

Legal and Ethical

LEGAL AND ETHICAL OBLIGATIONS
FOR STORING AND SHARING DATA

Obligations – legal and ethical

As mentioned earlier in the document, personal data is information relating to an identifiable living individual.

Whenever personal data is processed, collected, recorded, stored or disposed of, it must be done within the law.

There are three laws and legislation that we will look at in this unit

- ❑ laws that help protect your data and information
- ❑ laws that outline how an organisation can carry out direct marketing
- ❑ laws that relate to how you can access information from public authorities

Human Rights: Article 8

The European Convention on Human Rights (ECHR) is an international treaty that was designed to protect human rights and fundamental freedoms in Europe.

Article 8 states:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Human Rights: Article 8

It is important that our personal dignity and autonomy and how we interact with others, in both private and in public, is protected.

Having respect for one's private life includes:

- respect for an individual's sexuality
- the right to personal autonomy and physical and psychological integrity, ie the right not to be physically interfered with
- respect for private and confidential information, particularly the storing and sharing of such information
- the right not to be subject to unlawful state surveillance
- respect for privacy when one has a reasonable expectation of privacy; and the right to control the dissemination of information about one's private life, including photographs taken covertly

Human Rights: Article 8

Article 8 also refers to family life, and respect for the home.

This can be used to ensure that unlawful surveillance is not carried out on individuals or their family members. There are, as would be expected, restrictions to these rights.

While they are afforded in most situations, they may be limited.

These limitations, however, must be in accordance with law and for one or more of the following legitimate aims:

- the interests of national security
- the interests of public safety or the economic wellbeing of the country
- the prevention of disorder or crime
- the protection of health or morals
- the protection of the rights and freedoms of others

Task

NOW DO TASK 5