

Those were the days...

A serving DPO recollects how things use to be

by Martin Gibson

As a Systems Analyst back in 1992 on being asked by my line manager to look after data protection issues, I viewed the task a little suspiciously. When my boss said we only have about 4 subject access requests a year so there is no real pressure, I decided that didn't seem too bad at all and took over the task. Fast forward to 2012 and it is a fairly common event for me to get 4 subject access requests or more in a week.

Of course those of you of a certain age will remember that we were guided by the 1984 Act and only had to worry about computerised records but even so requests from the public still managed to tax the brain cells and sometimes answers to problems were difficult. In those days we had two areas of support 1) was our network of data protection colleagues in other authorities who often could explain how they dealt with similar issues and at this point I will say that I will forever be grateful to Stan Rawlins, now retired Data Protection officer at Berkshire County Council for his advice and assistance at that time to an inexperienced, raw, budding, young(ish) information professional. Number 2) on the list was the Commissioner's office at that time then known as the Data Protection Registrar's office.

The relationship between the Registrar's office and data protection officers was positive and based on mutual trust and respect. Being a relatively new organisation, many of the Registrar's staff workers had already worked in organisations such as health, as well as local and central government. As a result, they had recent experience of the type of problems and issues data protection officers were operating under and their help was invaluable. In particular the approach of the Registrar's office was typically to answer a question by advising the applicant to read Section x of the Act taking account of the requirements of Schedule y. Not only was this pointing officers in the right direction, it was also instrumental in increasing mine and others understanding and workings of the Act.

In those days, as is the case now, in my experience the role of a data protection officer within a local authority was viewed by some senior managers with suspicion or at worst with a degree of scepticism. We data protection officers spoke a different language relating to the need for registration or Section 34 exemptions, whereas senior management were becoming more concerned with the efficient use of scarce resources and other governmental sponsored initiatives. The occasional get togethers of data protection officers in regional groups, often graced by representatives from the Registrar's office was an oasis of knowledge exchange and an appreciation that we were all in similar boats promoting a reasonably unified approach to information governance. These meetings were also good for confirming that you were or were not adopting the correct approach to issues. Then as now, being a sole data protection officer in a large organisation could be a very lonely existence.

Fast forward to the present and as a data protection officer charged with ensuring organisational compliance with the 1998 Data Protection Act and many of the problems remain except we now have to take account of manual data as well. The biggest difference I have encountered is the increase in volume from the early days. It can be a struggle to keep pace with the frequency and complexity of requests. Of course the ICO has had a corresponding increase in requests for help so

nowadays the cosy relationship we information officers had with the ICO has largely disappeared. With a few notable exceptions, I have found it much more difficult to engage constructively with ICO when I have issues.

It is against this background of changed relationships between the ICO and Local Authorities that I come to the issue of monetary penalty notices being handed out by the Commissioner. In looking at the list of culprits, you would be excused for suspecting that the chief transgressors are local authorities and that other public services and the majority of private companies take much better care of their clients data. This has made the life of a data protection officer in Local Government much more difficult in that we are viewed with even more suspicion than before by senior management. As I write, there are reports of a huge fine proposed against a Health Authority which doesn't give me any satisfaction at all as I suspect like myself, the data protection staff members are striving manfully to spread the word. I guess we just have to get on with our jobs as best we can and support each other.

Finally I note on www.whatdotheyknow.com the ICO has released a copy of their data breach log, I would recommend you read it because it looks as if the ICO has very similar problem to ourselves with data losses. Is a fine imminent I wonder?

http://www.whatdotheyknow.com/request/data_breach_log#incoming-244283

Martin Gibson. Data Protection Officer
Buckinghamshire County Council

ONLINE SEMINAR - Data Protection Update - 24th Feb @ 10:30am



Need to know what's currently going on in the world of Data Protection? In this online update, you'll learn about the most recent ICO guidance, pointers on what to do about the big issues like Cloud Computing, Cookies, plus the five most interesting recent FOI decisions involving the provision of personal data, and the latest news on proposals to alter the European Data Protection Directive.

This is an ideal course for those wishing to update their DP knowledge and do not have time or budgets to attend our full day course.

[Click here to register - http://bit.ly/zUGSYY](http://bit.ly/zUGSYY)

Data Protection Helpline



A dedicated helpline from Act Now Training to assist busy public sector information professionals and in house lawyers dealing with compliance issues and requests for access to personal data under the Data Protection Act 1998.

The Act Now DP Helpline is designed to supplement your internal expertise by acting as a friendly advisor for you to discuss your Data Protection and Privacy issues and avoid attracting the attention of the Information Commissioner. Our experts will guide you through the relevant sections of the Act and make recommendations about your response to difficult DP situations.

[Click here for more details - http://bit.ly/wPET3G](http://bit.ly/wPET3G)