

## **RESPONSE TO INFORMATION COMMISSIONER'S OFFICE CONSULTATION**

### **PRIVACY NOTICES CODE OF PRACTICE**

#### **SUMMARY**

Our response to this consultation can be summarised as follows:

- The term 'privacy notice' is well understood by data protection professionals, but less so by small organisations without dedicated data protection expertise.
- The Code appears to be aimed only at large organisations collecting large amounts of personal data for many purposes.
- The Code can be improved by including examples relevant to small organisations or small-scale collection of personal data; alternatively a 'Quick Guide' version of the Code should be produced.
- The examples of good and bad practice are useful for large organisations carrying out large scale collection of personal data for many purposes.
- The Environment Agency would welcome an interactive website produced by the Information Commissioner that builds on the Code.

#### **1.0 THE CONSULTATION QUESTIONS**

##### **The overall approach (questions 1 – 6)**

- 1.1 In general, the Code works as a useful practical guide for data protection professionals on the issue of what and how to communicate to individuals about the processing of their personal data.
- 1.2 The term 'privacy notice' is easily understood by data protection professionals. It is less likely to be so well understood by those in much smaller organisations or businesses who deal with data protection as only a small part of their responsibilities. There does not appear to be an obvious alternative term.
- 1.3 In the section 'Who is this code aimed at?', the five examples used relate to processing activities most likely to be undertaken only by large organisations. This implies that the Code is not aimed at small-scale collection of personal data, or the collection of personal data by small organisations. This approach appears counter-productive, as small organisations without dedicated data protection expertise would benefit just as much from the guidance in this Code as large organisations. The Code should either be amended to take account of this, or the Information Commissioner should consider producing a 'Quick Guide' version for small organisations, as is the case for his existing 'Employment Practices Code'.

- 1.4 In general the language used is clear and easy to understand. However, in the section on 'When to actively communicate a privacy notice', the terms 'privacy notice' and 'privacy policy' are both used. It is not clear whether the Code is referring to two separate items, or has simply used the expressions interchangeably. If the Code is intending to refer to two separate items it should include a clear explanation of the difference between them.

#### **Examples of good and bad practice (questions 7 – 11)**

- 1.5 The examples included in the Code are useful in highlighting bad practice, and identifying the simple steps that can be taken to improve privacy notices.
- 1.6 However, as previously noted, the examples used are focused on large-scale or complex collection of personal data undertaken by large organisations. These examples do not reflect the realities of many small organisations that collect personal data.
- 1.7 The Code would be improved by including examples of very simple privacy notices that could be used by small organisations that carry out small-scale collection of personal data for very few purposes. Alternatively, these examples could be provided in a separate 'Quick Guide' version of the Code.
- 1.8 The examples used do not directly cover the wide range of purposes for which the Environment Agency collects personal data. However, it is clear to see how the points made in the examples can be related to our activities.

#### **Other comments (questions 12 – 14)**

- 1.9 We agree it would be useful if the Information Commissioner developed an interactive website containing multi-media examples of privacy notices. Such a site should also include simple notices for small organisations and small-scale collection of personal data. It would be particularly useful if the site evolved over time, adding new examples of good practice when available.

#### **FURTHER INFORMATION**

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