

## Understanding Personal Data

### Introduction

The Data Protection Act 2018 (DPA) is based around seven principles of 'good information handling'. These principles give people specific rights in relation to their personal information and place certain obligations on those organisations that are responsible for processing it. If you hold information about individuals either on computer, in a manual form such as paper or in certain types of filing system, you may be holding 'personal data.' It's how and why you hold and use this personal data that determines if an organisation is following the Data Protection Act.

Personal data is any information that can be used to identify a living person directly or as result of combinations of data relating to or being about a person. Considering the above definition, the ways you can identify a person are enormous and some of them may not be so obvious.

The key to determining whether an individual is identifiable will depend on all the means likely and reasonably to be used to identify an individual. In other words, someone could be identifiable with one or more pieces of information. It all depends on the context. An individual is identified if you have distinguished that individual from other members of a group. In most cases, an individual's name together with some other information will be sufficient to identify them. Simply because you do not know the name of an individual does not mean you cannot identify them.

The table below gives some examples of personal data

**Obvious Personal Data****Less Obvious Personal Data**

Name

Username

Address

UEL ID Number

Postcode

National Insurance/Social Security Number

Email Address

NHS Number

Facebook Photos

Device IP Address

Data of Birth

Device Mac Address

Bank Statement

Geo-location Data (Location services on a phone)

Credit or Debit Card

Cultural affiliations

CCTV Footage

Itemised telephone bills

Passport Details

Transcripts

## **Determining if something is personal data**

There are several steps to determining whether the data you hold is 'personal data' for the purposes of the DPA. Some questions you can ask to help you decide if something is personal data are set out below

### **1. Can a living individual be identified from the data, or, from the data and other information in your possession, or likely to come into your possession?**

Yes - Go to question 2.

No - The data is not personal data for the purposes of the DPA.

Identifiability - An individual is 'identified' if you have distinguished that individual from other members of a group. In most cases an individual's name together with some other information will be sufficient to identify them. Simply because you do not know the name of an individual does not mean you cannot identify that individual. The starting point might be to look at what means are available to identify an individual and the extent to which such means are readily available to you.

### **2. Does the data 'relate to' the identifiable living individual, whether in personal or family life, business or profession?**

Yes - The data is 'personal data' for the purposes of the DPA.

No - The data is not 'personal data' for the purposes of the DPA.

Unsure See questions 3 to 8 below.

Meaning of 'relates to' - Data which identifies an individual, even without a name associated with it, may be personal data where it is processed to learn or record something about that individual, or where the processing of that information has an impact upon that individual. Therefore, data may 'relate to' an individual in several different ways, the most common of which are considered below.

### **3. Is the data 'obviously about' a particular individual?**

Yes - The data is 'personal data' for the purposes of the DPA.

No - Go to question 4.

Data 'obviously about' an individual will include his medical history, criminal record, record of his work or his achievements in a sporting activity. Data that is not 'obviously about' a particular individual may include information about his activities. Data such as personal bank statements or itemised telephone bills will be personal data about the individual operating the account or contracting for telephone services. Where data is not 'obviously about' an identifiable individual it may be helpful to consider whether the data is being processed, or could easily be processed, to learn, record or decide something about an identifiable individual. Information may be personal data where the aim, or an incidental consequence, of the processing, is that you learn or record something about an identifiable individual, or the processing could have an impact on, or affect, an identifiable individual.

#### **4. Is the data 'linked to' an individual so that it provides particular information about that individual?**

Yes - The data is 'personal data' for the purposes of the DPA.

No - Go to question 5.

##### **Example**

There is a single named individual employed in a particular post, the salary information about the post will be personal data 'relating to' the single employee occupying that position.

#### **5. Is the data used, or is it to be used, to inform or influence actions or decisions affecting an identifiable individual?**

Yes - The data is 'personal data' for the purposes of the DPA.

No - Go to question

##### **Example**

Data about an individual's phone or electricity account clearly determines what the individual will be charged. Different organisations may process the same data for different purposes. A single piece of data, which is not personal data when processed by one person may become personal data when it is processed by another person depending on the purpose of the processing and the potential impact of the processing on individuals

**6. Does the data have any biographical significance in relation to the individual?**

Yes - The data is likely to be personal data for the purposes of the DPA.

No - Go to question 7.

Unsure Go to question 7.

**Example**

Where an individual is listed as an attendee in the minutes of a meeting then the minutes will have biographical significance for the individual in that they record the individual's whereabouts at a particular time. However, this does not mean that everything in the minutes of that meeting is personal data about each of the attendees.

**7. Does the data focus or concentrate on the individual as its central theme rather than on some other person, or some object, transaction or event?**

Yes The data are likely to be personal data for the purposes of the DPA.

No Go to question 8.

Unsure Go to question 8.

When considering the 'focus' of information it may be helpful to consider whether the information is being processed to record something about an individual or to record information about an object. Whether information is linked to an individual, for example, to learn something about that individual is the key factor in determining whether information about an object is personal data.

**Example**

Information about the number of products produced by a machine in a week could be used either to assess the efficiency of the machine, or it could be used to assess the productivity of the individual operating the machine.

**8 Does the data impact or have the potential to impact on an individual, whether in a personal, family, business or professional capacity?**

Yes - The data is 'personal data' for the purposes of the DPA.