

Practice Note on Data Protection

Data Protection

Registered organisations must comply with the requirements of the Data Protection Act 2018 and UK General Data Protection Regulation (GDPR). Everyone responsible for using data must follow the 'data protection principles'. They must make sure that the personal data they hold is:

- used lawfully, fairly and in a transparent manner
- used for limited, specifically stated purposes
- used in a way that is adequate, relevant and limited to that purpose and not used not excessively
- accurate and kept up to date
- kept for no longer than is necessary
- kept and used in a safe and secure manner

The Information Commissioner's Office (ICO) regulates data protection in the UK and has produced a significant amount of guidance notes specifically on how organisations should handle the data they hold. Further information can be found at the ICO website at [Information Commissioner's Office \(ICO\)](#).

In accordance with our Code of Standards, registered organisations are expected to keep a record of all their decisions and the reasons. This includes taking a decision as to whether to share information or not. If an adviser decides to share information, then they have to record what they have shared, with whom and for what purpose.

The Rights of Individuals

The GDPR gives individuals rights over their personal data (or information) in certain circumstances. In summary an individual's rights are:

- the right of access to their data (subject access)
- the right to be informed about the collection and use of their data (usually done through a Privacy Notice)
- the right to have their data rectified, erased or restricted
- the right to object to how their data is used
- the right to obtain and reuse their personal data (right to data portability) and
- rights relating to automated decision making (including profiling)

It is strongly advised that registered organisations are aware of these rights and when they apply. If a client chooses to exercise their rights under GDPR or any other

data protection legislation, the Immigration Services Commissioner expects organisations to comply with that legislation.

Further information can be found on the ICO's website noted above. If organisations are unclear as to the provisions of the Data Protection Act 2018, GDPR or any other data protection legislation they should seek legal advice.