

KENT LAW SOCIETY
DATA PROTECTION POLICY

Set out below is the Kent Law Society code of practice on data protection, which accords with the Data Protection Act 1998. It relates to all personal data whether held in written or electronic form.

1. INTRODUCTION

Kent Law Society (“the Society”) needs to process certain information about its individual members (“data subjects”). In so doing the Society must comply with the Data Protection Act 1998 (“the Act”). The Act contains eight basic principles. These state that personal data must:

- 1.1 be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met or the data subject has given his consent to the processing.
- 1.2 be obtained for a specific and lawful purpose and shall not be processed in any manner incompatible for that purpose.
- 1.3 be adequate and kept up to date.
- 1.4 be accurate and kept up to date.
- 1.5 not be kept for longer than is necessary for that purpose.
- 1.6 be processed in accordance with the data subject’s rights.
- 1.7 be kept safe from unauthorised access, accidental loss or destruction.
- 1.8 not be transferable to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

The Society must ensure that the data protection principles and the law under the Act are followed and fully implemented. In order to facilitate this, the Society has developed a code of practice on data protection. The references to personal data made within this document apply to all data held on all data subjects of the Society, including members and employees.

2. DEFINITIONS

2.1 Personal Data

2.1.1 This is information about a living individual, who is identifiable from the information, or who could be identified by the information combined with other data, which the Society has or may have in the future. This includes names and addresses, telephone numbers and e-mail addresses and can also include

information about member's incomes and personal life, though in practice the Society does not store this kind of data.

2.2 Sensitive Personal Data

2.2.1 The Act distinguishes between "ordinary" personal data such as name, address and telephone number and "sensitive personal data". Information relating to racial or ethnic origin, political opinions, religious beliefs, trade union membership, health, sex life, criminal convictions.

2.2.2. the Society will not process sensitive personal data on its members.

2.3 . Electronic Data

2.3.1. for the avoidance of doubt, electronic data encompasses not just personal data held on the Society's databases but, for example all emails, letters and other documents held on disk or anywhere on the Society's email system.

2.4 Manual Filing System

2.4.1 the 1998 Act covers 'relevant' manual filing systems, which may have the following characteristics.

2.4.1.1 grouping within common criteria, even if not physically kept in the same file or drawer.

2.4.1.2 structuring by reference to the individual by name, number, or by criteria common to individuals, such as sickness, type of job, membership of pension scheme or department..

2.4.1.3. and, most pertinently of all, structuring that allows specific information about the individual to be readily accessible.

2.4.2. in practical terms, most, if not all manual filing systems fall under the provision of the Act.

3. The Society's Data Protection Policy.

3.1 Subject Consent

3.1.1. it is a condition of membership of the Society that all Members give their consent to the processing of their data by the Society.

3.2. Retention of Data

3.2.1. it is not in the interest either of data subjects or of the Society to retain unnecessary information. The Society does, however, retain some data relating to Members and past Members in their stored files so that the Society can keep historical information as required for management purposes.

- 3.2.2. it is the Society's policy not to retain personal data for longer than is needed

3.3. Access to Data

- 3.3.1 Members who are data subjects of the Society will on most occasions have the right to access personal data that is being kept about them either on computer or in 'relevant' filing systems. This will normally be provided in the form of copies of the personal data or a report of the data held, depending on the type and format of the original data.

- 3.3.2 A member who wishes to exercise this right should complete an access request form (see schedule 1) and forward it to:

The Administrator
Kent Law Society
39 Well Close
Leigh
Near Tonbridge
Kent
TN11 8RQ

- 3.3.3. Where required to do so under the Act, the Society aims to comply with requests for access to personal information from data subjects as quickly as possible, but will ensure that it is provided within 40 days from the date of request.

3.4. Cross-border data flows

- 3.4.1 The Act places restrictions on the transfer of personal data outside the European Economic Area (EEA) unless the country or territory involved ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data. If, for any reason, the Society wishes to transfer personal data outside the EEA, the consent of the data subject will be sought.

4. Conclusion

- 4.1 any questions or concerns about the interpretation or operation of this policy should be taken up with the Society's designated data controller who is the Administrator of the Society.

SCHEDULE 1

REQUEST FOR ACCESS TO PERSONAL FILES

The Office of the Information Commissioner recommends the following letter:

[Your address]

[The date]

Dear Sir or Madam

Please send me information, which I am entitled to, under section 7 (1) of the Data Protection Act 1998.

If you need further information from me, or a fee, please let me know as soon as possible.

If you do not normally handle these requests for your organisation, please pass this letter to your Data protection officer or another appropriate official.

Yours faithfully