Governance, Legal & Academic Management

Encryption and Data Protection

Anne Cameron, Legal Compliance Manager

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Where to go for help?

- http://www.kcl.ac.uk/iss/igc
- For further information or guidance, email: legal-compliance@kcl.ac.uk or telephone 020 7848 4260

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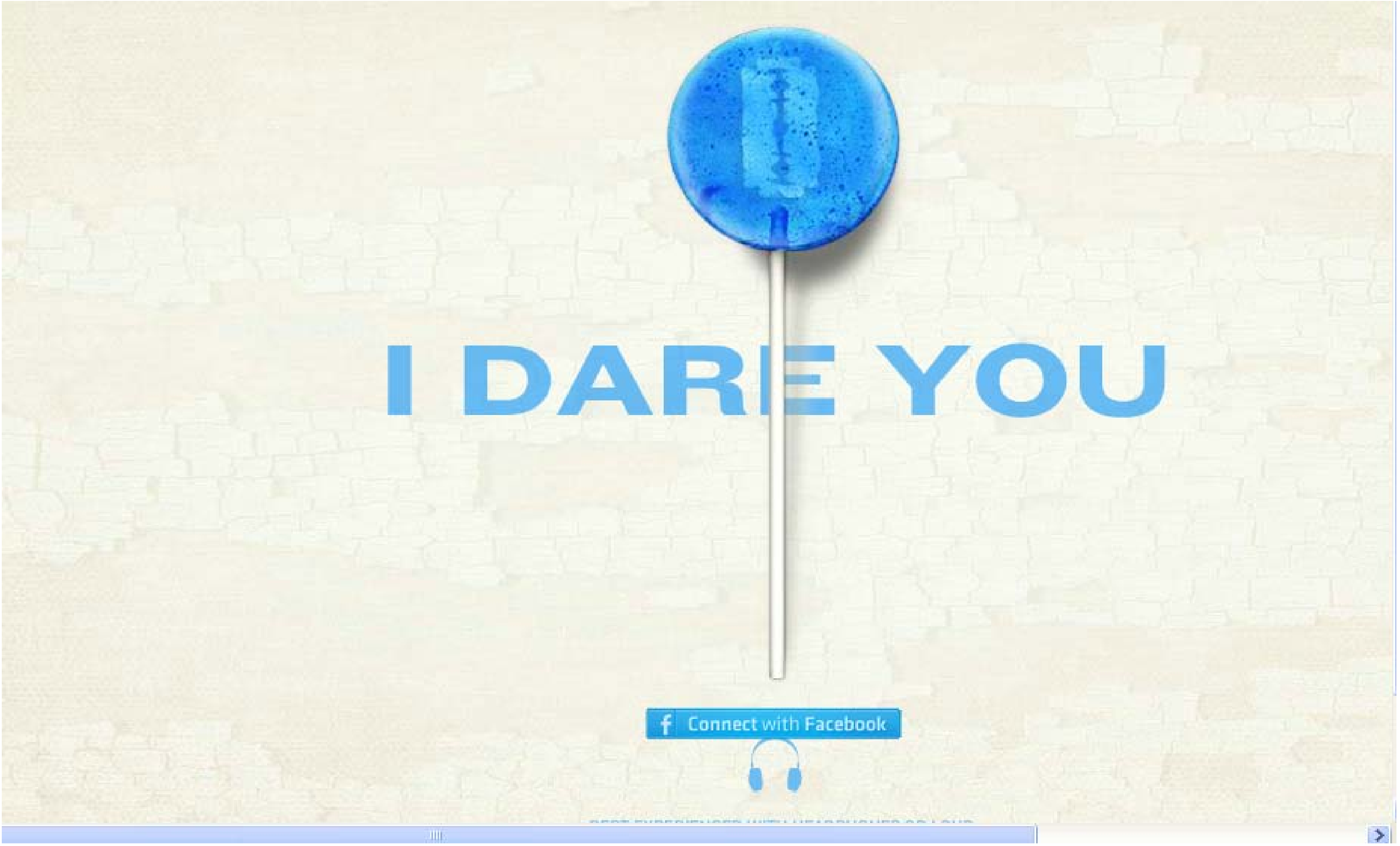

