

'Sharing and Security of Information' - When was the last time you reviewed your business's data sharing and data protection policies?

All small and medium-sized businesses, employees and bosses alike, beware, for the law relating to the sharing and security of personal information in the private sector is under review and security breaches, such as lap-top thefts and other such losses of information are now rife and are widely reported in the press.

The Information Commissioner is baying for additional legal powers, so as to ensure compliance with data protection law and a report reviewing the scope of powers and sanctions available to the Information Commissioner and courts in the legislation governing data-sharing and data protection is to be published shortly. In the meantime, the Information Commissioner's Office (the **ICO**) has published a Practice Note in respect of the security of personal information and the use of encryption software.

So, do your business's policies offer appropriate protection?

As emphasised by the ICO in its Practice Note, the Data Protection Act 1998 presently requires all organisations to have appropriate security to protect personal information against unlawful or unauthorised use or disclosure, and accidental loss, destruction or damage. However, it is not intended, and cannot be, a comprehensive guide to all aspects of security in all circumstances and for all organisations.

It is up to the small or medium-sized business to ensure data sharing and data protection policies take account of ever-evolving case law, guidance and advice and to tailor policies accordingly. For example, in respect of all portable and mobile devices used to store and transmit personal data, the ICO recommends that the loss of data which could cause damage or distress to individuals should be protected using approved encryption devices. To that effect, the Information Commissioner has recently announced that in future, where laptops containing personal information which have not been adequately protected with encryption software and policies are stolen, enforcement action **will** be pursued.

So, the time is right to review your existing policies and the personal information your business controls and reassess what procedural, technological and physical security and organisational policies are required. Are your policies flawed and out of date?

What's more, small and medium businesses must also comply with obligations under the Privacy and Electronic Communications Regulations, the Freedom of Information Act and the Environmental Information Regulations. We would be happy to help you out with the requirements on your business under each of the above pieces of legislation.

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