

Monitoring under section 75 of the Northern Ireland Act 1998

Data Protection Act

The Data Protection Act 1998 (the DPA) is based around eight principles of 'good information handling'. These give people specific rights in relation to their personal information and place certain obligations on those organisations that are responsible for processing it.

An overview of the main provisions of the DPA can be found in The Guide to Data Protection:

<https://ico.org.uk/for-organisations/guide-to-data-protection/>

This is part of a series of guidance, which goes into more detail than the Guide, to help organisations to fully understand their obligations and to promote good practice.

This guidance explains the relationship between the DPA and monitoring under section 75 of the Northern Ireland Act 1998 (the NIA). It provides advice for public authorities that are required to carry out such monitoring.

Overview

The DPA does not prevent you from processing personal data that is required to carry out your monitoring obligations under section 75 of the Northern Ireland Act 1998 (the NIA). Much of the personal data collected for monitoring purposes under section 75 NIA is sensitive personal data – accordingly, you are required to take extra care when processing such data.

Section 75 of the Northern Ireland Act 1998

Public authorities that are subject to section 75 of the NIA are required to monitor and promote the equality of opportunity:

- between persons of different religious beliefs, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

How the Data Protection Act applies

The DPA does not prevent public authorities from processing personal data for the purposes of section 75 monitoring. However, it is important that any processing is in line with the eight data protection principles.

The DPA defines personal information relating to the religious beliefs, political opinions, racial or ethnic group, physical or mental health or condition and sexual orientation as sensitive. Sensitive personal data needs to be treated with greater care than other personal data – you must satisfy one or more of the conditions for processing which apply specifically to such data, as well as one of the general conditions which apply in every case.

Further guidance on the eight principles and the conditions for processing can be found in the Guide to data protection at:

http://www.ico.gov.uk/for_organisations/data_protection/the_guide.aspx

It is good practice to:

- Anonymise personal data where possible, and only use information that identifies an individual where it is absolutely necessary;
- Make any privacy notice on monitoring forms easy to understand;

- Be clear to individuals about the reasons for monitoring, particularly whether they are obliged to provide personal data for monitoring. For example, any monitoring form included with a job application should state that the applicant does not have to provide this data;
- Make sure individuals are aware of their rights under the DPA and how to get a copy of their personal data collected for monitoring;
- Tell individuals about how any monitoring will operate;
- Review personal data regularly to check whether it is still needed for monitoring purposes;
- Put in place a policy explaining how long personal data should be kept for; how it will be disposed of and procedures for secure disposal;
- Put in place a clear security policy and check it is followed and kept up to date. Inform individuals what measures are in place to protect their data and of any significant changes that occur.
- Make sure that only staff who need to view this personal data are given access to it and are trained how to use it properly. For example, restrict access to officers with responsibility for monitoring and equality rather than providing access to all human resource officers.

More information

If you need any more information about this or any other aspect of data protection, please [Contact us: see our website www.ico.org.uk](http://www.ico.org.uk).