

# UK Data Protection Law

MK Agents

# Data Protection Act 2018

Data protection law in the UK is currently covered by the Data Protection Act 2018. (GOV.UK, 2018)

The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR) introduced by the EU in 2016. (European Commission, 2016)

The Data Protection Act 2018 introduces rights to users involving their data and how it's used, as well as protections and principles for businesses on how to store and manage user data.



Data Protection Act 2018

(Legislation.gov.uk, 2018)

# Data Protection Act 2018 – Principle 1

## Lawful and fair processing.

(Legislation.gov.uk, 2018)

The legality of processing personal data is confined to two conditions, one of which is relevant to businesses, stating that the user of which data is being processed must consent to the process.

Sensitive processing, involving data concerning health, sexuality, racial or ethnic origin, trade union membership, religious or philosophical beliefs, political opinions, or biometric or genetic data, must involve an appropriate policy document explaining retention and erasure policy as well as compliance with the principle.

# Data Protection Act 2018 – Principle 2

## Purpose Limitation.

(Legislation.gov.uk, 2018)

The second principle states that data that is collected must be “specified, explicit and legitimate”, and that data collected must be useful and compatible for the purpose it was collected.

This principle enforces that data collected for one purpose must be legally allowed to be used for another purpose, as long as it's necessary and compatible.

This involves separating data collected for standard use from being used for marketing, as an example, without consent or legal reason.

# Data Protection Act 2018 – Principle 3

## Adequate, relevant and not excessive.

(Legislation.gov.uk, 2018)

The third principle states that data that is collected and processed “must be adequate, relevant and not excessive in relation to the purpose for which it is processed”.

This involves limiting the data collected to the bare essentials, protecting individuals from having more data than is required be collected from them.

For example, a mailing list wouldn't require data on someone's political beliefs or racial or ethnic background, instead just requiring contact details and a name.

# Data Protection Act 2018 – Principle 4

## Data must be accurate and up to date.

(Legislation.gov.uk, 2018)

(Burton, 2019)

Principle 4 states that data must be kept accurate and up to date, when necessary. It states that data that is known to be inaccurate must be corrected or removed. Data that is unnecessary or no longer useful must also be erased.

The data being erased or corrected must be completed within one month from being informed or discovering data is incorrect, outdated or unnecessary.

This principle also applies to third parties that hold data relating to the primary business, obligating the primary business to rectify data that the third party should correct.

# Data Protection Act 2018 – Principle 5

## Data must be stored for no longer than is necessary.

(Legislation.gov.uk, 2018)

(Burton, 2019)

Data stored about users must be kept only for as long as said data is in use.

This principle helps to protect against data being kept unnecessarily, like in the case that a newsletter stops being produced, the mailing list must be erased should there be no further explicit uses for said data.

The amount of time that data is allowed to be kept for is established in other law, differing based on the kind of data being kept. This allowance does not override the user's right to request the erasure of data.

# Data Protection Act 2018 – Principle 6

## Data must be processed securely.

(Legislation.gov.uk, 2018)

(Burton, 2019)

This principle is the most straightforward in that it specifies that data collected and processed must be done so securely, using technical and organisational measures to protect against security risks including unauthorised access or processing, data loss, destruction or damage.

This relies on having good cyber security policies, software such as antiviruses or network scanners, employee education and training, and access restrictions for data.



# Data Protection Act 2018 – Principle 7

## User rights.

(Legislation.gov.uk, 2018)

(Burton, 2019)

While not listed in the legislation as one of the principles of the Act, users are afforded rights with how their data is handled and processed.

These rights allow users to request the data that is stored as a download package, as well as allowing them to request for any data stored to be deleted.

This is similar to the rights afforded under GDPR, such as the right to be forgotten.

# Data Protection Act 2018 – Principle 8

## Data transfer restrictions.

(Legislation.gov.uk, 2018)

(Burton, 2019)

This principle is again not listed in the legislation, however it's still included in the Act later on.

This principle outlines that data should not be transferred to a country that does not have the same level of data protection, i.e. GDPR or similar. The US and the EU have a specific process for data to be sent between each other because of this.

Organisations need explicit consent for their information to be transferred outside the EEA.

# References

- GOV.UK. (2018). *Data protection*. [online] Available at: <https://www.gov.uk/data-protection> [Accessed 17 Dec. 2019].
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