



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Data Protection Good Practice Note Monitoring under section 75 of the Northern Ireland Act 1998

This good practice note aims to make clear that the Data Protection Act 1998 allows monitoring under section 75 of the Northern Ireland Act 1998. It also aims to provide advice for public authorities that are required to carry out such monitoring.

The situation

Public authorities that are subject to section 75 of the Northern Ireland Act 1998 are required to monitor equality of opportunity between men and women, persons with a disability and those without, persons with dependants and those without and between person of different gender, religious beliefs, race, age, marital status and sexual orientation.

The Data Protection Act defines personal information relating to the religious beliefs, political opinions, racial or ethnic group and sexual orientation as sensitive. Any processing of personal information, whether sensitive or not, must comply with the Data Protection Act.

The Data Protection Act does not prevent public authorities from processing personal information for the purposes of section 75 monitoring. However, it is important that any processing is in line with the eight data protection principles.

There are conditions for processing under schedule 2 and, for sensitive personal data, schedule 3 of the Data Protection Act. However a public authority may need to demonstrate that the processing is necessary in any particular case.

It is good practice to:

- anonymise this information where possible, and only use information that identifies an individual where it is absolutely necessary;
- make any data protection statement on monitoring forms easy to understand and include the identity of the organisation that will be processing their information, what the information is going to be used for and anything else that is needed to be fair to them, such as who the information will be disclosed to;
- be clear to individuals about the reasons for monitoring, particularly whether they are obliged to provide information for monitoring. For example, any

monitoring form included with a job application should state that the applicant does not have to provide this information;

- make sure individuals are aware of their rights under the Data Protection Act and how to get a copy of their personal information collected for monitoring;
- tell individuals about how any monitoring will operate;
- make sure that personal information collected through monitoring is accurate and kept up to date;.
- review information regularly to check it is still needed for monitoring purposes;
- develop a policy and put schedule in place of how long to keep the information, and how and when to dispose of it;
- assess what the appropriate security measures are for the information. Put in place a clear security policy and procedures and check they are followed and kept up to date. Inform individuals what measures are in place to protect their personal information and of any significant changes that occur;
- make sure that only staff who need to view this information are given access to it and are trained how to use it properly. For example, restrict access to officers with responsibility for monitoring and equality rather than providing access to all human resource officers; and
- make sure that the information is disposed of securely when it is no longer needed.

More information

Further guidance on monitoring in the workplace can be found in the ICO Code of Practice on Employment.

If you need any more information about this or any other aspect of data protection, please contact us.

Phone: 01625 545700 or 028 9051 1270

E-mail: please use the online enquiry form on our website

Website: www.ico.gov.uk