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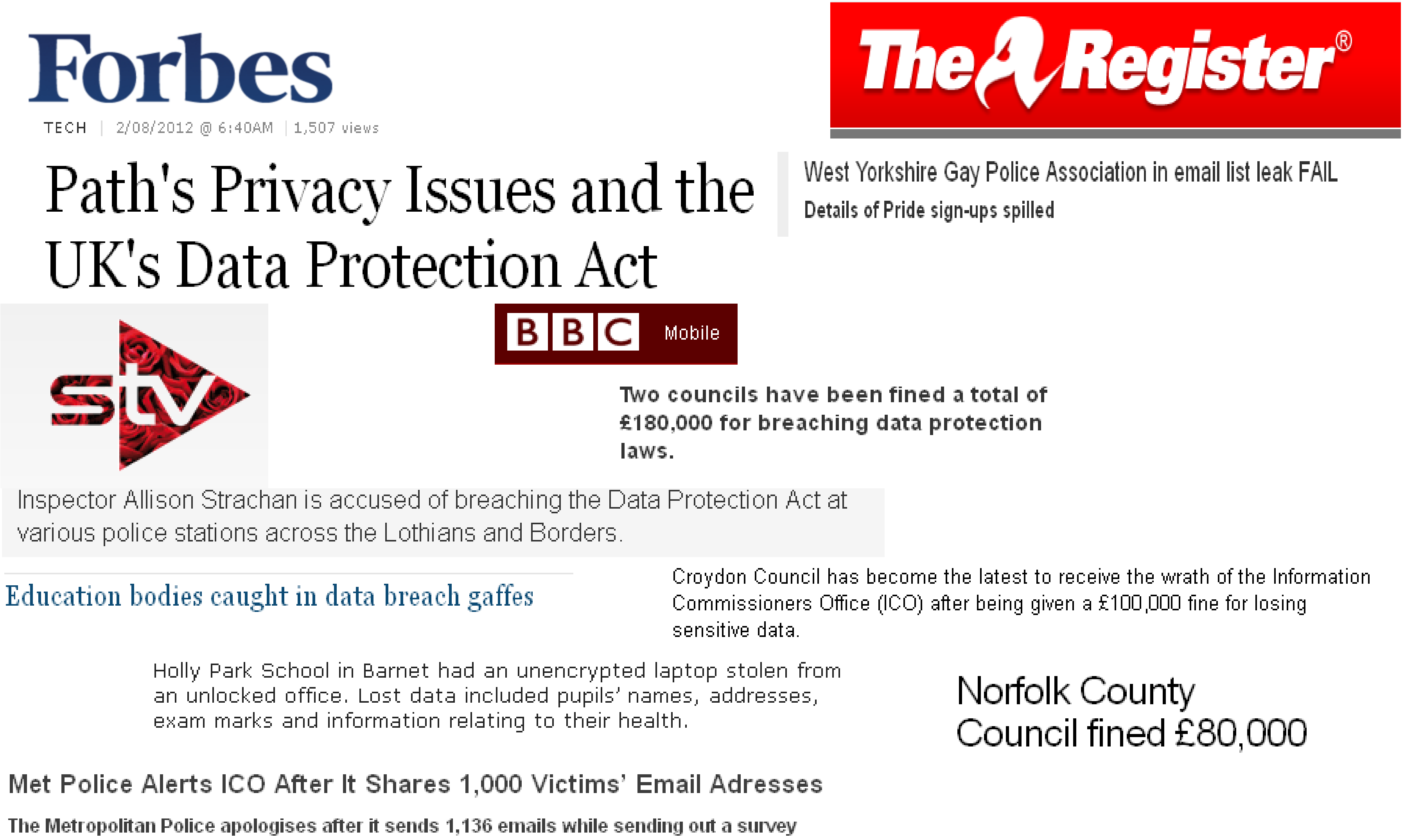

Forbes

TECH | 2/08/2012 @ 6:40AM | 1,507 views

Path's Privacy Issues and the UK's Data Protection Act

The Register®

West Yorkshire Gay Police Association in email list leak FAIL

Details of Pride sign-ups spilled

stv

BBC Mobile

Two councils have been fined a total of £180,000 for breaching data protection laws.

Inspector Allison Strachan is accused of breaching the Data Protection Act at various police stations across the Lothians and Borders.

Education bodies caught in data breach gaffes

Croydon Council has become the latest to receive the wrath of the Information Commissioners Office (ICO) after being given a £100,000 fine for losing sensitive data.

