

The Data Protection Act

The 1998 Data Protection Act regulates the use that can be made of personal data. The Act places obligations upon individuals or companies that record and use personal data (data users) and gives certain rights to the people to whom this data relates (data subjects).

Data users have to register the purpose for which data is held, for example fundraising or marketing, and are bound by the eight Data Protection principles:

- ☞ Information shall be obtained, and personal data processed, fairly and lawfully.
- ☞ Personal data shall be held only for one or more specified and lawful purposes.
- ☞ Personal data held for any purpose shall not be used or disclosed in any manner incompatible with that purpose.
- ☞ Personal data for any purpose or purposes shall be adequate, relevant and not excessive.
- ☞ Personal data shall be accurate and, where necessary, kept up to date.
- ☞ Personal data shall not be kept for longer than is necessary.
- ☞ Data subjects have the right to obtain a copy of the information about them.
- ☞ Data has to be surrounded by appropriate security.

Able Types has procedures in place to ensure that it complies with these eight principles.

The first principle is of particular significance to people using direct mail as potential responders should be put in a position to decide whether or not to provide the information requested. This means they should be informed of:

- ☞ The legal identity of the data user
- ☞ Why this information is wanted, if it is not already obvious, and
- ☞ What disclosures, in general terms are intended to be made of it.

It is accepted that in normal practice a company may wish to use its customer mailing list to send out further details of its own goods and services and no explanation of this intention is required. However, when a company intends to allow its list to be used by another organisation, this is not the case and such an activity would need to be explained at the time the information is requested and the consumer given an opportunity to object.

Data users should also

- ☞ avoid duplication
 - ☞ act promptly to correct personal information
 - ☞ ensure their lists are accurate and up to date
 - ☞ ensure that no further unsolicited mail is sent to an individual who has asked this to stop.
- Users should ensure that their lists are run against the most recent quarterly Mailing Preference Service (MPS) Suppression File.