

**NEW CODE OF PRACTICE ON DATA PROTECTION AND PRIVACY NOTICES  
FROM THE INFORMATION COMMISSIONERS OFFICE March 2009**

**Background**

The Information Commissioners Office has issued a draft of a new Code of Practice. It is designed to “help you to comply with one of the most important but most misunderstood parts of the Data Protection Act 1998 (DPA)”

It provides no new rules or policies, it is there to simply explain in a straightforward manner the law, but the ICO will consider adherence to this Code as a positive if they receive a complaint

**Who does it apply to :**

Any organisation that collects information on people – directly or indirectly.

*However, this Code does not cover the special – and supplementary- requirements that marketers need to follow under the Privacy & Electronic Communications Regulations 2003 for those that wish to use email, SMS, phone or fax to communicate with consumers and applicable to most AIME members.*

**What should you do now :**

1. Think about why you are collecting information and what you intend to do with it, then ensure that your Privacy notice and Opt Ins are set appropriately.
2. Review all of your Privacy Notices and how and when they are communicated to the public
3. Consider the positioning, style and copy relating to the opt – ins and opt – outs that you use for your business.

**Basic Principles of the DPA :**

The key element of the Act is that personal information must be processed fairly. That is the collecting, sorting, using or disclosing of that information must be in accordance with what a reasonable person would expect.

**Basics on the Privacy Policy :**

Having a Privacy Notice and associated Opt –Ins is one of the basic tools of the Act. However the Code stresses that there is no need to actively communicate one’s privacy notice if the collection and use of the data is likely to be deemed to reasonable and expected, and it is necessary for the service rendered.

But it will be required where :

The information is confidential or sensitive

The use of the information might be unexpected to the consumer

The information will be shared with another organisation in a way that would not be expected

**A Privacy Notice should state :**

Must state who is collecting the information

What the information will be used for

Anything else that would make the processing of the information fair under the circumstances :

- How long you intend to keep the information
- Whether the information will be transferred overseas, even if only for processing
- How people can change their information or cancel their preferences
- Who to complain to
- What measures you are taking to ensure the security of the information
- If you intend to pass the information on to other organisations ( and if so who and why)

Privacy notices can be provided in writing, attached to forms, via links in emails or WAP pages or via signs on premises etc.

Keep Privacy Notices under review, adjust them as circumstances change.

Ensure that all the information in them is clear, transparent and easy to understand.



For all your Regulatory, Compliance and Verification requirements talk to Enarpee.

- Will your company be affected by these guidelines
- How can you improve what you are doing
- Do you have a valid Privacy Notice
- Contact Paul Craig or Neil Penny on for advice or help.  
020 7 060 0315 info@enarpee.com