Holly Park School in Barnet had an unencrypted laptop stolen from an unlocked office. Lost data included pupils' names, addresses, exam marks and information relating to their health.

Norfolk County Council fined £80,000

Met Police Alerts ICO After It Shares 1,000 Victims' Email Adresses

The Metropolitan Police apologises after it sends 1,136 emails while sending out a survey

Personal Information – the big picture

- The Data Protection Act 1998 (DPA)
  - Sets the broad rules, supersedes the 1984 Act
  - Implements EU directive
- Scope of the Act
  - What is personal data?
  - What is sensitive data?
  - What is a data controller?
  - What is a data subject and what are their rights?
- 8 data protection principles
- Sanctions
  - Oversight by the ICO (Undertakings)
  - Damages for mishandling personal information
  - Can be criminal
  - Up to £500,000 fine for the ‘willful loss of data’

King’s as a data controller

What is personal data?

- Personal data is information in any form or format that relates to a living individual and that identifies them, either directly or indirectly. Personal data includes:
  - A paper student file, an email that discusses a student or a record about them on the student records database
  - A staff file, a payroll record, an appraisal form or a sickness note
  - Identifiable research records like an interview transcript, an image file or a database of individuals’ names and addresses
- Personal data is varied, diverse and is vitally important to the business and research interests of the College. We all use it everyday as part of the College business
- King’s College London is registered as a Data Controller at the Information Commissioner Office Our registration number is **Z7915194**. You may be asked to quote this number when applying for a research grant.

The Data Protection Act 1998

The Act says that Data Controllers must process personal data in accordance with 8 data protection principles:

1. fairly and lawfully
2. only for specified and lawful purposes
3. that are adequate, relevant and not excessive
4. that are accurate and, where necessary, up to date
5. for no longer than is necessary
6. in accordance with individual’s rights
7. Securely
8. in the EEA

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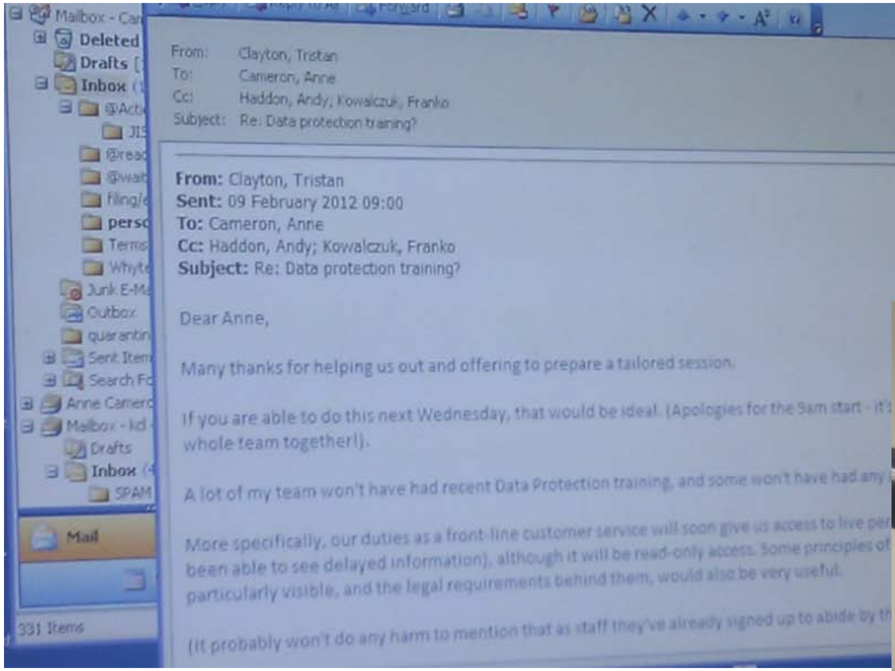


From: Clayton, Tristan
To: Cameron, Anne
Cc: Haddon, Andy; Kowalczuk, Franko
Subject: Re: Data protection training?

From: Clayton, Tristan
Sent: 09 February 2012 09:00
To: Cameron, Anne
Cc: Haddon, Andy; Kowalczuk, Franko
Subject: Re: Data protection training?

