

# **Scottish Social Services Council**

## **Data Protection Policy**

### **1. Introduction**

This is the Data Protection Policy adopted by the Scottish Social Services Council (the Council).

The Council must collect personal data and use information about individuals to fulfil its functions under the Regulation of Care (Scotland) Act 2001 and other related functions. These individuals include current, past and prospective members and employees, suppliers, service providers, service users, and others with whom it communicates. In addition, it may be required by law to collect and use personal information to comply with the requirements of government departments. This personal information, whether on paper, in a computer, or recorded on other material, must be dealt with properly, in accordance with the safeguards in the Data Protection Act 1998 (the Act) and associated regulations.

### **2. Statement of Intent**

The Council regards the lawful and correct treatment of personal information as very important to fulfilling its functions, and to maintaining the confidence of all individuals who come into contact with it. The Council will ensure that it processes (collects, uses, discloses, etc.) personal information lawfully.

### **3. Aims**

The Council aims to fully endorse and adhere to the eight data protection principles, as set out in the Data Protection Act 1998.

The data protection principles require that:

- (1) Personal information will be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions in Schedule 2 (non-sensitive information) and Schedule 3 (sensitive information) of the Data Protection Act 1998 are met.
- (2) Personal information will 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.
- (3) Personal information will be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed.
- (4) Personal information will be accurate and, where necessary, kept up to date.
- (5) Personal information will not be kept for longer than is necessary for that purpose or those purposes.
- (6) Personal information will be processed in accordance with the rights of the individuals who are the subject of the data.

- (7) Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- (8) Personal information will 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.

#### **4. Implementation**

The Council will, through appropriate management, development of guidance, and strict application of criteria and controls:

- (a) Observe fully the conditions regarding the fair collection of information and meet its legal obligation to specify the purposes for which information is processed.
- (b) Ensure that any processing is lawful, and that conditions in Schedule 1 are met together with conditions in Schedule 2 and Schedule 3, as detailed above in paragraph 3.1.
- (c) Collect and process appropriate information only to the extent that it is needed to fulfil operational needs or to comply with legal requirements.
- (d) Ensure the quality of information used.
- (e) Apply strict checks to determine the length of time information is held.
- (f) Ensure that the rights of people about whom information is held can be fully exercised under the Act. These include the right to be informed that processing is being undertaken, the right of access to the individual's personal information, the right to prevent processing in certain circumstances, the right to correct, rectify, block or erase information which is incorrect or misleading.
- (g) Take appropriate technical and organisational security measures to safeguard personal information.
- (h) Ensure that all staff immediately report any loss or suspected loss of personal data to their manager, to their head of department and the Senior Solicitor (Governance) who is also the Data Protection Officer. Where information is held in electronic form the loss is also to be immediately reported to the Data Protection Officer. Failure to report any such loss or suspected loss may be considered a disciplinary offence.
- (i) Ensure that personal information is not transferred abroad without suitable safeguards.
- (j) Ensure that personal information is not published on the internet without appropriate consents.

## **5. Monitoring**

The Council will ensure that:

- (a) There is an individual with specific responsibility for data protection in the organisation.
- (b) All staff managing and handling personal information understand that they are responsible for following good data protection practice.
- (c) All staff managing and handling personal information are appropriately trained to do so.
- (d) All staff managing and handling personal information are appropriately supervised.
- (d) Individuals who wish to make enquiries about handling personal information know who to contact, and that such queries are promptly and courteously dealt with.
- (f) Methods of handling personal information are clearly described.
- (g) An annual review and audit is made of the way personal information is managed.
- (h) Methods of handling personal information are regularly assessed and evaluated.
- (i) Performance in handling personal information is regularly assessed and evaluated.