Data protection policy

Introduction

1 This document is the data protection policy for the Nursing and Midwifery Council (NMC).

2 The Data Protection Act 1998 (DPA) governs the processing of personal data It requires that personal data and sensitive personal data must be processed by data controllers in accordance with the eight data protection principles. The NMC is a data controller under the DPA.

3 All processing of personal data by or on behalf of the NMC must comply with the DPA.

Aims of the policy

4 The aims of the data protection policy are:

4.1 to state the NMC's commitment to compliance with the DPA and the eight data protection principles

4.2 to outline how the NMC will achieve compliance with the DPA

4.3 to state the responsibility of all those working for or on behalf of the NMC to comply with the DPA.

Scope

5 This policy applies to all personal data as defined by the DPA, in both electronic and paper form, held by the NMC, transferred to or exchanged with third parties, or held by third parties on behalf of the NMC.

Roles and responsibilities

6 The ultimate responsibility for the NMC's compliance with the DPA lies with the Chief Executive and Registrar.

7 The Performance and Resources Board is responsible for maintaining this policy and may delegate responsibility for approving changes to the policy to the Information Governance and Security Board (IGSB).

8 Specific roles and responsibilities in relation to compliance with the DPA are set out in the Information Security Roles and Responsibilities RACI chart.

9 Managers within every business area are responsible for implementing and ensuring compliance with data protection procedures in their areas. This includes the requirement to take all reasonable steps to ensure compliance by third parties which process personal data for which NMC is the data controller. .

Compliance

10 All those working for or on behalf of the NMC are required to comply with this policy.

11 Any alleged breach of this policy may result in an investigation which may result in action being taken by the NMC up to and including dismissal; removal from office; or, termination of a contract for services. The NMC will cooperate with law enforcement authorities if a criminal violation is suspected, and it reserves the right to claim compensation from the individual(s) through normal lawful processes in the event that the NMC suffers damage.

Policy review

12 This policy will be reviewed annually, or more frequently in the event of any legislative or regulatory changes.

Communication

13 Full copies of this and other policies and guidelines are available in the NMC's Trim document management system and on the iNet.

14 A copy of this policy in Welsh can be supplied on request.

Definitions of personal data and sensitive personal data used within the Data Protection Act 1998

Personal data

15 Personal data is information which relates to a living individual who can be identified:

15.1 from that data

15.2 from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and

15.3 and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

Sensitive personal data

16 Sensitive personal data is personal data which consists of data related to the data subject's racial or ethnic origin political opinions, religious or similar beliefs, trade union membership, physical or mental health, sexual life, the commission of offences or criminal proceedings.

Policy statements

The data protection principles

17 All those working for and on behalf of the NMC must comply with the data protection principles enshrined in the act which state that personal data must be:

17.1 processed fairly and lawfully

17.2 only obtained for specified and lawful purposes and not processed in a manner incompatible with those purposes

17.3 adequate, relevant and not excessive in relation to the purposes for which it is held

17.4 accurate and, where necessary, kept up to date

17.5 kept for only as long as is necessary

17.6 processed in accordance with the rights of data subjects under the act, including the data subjects' right of access and right to object to the processing of their data in certain circumstances

17.7 protected from unauthorised and unlawful processing; accidental loss, destruction or damage by having appropriate technical and organisational measures in place

17.8 only transferred outside the European Economic Area (EEA) where an adequate level of protection for the data can be ensured.

Processing and use of personal data

18 The NMC processes personal data about registrants, those working for and on behalf of the NMC, stakeholders, and other individuals, in order to fulfil its purpose and meet its legal obligations. Personal data will only be processed lawfully and fairly in order to fulfil NMC's purpose and meet its legal obligations.

19 All those working for an on behalf of the NMC must follow NMC procedures relating to the processing and use of personal information.

20 The NMC will inform data subjects of the uses of their data in accordance with the requirements of the DPA.

Use of monitoring and surveillance technology

21 Any deployment of audio recording, video recording, CCTV or other monitoring and surveillance technologies will be in compliance with the DPA.

Right to access information and subject access requests

22 Anyone has the right to request access to personal data that is being held about them by the NMC.

23 Anyone wishing to exercise this right should make the request in writing to the Records Manager or complete and submit the online form on the NMC website.

24 Requests for personal information will be handled in accordance with the DPA. 1998.

Complaints procedure

25 Anyone who considers that this policy has not been followed may make a complaint following NMC's complaints procedure.

Data security

26 All those who process personal data for which NMC is the data controller are responsible for ensuring that any personal information that they process is kept securely and is not disclosed in any form to any unauthorised third party.

27 Any sensitive personal data which is to be sent outside NMC premises must be secured against unauthorised disclosure.

Data sharing

28 Any sharing of personal data with external third parties must comply with NMC's data sharing and disclosure policies.

Incident reporting

29 All those working for and on behalf of the NMC must report any information security incident which involves the loss or potential loss or the unauthorised disclosure of personal data by following the Serious Event Reporting process.

Glossary

Data controller	A person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed. The term comprises not only individuals but also organisations such as companies and other corporate bodies of persons.
Data processor	Any person (other than an employee of the data controller) who processes the data on behalf of the data controller.
Data subject	Any living individual who is the subject of personal data.
Personal data	Information which relates to a living individual who can be identified from that data, from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.
Processing	Any operation or set of operations performed upon personal data, whether or not by automatic means. These include collecting, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.
Sensitive personal data	Personal data which consists of data related to the data subject's racial or ethnic origin political opinions, religious or similar beliefs, trade union membership, physical or mental health, sexual life, the commission of offences or criminal proceedings.