Dear Anne,

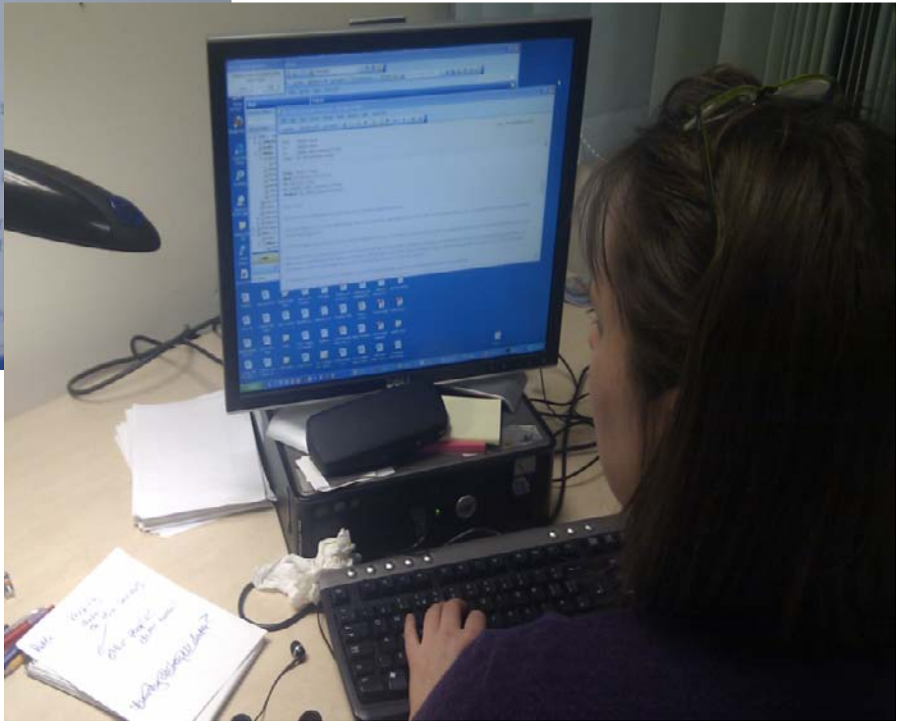
Many thanks for helping us out and offering to prepare a tailored session.

If you are able to do this next Wednesday, that would be ideal. (Apologies for the 9am start - it's whole team together!).

A lot of my team won't have had recent Data Protection training, and some won't have had any

More specifically, our duties as a front-line customer service will soon give us access to live per been able to see delayed information), although it will be read-only access. Some principles of particularly visible, and the legal requirements behind them, would also be very useful.

(It probably won't do any harm to mention that as staff they've already signed up to abide by th

