

Data Protection Code of Practice

1 Introduction

- 1.1 The 1998 Data Protection Act is aimed at ensuring a balance between individuals' rights to privacy and the lawful processing of personal data undertaken by organisations in the course of their business.
- 1.2 The British Museum collects and uses personal data for a range of purposes in support of its core objectives. This document will ensure that the processing of personal data by the British Museum is undertaken in accordance with the principles of the Data Protection Act 1998 and with due regard to other relevant legislation and current Museum policies.

2 Processing of Personal Data

- 2.1 Personal Data can be defined as information relating to a living individual which is stored, either electronically or as part of a structured manual filing system, in such a way that it can be retrieved automatically by reference to the individual or to criteria relating to the individual.
- 2.2 Processing can be defined as any operation including obtaining, recording or holding the data and carrying out any operation on the data, including; organisation, adaptation, alteration, retrieval, consultation, disclosure, dissemination, erasure or destruction of the data.
- 2.3 The processing of personal data will only be undertaken where one of the following conditions has been met:
 - the individual has given consent for the processing;
 - processing is necessary for the performance of a contract with the individual;
 - processing is required under a legal obligation;
 - processing is necessary to protect the vital interests of the individual;
 - the processing is necessary to carry out public functions;
 - processing is necessary in order to pursue the legitimate interests of the data controller or third parties (unless it could prejudice the interests of the individual).
- 2.4 Furthermore, in accordance with the eight enforceable principles of good practice all personal data will be:

1. processed fairly and lawfully

This requires that the person from whom the data are obtained must not have been deceived or misled as to the purpose for which the data were obtained. The data subject, if the data have been obtained from him, must be advised as to the Museum's intention to retain the data and the purpose of the processing and any further information necessary to enable processing to be fair.

2. obtained for specified and lawful purposes and only processed in accordance with those purposes

This requires data to be obtained for one or more specified and lawful purposes, and not to be further processed in any manner incompatible with that purpose. For research purposes, further processing is not incompatible with the purpose for which the data were specified as having been obtained.

3. adequate, relevant and not excessive

This requires data to be adequate and not excessive for their purpose. Data should not have been collected or retained unless they were necessary for the purpose for which they were to be used.

4. accurate and up to date

This requires the data to be accurate and to be kept up to date. In the event they are not, data should be disposed of (see fifth principle and rights of data subjects at section 6)

5. not kept longer than necessary

This requires data to be kept, in line with the second principle, for no longer than is necessary, after which time data should be disposed of, thus ensuring compliance with the fourth principle.

6. processed in accordance with data subject rights under the Act

All personal data shall be subject to access rights as described in Section 6.

7. kept secure

Data must be protected against unauthorised processing or damage. The level of security must be appropriate to the nature of the data and the harm which could result from misuse.

8. only transferred outside of the EEA [European Economic Area] when that country/territory ensures adequate data protection for data subjects

Data may not be exported outside the EEA unless to a country or area where the rights of data subjects can be adequately protected.

3 Processing sensitive data

- 3.1 Sensitive data include: racial or ethnic origin; political opinions; religious or other beliefs; trade union membership; physical or mental health; sex life; criminal proceedings or convictions.
- 3.2 Sensitive data may only be processed where at least one of the following conditions applies:
- having the explicit consent of the individual before data is processed. Explicit is taken to mean written and should refer to specific data or purposes as appropriate;
 - being required by law to process the data for employment purposes;
 - necessary in order to protect the vital interests of the data subject or another;
 - dealing with the administration of justice or legal proceedings;
 - the data subject has already deliberately taken steps to make the data public.

4 Personal Data Processed

- 4.1 The British Museum's registration with the Information Commissioner's Office defines the purposes for which data can be lawfully processed by the Museum as follows:
- The administration, monitoring, planning and processing of prospective, current and past employees, including agency, contract and temporary staff, self-employed, trainees, voluntary workers, interns, secondees.
 - Advertising or marketing the data controller's own business, activity, goods or services and promoting public relations in connection with that business activity, or goods or services.

- Keeping accounts relating to any business or other activity carried on by the data controller or deciding whether to accept any person as a customer or supplier, or keeping records of purchases, sales or other transactions for the purpose of ensuring that the requisite payments and deliveries are made or services provided by him in respect of those transactions, or for the purpose of making financial or management forecasts to assist him in the conduct of any such business or activity.
- Development of lifelong learning programmes, production and distribution of learning resources to various socio-economic and cultural groups.
- Internal and external communications and development of professional museum standards to meet national curriculum and international needs.
- The administration and management of the collections in connection with exhibitions (loans in and out), gifts and purchases and research in support of the data controller's core objectives.
- Maintenance of information or databanks as a reference tool or general resource. This includes catalogues, mailing lists, directories and bibliographic databases.
- Fundraising in support of the objectives of the data controller.
- Research in any field, including scientific and technical in the interest of the data controller so advancing understanding and knowledge of the collections.
- The provision of legal services, including advising and acting on behalf of the data controller's own business.
- Security, detection, crime prevention and the apprehension and prosecution of offenders including the use of closed-circuit television for the monitoring and collection of sound and / or visual images for the purpose of maintaining the security of the premises and preventing and investigating crime.
- The administration and management of the estate, land, commercial and residential property of the data controller.

4.2 It is a disciplinary offence for any Museum employee to process personal data other than in accordance with the Museum's Registration and the principles of good practice defined by the Act and outlined in this document.

5 Registration

5.1 The Data Protection Officer for the Museum is the Information Manager whose responsibility it is to ensure compliance with the provisions of the Act and to ensure that all data covered by the Act are included in its Registration which is updated on an annual basis. A full copy of the Museum's current Registration can be seen on the Information Commissioner's Office website

6 Subject Access

6.1 Data subjects, on written request to the Information Manager, Legal Services, British Museum, are entitled to be told whether personal data about them are being processed by the Museum or on behalf of the Museum; be given a description of the data concerned; the purposes for which they are being processed and the recipients to whom that information may be disclosed. The Museum will comply with written requests within 40 calendar days from the date of the request and reserves the right to make a charge of up to £10 for the reasonable costs associated with the provision of the information.

6.2 Data subjects also have the right to request that inaccurate data be corrected or erased and where appropriate to seek redress for any damage caused. Applications of this nature should be made in writing to the Information Manager, Legal Services, British Museum.