketing

- No means no
- Establish suppression lists – not deletion
- Statutory suppression lists - TPS / FPS
- What about the Mail Preference Service (MPS)?



Marketing
The Rest of the Principles



- Not excessive (3rd Principle)
- Accuracy (4th Principle) – out of date data
- Retention (5th Principle) – how long do you really need to retain the data
- Security guarantee if using a Data Processor (7th Principle)
- If marketing lists are transferred outside of the EEA (8th Principle) does this need to be included in the collection notice (1st Principle)

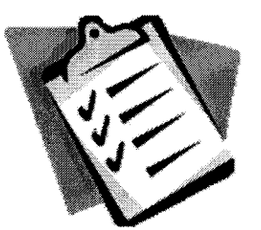
Your Customer Records

Your customer database should record the following..

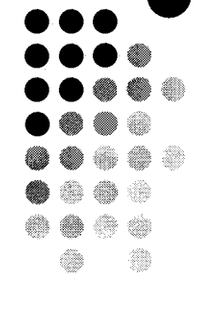
- When collection notice was read to client
- Collection notice code
- Method of data collection
- Do not market flag
  - Own company
  - Third Party
- Objection to processing
- Subject access request
- Audit trail
- Reporting facility

Lists

- Guarantees – Consent to 3rd party marketing and screening against Preference Service
- Must be screened against internal suppression list
- Comply with relevant Code of Practice e.g. CAP code
- List warranty



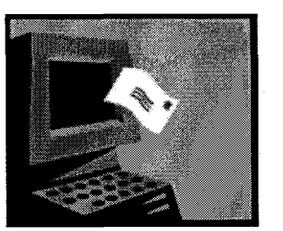
Electronic Marketing PECR 2003



- Applies to sending direct marketing messages by electronic means
- Protects individual & corporate subscribers
- Cannot send email marketing unless have prior consent.
- Unsolicited electronic marketing to individual subscribers is illegal.
- Keep content relevant to JP products and services

Electronic Marketing PECR 2003

- Include an unsubscribe in every message.
- Manage your unsubscribes and requests to no longer receive marketing.
- Use BCC when emailing multiple addresses
- How often can you send marketing messages?
- Keep good records of your marketing communications.



Sent: 11 November 2002 12:43
To: data.protection@masons.com
Subject: Your Permission Please...
Importance: High

Hello,

We are a 5-Star Caravan & Leisure Park company who have four fantastic parks on the beautiful North Wales coast.

We are totally against spam, and that is why we would like your **permission** to tell you more about our parks and Holiday Home ownership.

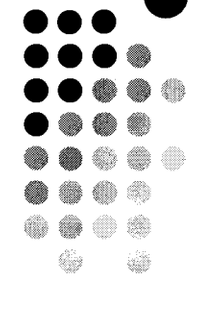
(I understand that I can OPT OUT at any time).

OR

If you wish to have your address permanently removed from further e-mail please click on the 'Remove Me' link below:

Talacre Beach Caravan Sales Ltd. registered in England No. 01288058. .

Telephone Marketing PECR 2003



- Unsolicited marketing calls by telephone cannot happen where any subscriber (corporate & individual) has notified objection to the caller or registered objection with TPS.
- If individual is an active customer they must be asked if they consent to receiving marketing calls.
- http://www.ico.gov.uk/upload/documents/library/data_protection/practical_application/calling_existing_customers_on_the_tps.pdf

Fax Marketing PECR 2003

- Unsolicited fax marketing to individual subscribers without prior consent is illegal.

- Unsolicited fax marketing to individual subscribers who have previously objected or who are on FPS is illegal.

Yell.com

- www.yell.com must not be used for generating cold canvassing leads.
- Why?
  - Database Rights
  - Terms of Use
- How will they know?
- What about other Internet directory sites?
- So where should sales staff look for leads?

Use Of 3rd Party Databases

aside from the T & C's stating that you cannot re-use the contents of the website

Under the DPA definitions: Principle 2 (Specified Purpose); their advertisers supplied their data for the specific purpose of selling vehicles. Any other use of that data e.g. canvassing/marketing would be for another - not specified purpose - and therefore, a breach of the Second Principle.

Section 55(1) of the DPA states that is an offence under the Act to obtain personal data without the consent of the Data Controller (e.g. Autotrader)

There would also be a potential breach Of Principle 6 - the rights of the individual to object to the processing of their data and the right to object to the use of their data for marketing purposes.

There is potential that such activity would also be regarded as a breach of Article 8 of the Human rights Act - Everyone has "the right to respect for his private and family life....etc" (most advertisers and businesses are not limited companies)

Finally you would probably also be breaching the Privacy and Electronic Communications Regulations 2003 in that any unsolicited direct marketing by electronic means (including but not limited to Telephone, email, fax text and/or picture messaging) is illegal. Hence TPS/FPS/MPS.

Data Processors

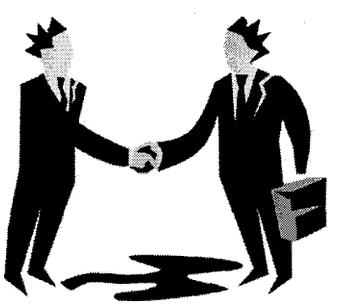
- Third parties doing anything with Johnston Press controlled personal information
  - Mailing house
  - Canvassing/marketing company
  - SMS Service providers
  - Debt collectors
  - Private investigators
  - Software developers
- Must be signed into a comprehensive Data Processor Contract

Marketing Exercise

- Describe the rules which apply to the whole spectrum of direct marketing by e-mail, phone, fax and post.
- How would you advise an organisation running active marketing campaigns using mail and email to meet all its obligations under the data protection legislation?

