

# Earth Science Teachers' Association: Data Protection Policy

## 1. Policy Statement

The Earth Science Teachers' Association (ESTA) is committed to a policy of protecting the rights and privacy of individuals in accordance with the Data Protection Act. The Association needs to process certain information about its members for administrative purposes. To comply with the law, information about individuals must be collected and used fairly, stored safely and securely and not disclosed to any third party unlawfully.

## 2. The Data Protection Act 1998

The Data Protection Act 1998 broadens the scope of the Data Protection Act 1984. Its purpose is to protect the rights and privacy of living individuals and to ensure that personal data is not processed without their knowledge, and, wherever possible, is processed with their consent.

## 3. Definitions (Data Protection Act 1998)

### Data controller:

Any person who makes decisions with regard to particular personal data, including decisions regarding the way in which the personal data are processed.

### Data subject:

Any living individual who is the subject of personal data held by an organisation

### Personal data:

Data relating to a living individual who can be identified from the information held by the data controller. (This includes name, address, telephone number, email address, methods of payment of subscription and membership number)

### Processing:

Any operation related to organisation, retrieval, disclosure and deletion of data. This includes: obtaining and recording data, accessing, altering, adding to, merging, deleting, retrieving or using data.

### Relevant filing system:

Personal data as defined, and covered, by the Act can be held in any format (electronic, including websites and emails, paper-based, photographic etc.) from which information about individuals can be readily extracted.

### Third party:

Any individual/ organisation other than the data subject, the data controller or its agents.

## 4. Notification:

Notification is (i) a statutory requirement (Every organisation that processes personal information must notify the Information Commissioner's Office, unless they are exempt. Failure to notify is a criminal offence)

(ii) the process by which the data controller informs the Information Commissioner of certain details about the processing of personal information. (These details are used by the Information Commissioner to make an entry describing the processing in the register of data controllers that is available to the public for inspection)

## 5. Protection Principles

All processing of personal data must be done in accordance with the eight data protection principles.

- (i) Personal data shall be processed fairly and lawfully.
- (ii) Personal data shall be obtained for specific and lawful purposes and not processed in a manner incompatible with those purposes.
- (iii) Personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is held.
- (iv) Personal data shall be accurate and, where necessary, kept up to date.

- (v) Personal data shall be kept only for as long as necessary. (see Section 11 on Retention and Disposal of Data)
- (vi) Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act.
- (vii) Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of data.
- (viii) Personal data shall not be transferred to a country or a 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.

## **6. Data Subject Rights**

Data Subjects have the following rights regarding data processing, and the data that are recorded about them:

- To make subject access requests regarding the nature of information held and to whom it has been disclosed.
- To prevent processing likely to cause damage or distress.
- To prevent processing for purposes of direct marketing.
- To be informed about mechanics of automated decision taking processes that will significantly affect them.
- Not to have significant decisions that will affect them taken solely by automated process.
- To sue for compensation if they suffer damage by any contravention of the Act.
- To take action to rectify, block, erase or destroy inaccurate data.
- To request the Commissioner to assess whether any provision of the Act has been contravened.

## **7. Consent**

Wherever possible, personal data including email addresses should not be obtained, held, used or disclosed unless the individual has given consent. ESTA understands "consent" to mean that the data subject has been fully informed of the intended processing and has signified their agreement. There must be some active communication between the parties such as signing a form. Consent cannot be inferred from non-response to a communication.

Any ESTA forms (whether paper-based or web-based) that gather data on an individual should contain a statement explaining what the information is to be used for and to whom it may be disclosed. (It is particularly important to obtain specific consent if an individual's data are to be published on the Internet as such data can be accessed from all over the world)

## **8. Security of Data**

All members of ESTA Council who hold any personal data (on others) are responsible for ensuring that any personal data which they hold are kept securely and that they are not disclosed to any unauthorised third party.

Email addresses will only be used to pass on information to members. This list of addresses is permanently held by the membership secretary and temporarily held by the conference organiser and others who are organising events for the society for the benefit of the society's members.

All personal data should be accessible only to those who need to use it and the following ways of keeping personal data should be considered:

- If kept in a drawer or filing cabinet, kept locked, or
- if computerised, password protected, or
- if kept on CDs, kept securely.

Care should be taken to ensure that PCs and terminals are not visible except to authorised users and those computer passwords are kept confidential. PC screens should not be left unattended without password protected screen-savers and manual records should not be left where they can be accessed by unauthorised personnel.

Care must be taken to ensure that appropriate security measures are in place for the deletion or disposal of personal data:

- Manual records should be shredded.
- Hard drives of redundant PCs should be wiped clean before disposal.

## **9. Rights of Access to Data**

Members of ESTA have the right to access any personal data which are held by the Association in electronic format and manual records which form part of a relevant filing system.

Any individual who wishes to exercise this right should apply in writing to the Data Protection Officer. ESTA reserves the right to charge a fee for data subject access requests (currently £10). Any such request will normally be complied with within 40 days of receipt of the written request and, where appropriate, the fee.

## **10. Disclosure of Data**

The Association must ensure that personal data are not disclosed to unauthorised third parties.

This policy determines that personal data may be legitimately disclosed where one of the following conditions applies:

- (i) the individual has given his/her consent
- (ii) where The Act permits certain disclosures without consent so long as the information is requested for one or more of the following purposes:
  - to safeguard national security\*;
  - prevention or detection of crime including the apprehension or prosecution of offenders\*;
  - assessment or collection of tax duty\*;

\* Requests must be supported by appropriate paperwork.

Unless consent has been obtained from the data subject, information should not be disclosed over the telephone.

As an alternative to disclosing personal data, the Association may offer to do one of the following:

- pass a message to the data subject asking them to contact the enquirer;
- accept a sealed envelope/incoming email message and attempt to forward it to the data subject.

## **11. Retention and Disposal of Data**

### **Retention**

The Earth Science Teachers' Association (ESTA) discourages the retention of personal data for longer than they are required. Data are collected on current members of ESTA, however, once a member of has left the association, it will not be necessary to retain all the information held on them in perpetuity.

Electronic member records, kept by the Membership Secretary, containing information about individual members would typically include name, address and email address.

Other information relating to individual ESTA members relating to payment by BACS will be kept by the Treasurer.

ESTA Council will regularly review the association's Records Retention Schedule, which is shown below:

## Records Retention Schedule

Type of record	Minimum retention period	Location	Reason for length of period
Facts of membership (dates of joining/ resigning etc)	7 years after end of the financial year to which the resignation records relate	Membership Secretary	Income Tax Regulations - Tax relief w.r.t fees and subscriptions to professional bodies
Payment records	7 years after end of the financial year to which the resignation records relate	Membership Secretary	Income Tax Regulations - Tax relief w.r.t fees and subscriptions to professional bodies
BACS information relating to subscription payments	7 years after end of the financial year to which the resignation records relate	Treasurer	Income Tax Regulations - Tax relief w.r.t fees and subscriptions to professional bodies

### Disposal of Records

Personal data must be disposed of in a way that protects the rights and privacy of data subjects (e.g. by shredding, disposal as confidential waste, secure electronic deletion).

*October 2011*