

## UK REGISTRAR INVESTIGATES TEACHERS' UNION COMPLAINTS

In March 1989, following detailed written complaints from the teachers' union, the Data Protection Registrar's investigating officers paid a formal visit to a Midlands County Council. The Data Protection Officer, new to his post, was suddenly faced with a serious enquiry which called into question the data protection practices of the whole County Council. He gives an account of the problems, and the changes that resulted.

### The Complaints

The union's complaints centred on:

- a) The coding of teacher's records in relation to mental illness which was done by junior payroll staff without supervision or checking.
- b) The security of printouts, containing details of sickness or absence, distributed to schools.
- c) The fact that staff felt obstructed by the Council's "informal access" policy, which was open to abuse, when trying to obtain access to their own personal information on computer.

### How the problem occurred

Immediately prior to that time, for a period of about six months, the data protection function was in the process of being transferred from the Authority's IT Services to a newly formed Information Systems Consultancy Unit. This transition was by no means smooth and was fraught with difficulties relating to staff shortages at that time.

In particular the Data Protection Registrar's investigators were concerned that the method of collecting data adopted by the County Council clearly breached the Fifth Data Protection Principle, requiring all personal data, especially sensitive health data, to be accurate. The Council's policy meant that it was highly likely that health data would be inaccurate.

Codings had originally been set up to monitor sickness and absences as part of the payroll system. In 1986, an Authority working party had considered the question in relation to all its employees. The classification of mental illness had been specifically applied to teacher's sickness records in an attempt to meet the requirements of the National Conditions of Service for School Teachers, which created an obligation to give special attention to medically unfit teachers, particularly those suffering from "psychiatric disorders." Any teacher absent for 13 consecutive weeks on these grounds was, according to these regulations, required to submit to a medical examination before being permitted to resume work. Unfortunately, the coding was allocated by junior payroll staff, and this had led to some teachers who were suffering from bereavement to be coded as mentally ill.

### Introduction of New Procedures

After meetings with the County Council's new Data Protection Officer and representatives from Personnel and Education, the DPR's investigating officer recommended new procedures. The County Council was willing to comply with some basic improvements but was in favour of retaining informal access procedures.

Over the next few months, further discussions were held between the Education Authority and the office of the DPR. The result was that the County Council undertook major changes in the way it handled data protection.

### Setting up County Data Protection Standards

New policies and guidelines were drawn up by the DPO which were duly approved by the Registrar and ratified as County Data Protection Standards. The changes and new policies are:

1. The mental illness classification is no longer used and existing records have been corrected.
2. Disclosures on sickness are sent only to the appropriate Headteacher.
3. Stricter procedures have been introduced on access to personal records and integrated into the new County Standards.
4. An in-house service has been established for the secure collection and disposal of printouts containing personal data.
5. The County Council is making it clear to all its staff that data protection is being taken seriously.

The County Council has more than 22,000 staff. The measures that have been introduced, together with a continued data protection awareness programme will, it is hoped, prevent both any further action on the part of the DPR and its investigation officers, and further complaints from its own employees. Truly a challenging task!

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### RAISING DATA PROTECTION AWARENESS

The County Council's actions to raise data protection awareness among its staff have included:

\* Posting two "high visibility" notices detailing the eight Data Protection Principles, and a Security Action List, as set out in Guidance Note 20 from the Registrar. Both these notices show the contact address and telephone number of the County Council's Data Protection Officer (DPO).

\* Distributing an A5 leaflet to all staff displaying the eight Data Protection Principles, the County policy and procedures on data protection and access to personal records, reference to the County Standards and the need for the secure handling of personal data, together with the address and telephone number of the DPO.

\* Publishing and distributing via the Chief Executive Officer "A Definition of Training Requirements" with recommendations for action.

\* Clearly defining the role of the DP representatives in the County Standards. This policy enables the DPO to regularly update representatives on important issues, to keep data protection as a high profile issue, and to ensure that the DPO gets proper local support leading to effective action.

\* Introducing training seminars to keep data protection at a high level of awareness.

\* Introducing improved procedures - for a new manpower system to try and ensure compliance with the principles, particularly on accuracy and disclosures.

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This report was written by Andrew Winch, a County Council Data Protection Officer.