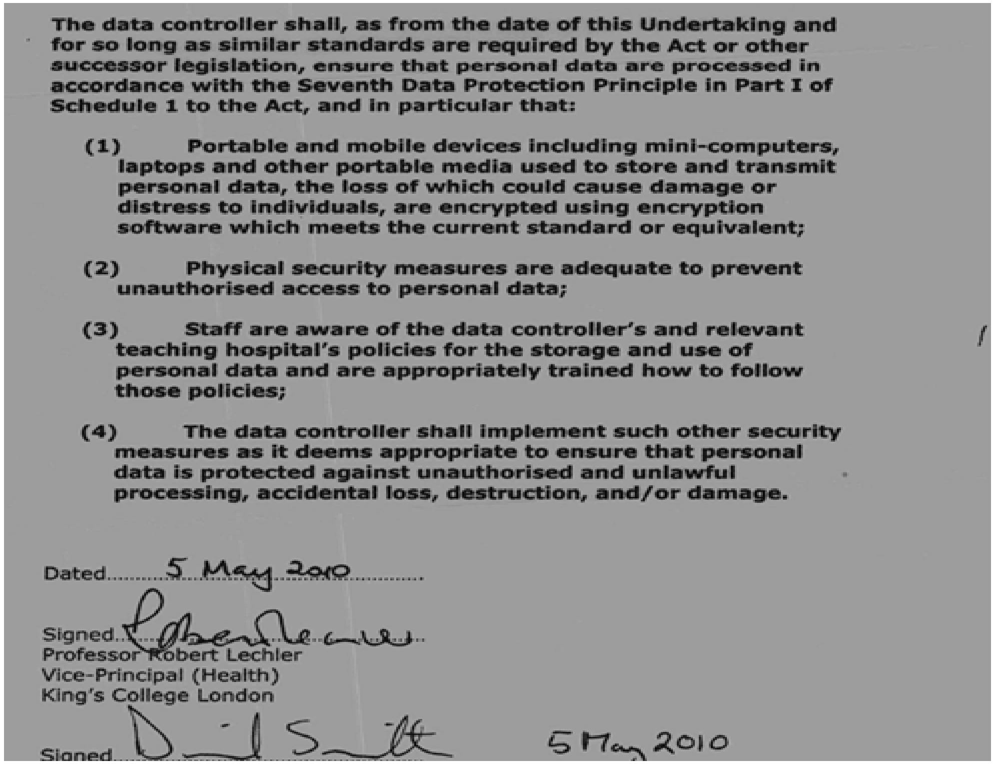


Practical and day to day application

- Rooney case
- Who needs to see it?
- Where is it kept?
- Why is it kept?

The Undertaking

As a result of recent personal data losses at King's the Information Commissioners Office has had College sign an Undertaking as follows:-



The data controller shall, as from the date of this Undertaking and for so long as similar standards are required by the Act or other successor legislation, ensure that personal data are processed in accordance with the Seventh Data Protection Principle in Part I of Schedule 1 to the Act, and in particular that:

(1) Portable and mobile devices including mini-computers, laptops and other portable media used to store and transmit personal data, the loss of which could cause damage or distress to individuals, are encrypted using encryption software which meets the current standard or equivalent;

(2) Physical security measures are adequate to prevent unauthorised access to personal data;

(3) Staff are aware of the data controller's and relevant teaching hospital's policies for the storage and use of personal data and are appropriately trained how to follow those policies;

(4) The data controller shall implement such other security measures as it deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.

Dated 5 May 2010

Signed
Professor Robert Lechler
Vice-Principal (Health)
King's College London

Signed 5 May 2010

What this means to you

If you work at King’s and hold personal data you have two choices

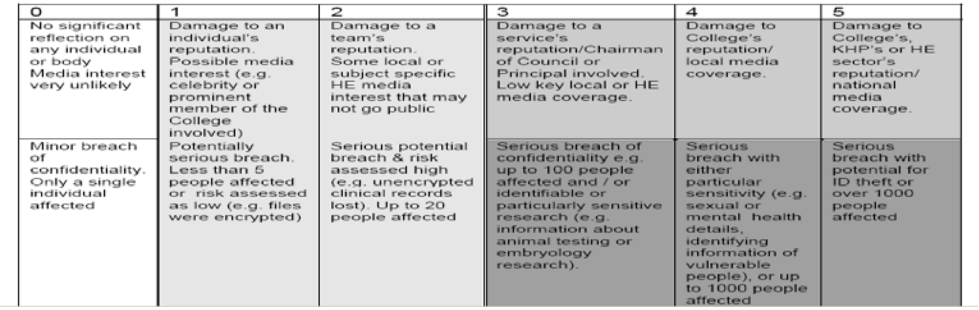
•If you hold personal data on a laptop, smart phone , USB stick or other mobile devices they must be encrypted.

OR

•You don’t carry personal data on those devices.

Data Breach Procedures

- Tell us as soon as possible
- Give us as much detail as you can
- Follow the breach procedures



0	1	2	3	4	5
No significant reflection on any individual or body Media interest very unlikely	Damage to an individual's reputation. Possible media interest (e.g. celebrity or prominent member of the College involved)	Damage to a team's reputation. Some local or subject specific HE media interest that may not go public	Damage to a service's reputation/Chairman of Council or Principal involved. Low key local or HE media coverage.	Damage to College's reputation/ local media coverage.	Damage to College's, KHP's or HE sector's reputation/ national media coverage.
Minor breach of confidentiality. Only a single individual affected	Potentially serious breach. Less than 5 people affected or risk assessed as low (e.g. files were encrypted)	Serious potential breach & risk assessed high (e.g. unencrypted clinical records lost). Up to 20 people affected	Serious breach of confidentiality e.g. up to 100 people affected and / or identifiable or particularly sensitive research (e.g. information about animal testing or embryology research).	Serious breach with either particular sensitivity (e.g. sexual or mental health details, identifying information of vulnerable people), or up to 1000 people affected	Serious breach with potential for ID theft or over 1000 people affected

