

Data protection

Frequently asked questions and answers about relevant filing systems

Q1? All the information I have on file is held in chronological order with no other indexing or sub-division, how does the DPA impact on me?

A1 The information you hold in manual form will not be held in a 'relevant filing system' if, although the file titles refer to individuals' names, the individual files each contain multiple categories of information.

Where the files contain only a single category of information (about an individual's complaint, or his account, or his personnel records) they are likely to comprise a relevant filing system. Most organisations hold separate manual files for separate and specific categories of information (claims handling, employment matters, complaints etc). This is because it is generally unhelpful, for business purposes, to lump together in single file all the information you hold on a particular individual regardless of what the information concerns.

Q2? Is there any rule of thumb I can apply to establish whether I have a relevant filing system?

A2 Yes, you can apply the "temp test". If you employed a temporary administrative assistant (a 'temp'), would they be able to extract specific information about an individual from your manual records without any particular knowledge of your type of work or the documents you hold?

The 'temp test' assumes that the temp in question is reasonably competent, requiring only a short induction, explanation and/or operating manual on the particular filing system in question for them to be able to use it.

Example

John Smith is your employee. He requests details of the leave he has taken in the last six months. You have a collection of personnel files; these files each hold a single category of information:

- a) If there is a file entitled "Employees' Leave" containing alphabetical dividers, the temp would have no difficulty in finding the leave record of John Smith behind the "S" divider. **This file forms part of a relevant filing system.**
- b) If there is a file entitled "John Smith" which contains all personnel records for John Smith, the temp would have no difficulty in finding the leave record of John Smith in this file. **This is forms part of a relevant filing system.**
- c) If there is a file entitled "John Smith" in a set of files that contains the leave record of employees. Details of leave are recorded on standard forms filed in date order within separate files for each employee, (chronological filing). The temp would have no difficulty in finding the record of John Smith's leave taken. **This is a relevant filing system.**

You may hold only one set of manual files for all records (multiple categories of information) relating to individuals. These files are likely to be held in alphabetical order using individuals' names as the file title. If all information you hold on the individual named on the file is simply added to the file in chronological order (whether it relates to his employment record, complaints raised by him, his records as client of your organisation, letters received from him etc) the set will not be a relevant filing system. The temp would need to plough through all the different categories of information on John Smith's file to find the specific information needed.

Q3? What is the position if part of my file is highly structured in such a way that certain specific information relating to an individual is easily accessible, but other information on my file is filed chronologically under a general heading "correspondence" or is filed in no particular order behind a "miscellaneous" divider?

A3 The key to answering this question is to look at what information the system is designed to facilitate access to.

If the file is structured predominately to enable access to the unstructured information then it is unlikely to be a relevant filing system.

If, however, the file is structured predominately to enable access to a single category of information about an individual (for example, client information or employee records), then it is

likely to be a relevant filing system in relation to that category of information even though there is other information on the file.

Example

You own an exclusive designer dress shop. You have a number of files relating to your customers all of which contain common categories of indexed or sub-divided information about that particular customer: contact details, measurements, favoured designers, favoured colours, and favoured styles. On some of those files you have additional information under general headings such as "miscellaneous", "correspondence", "other".

Your collection of files contain have been created to store customer profiles. The purpose of structuring the file using specific headings/tabs/index is to enable you to easily access particular information about each customer's profile in order to provide better customer service. You may receive additional information that does not fit into any of the common profile categories (such as a letter of thanks from customer). The profile categories of information on these files will form part of a relevant filing system.

A Quick guide to understanding the DPA definition of 'relevant filing systems'

1. Does your filing system contain information about individuals?

Yes – go to Q. 2.

No – you **do not** have a 'relevant filing system'.

2. Does the filing system use the names of individuals (or another unique identifier) as the file name?

Yes – go to Q. 4.

No – go to Q. 3.

3. Does the filing system use criteria relating to individuals (e.g. sickness absence, pensions, or qualifications) as the file name?

Yes – go to Q. 4.

No – you **do not** have a 'relevant filing system'.

4. Is the information in your files held solely in chronological order?

Yes – go to Q.5.

No - go to Q. 6.

5. Although the information in your files is held purely in chronological order, is your filing system sufficiently well structured to allow you ready access to specific information about a particular individual without extensive manual searching through the set of records?

Yes – you have a relevant filing system. Where information is held in a set of manual records which is sufficiently well structured to allow ready access to specific information about particular individuals the set will form a relevant filing system for the purposes of the DPA.

No – you do not have a relevant filing system. Given that you cannot readily specific information about particular individuals you should consider whether the set is sufficiently well structured for your business purposes or whether it simply constitutes an unstructured manual record archive. Consider whether it is sensible/useful to retain these records in this form.

6. Is the content of your files sufficiently well structured, indexed or subdivided to allow ready access to specific information about the individual?

Yes – you are likely to have a 'relevant filing system'. This is the case even if a small degree of search is required within a particular file to find the particular information in question.

No – you **do not** have a 'relevant filing system'.