Human Resources

- Application forms
- Retention of application documents
  - 6 months from interview date if unsuccessful
  - For period of employment and up to 6 years after leaving date
- Interview notes
- Confidential references
- Equal opportunities monitoring

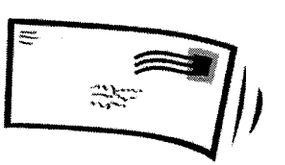


Human Resources

- Contract
  - Data Protection and confidentiality clause
  - Collection notice near signature
- Internal forms
- Issue of managers keeping their staffs' personnel records.
- Data subject has right of access to personnel files on paper and computer through subject access request.

Human Resources Disclosure

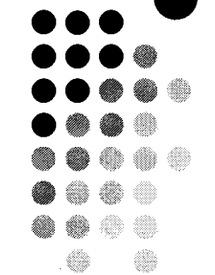
- Authorities exercising statutory powers
  - CSA, Dept. for Work & Pensions
- Authorities asking for your help
  - Police, Inland Revenue
- Trade Unions
  - Unions are not automatically entitled to staff personal data
  - Unions do not have a specialised status under the Act.



Human Resources
Staff Details on Intranet/Internet

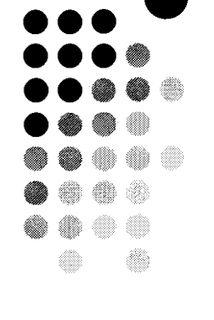
- Intranet
  - Notify the individual of the purpose.
  - Put clause in the contract if want to make if mandatory
  - Want to use pictures? These are personal data too.
  - Need schedule 2 (and 3) grounds
- Internet
  - Specific consent is advisable

Marketing Own Products to Staff



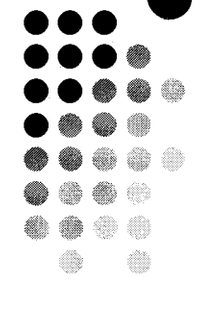
- Do you market your own products to your staff?
- Do you give them the chance to opt out of this marketing?
- Just because they are staff does not mean that they lose their rights as a Data Subject.
- Still have right to opt out of direct marketing.

Staff Monitoring



- Covert monitoring of an employee's performance is rarely justified.
- If you suspect criminal activity, notify Security/Police.
- Consider the consequences of using covert monitoring.
- If you have CCTV monitoring staff working areas let the staff know.
- Keystroke monitoring – health and safety purposes only

7th & 8th Principle HR Issues



- Access to personal data by temporary or contract staff
- Training given to staff
- What HR procedures should be imposed on Data Processors?
- Transfers of personal data to companies within the same Group, but outside EEA.

Employment Practices Code

- Employment Practices Code and Supplementary Guidance
- User friendly guide to Data Protection compliance within the work place
- Legal status of the Code
- Supplementary guidance gives faqs and examples
- All available on the Information Commissioner's website - www.ico.gov.uk

HR Exercise

- Your organisation is considering purchasing a new HR system. Purpose of the system is to manage employee personal data and training records. The main aim of the system is to keep the information stored in it secure and up to date.
- What advice do you give concerning the system as part of the procurement process?

CCTV

- What is a CCTV system?
- Very powerful tool regarding personal data processing.
- Some CCTV images will not be personal data – why?
- CCTV systems are subject to notification procedures
- Information Commissioner's Code of Practice
- Requests to view images

CCTV – Your Code of Practice

- ICO guidance is that any establishment operating a CCTV system should have a Code of Practice.
  - Identify Data Controller and purpose for processing
  - Consider positioning of cameras
  - Procedure of disclosure to 3rd parties e.g. Police
  - Deletion of personal data
  - Subject Access Request
  - Security of CCTV data tapes/discs

Customer Services Complaints

- You've made an unsolicited call / fax to someone registered on TPS / FPS. (offence under PECR)
- You made an unsolicited marketing contact to someone who has previously said they do not wish to be contacted. (offence under DPA)
- You've released a client / member of staff's personal details without their consent (offence under DPA)

Customer Services Enquiries

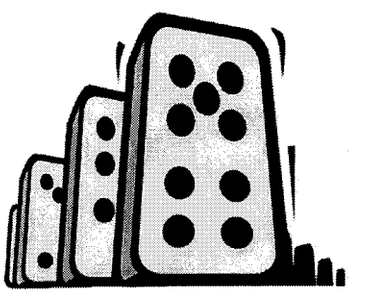
- I would like a copy of my customer account.
- What are you going to do with all this information?
- I've got this guy asking about our Data Protection Notice. What do I tell him?
- The Police have called asking for the name, address and any other contact details of an advertiser.

JP Company Policy

- IT Acceptable Use Policy
  - Must not, **under any circumstances**, disclose your password to anyone else.
  - Must not access MSN Messenger, hotmail accounts, gmail or any other personal email accounts from work unless have approval from IT.
- Data Protection
  - Responsibility shared by all employees of the Group

Where do we go from here?

- Data protection – relevant in everything we do.
- Group is 100% focussed on compliance
- Spread the word
- Training
- Update sessions for coordinators



Remember.....

COMPLYING WITH THE LAW SHOULD NOT BE A CHORE

MAKE THE DATA PROTECTION ACT WORK FOR YOU