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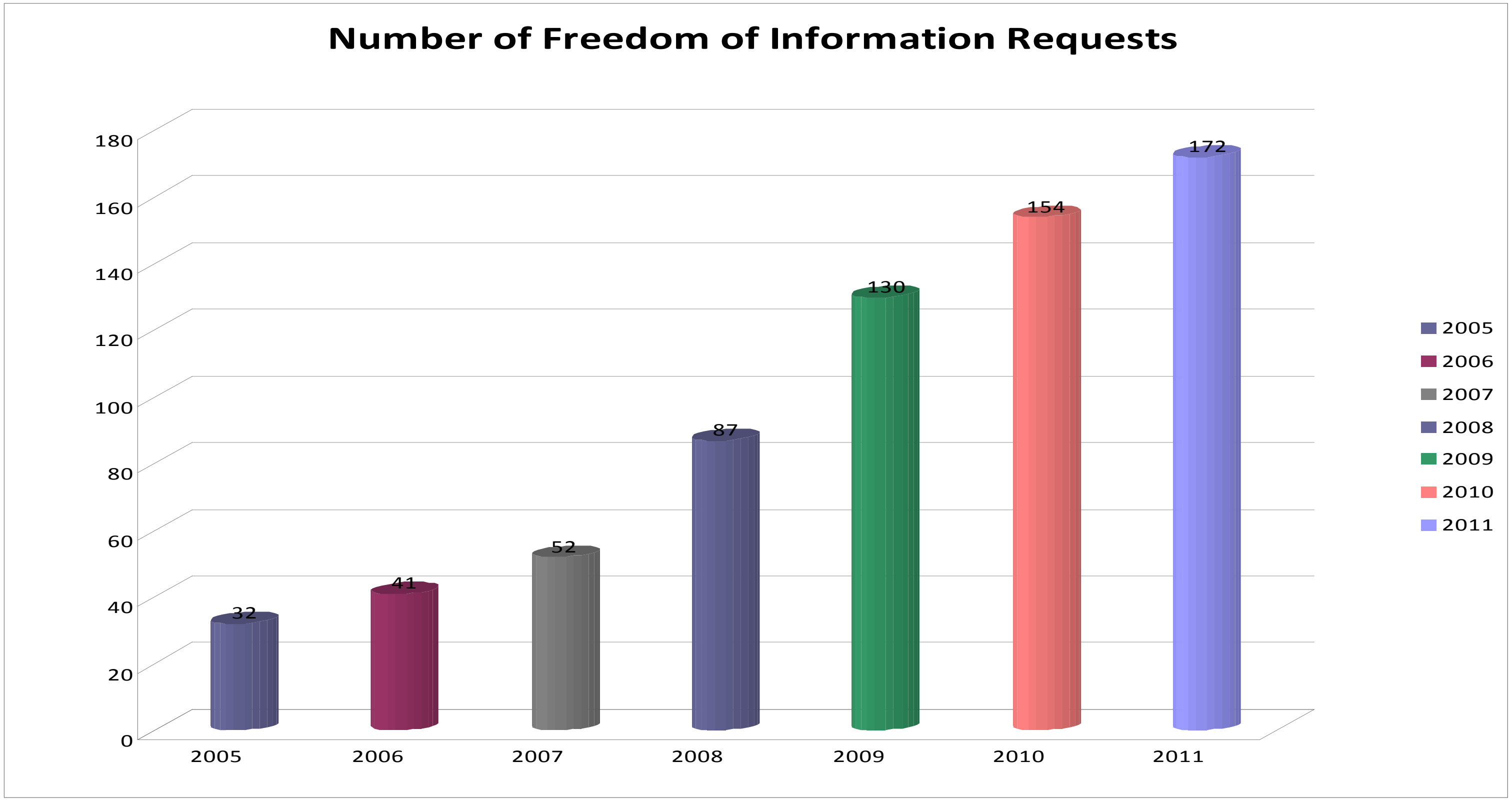
Growth of requests – I blame Radio 4



Where to get help and information

- **College policies**
  - Information Security Policy
  - Data Protection Policy and Freedom of Information Policy
  - Records Management Policy
- **Documentation and support**
  - IT Security Toolkit
  - Records retention schedule
- **Who to contact ??**

What is your responsibility?

- Know the policies
- Think about practical application (like the computer screen)
- Tell us and talk to us about
- We will work with you through the process
- Read our web pages for more information http://www.kcl.ac.uk/aboutkings/governance/index.aspx