

Data redefined

How the ICO's most recent guidance - "What is data" could affect the way in which future cases involving employee data may be handled.

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Defining data

- Definition previously established by UK government, and case law (Durant)
- Concerns raised whether UK has properly implemented the Directive (95/46/EC)
- New ICO guidance published 30 January 2009
- Do manual records fall within the definition of relevant filing system?

Relevant filing systems

- Does a relevant filing system have to look like a conventional filing system or could information stored in a systematic way on shelves be covered?
- How highly structured does the system need to be?
- Can information be “readily accessible” even if it takes some time and effort to locate and retrieve it?

Employee data

- Is employment information data?
- How can we decide if the information is sufficiently structured to allow ready access?
- What effect does the size of the organisation have?
- Is the information readily accessible?

Effect on future casework

- In the short term – providing advice and guidance
- The effect on assessments
- In the long term – the future of complaints



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