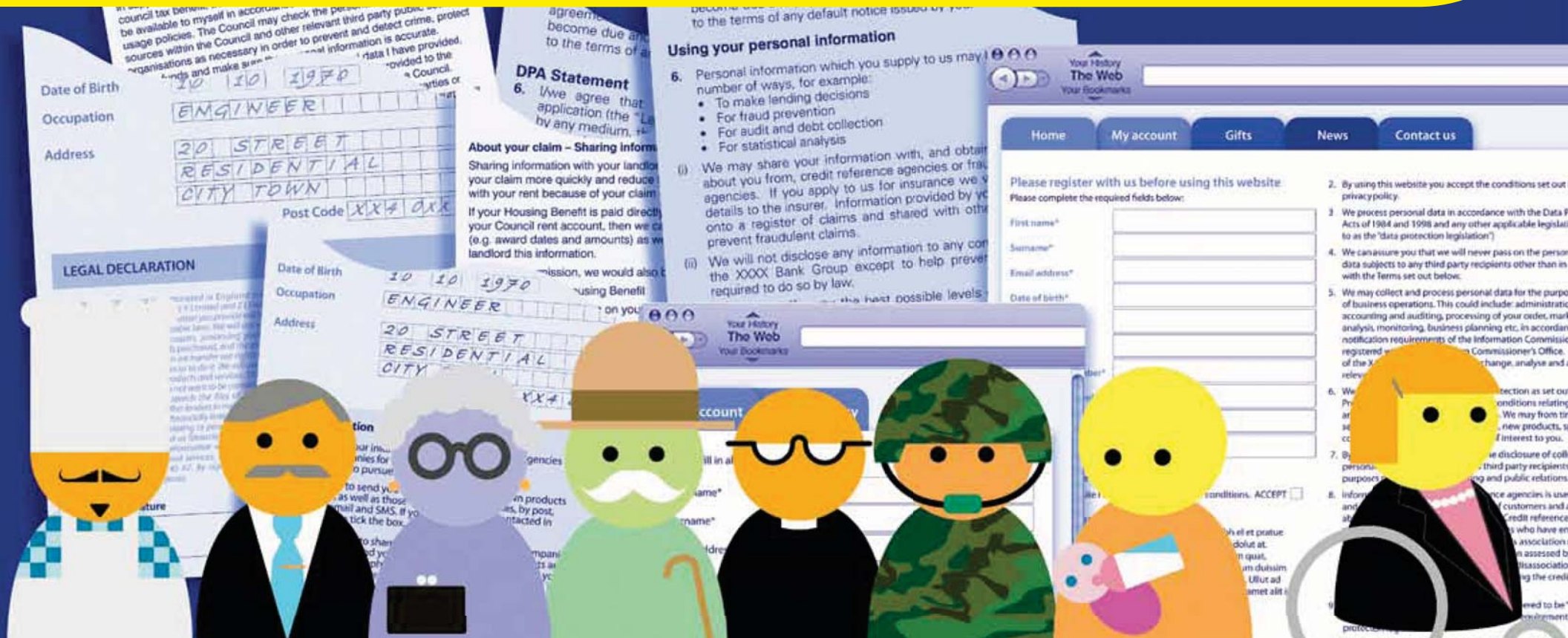


Privacy notices code of practice



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Foreword

Collecting information about people lies at the heart of data protection. This code of practice will help you to collect information properly by drafting clear and genuinely informative privacy notices for people. This will in turn make sure individuals know how information about them will be used, and what the consequences of this are likely to be. It will also allow them to build up a picture of the sheer scale and sophistication of the systems that collect so much information about all of us.

This code of practice uses the term ‘privacy notice’ to describe the explanations that individuals are given when information is collected about them. However, it can be best to avoid technical language altogether. Some of the most accessible notices for the public use words such as ‘how we use your information’.

This code explains that the duty to actively communicate a privacy notice is strongest where the intended use of the information will be unexpected or objectionable, or where the information is sensitive. It also explains that there is little value in informing people of obvious uses of their information.

This code of practice will help you to comply with one of the most important but most misunderstood parts of the Data Protection Act. I will take its standards into account when, for example, I receive a complaint that information has been collected in an unreasonable way.

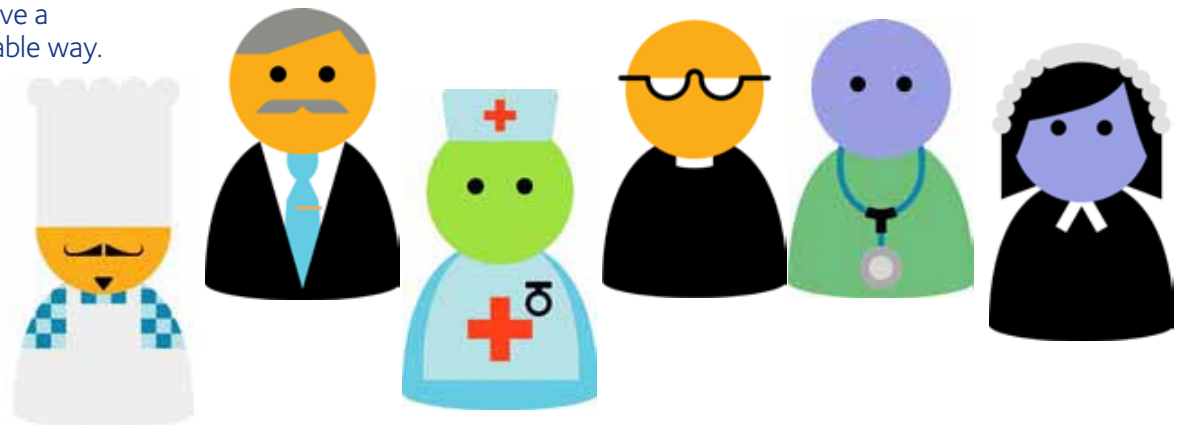


Richard Thomas
Information Commissioner

What is a ‘privacy notice’?

A privacy notice is the oral or written statement that individuals are given when information is collected about them. As a minimum, a privacy notice should tell people who you are, what you are going to do with their information and who it will be shared with. However, it can also tell people more than this, for example, it can provide information about their access rights or your security arrangements. Whatever you include in your notice, its primary purpose is to make sure information is collected and used fairly.

A privacy notice should be genuinely informative. It should help individuals to understand how you will use their information and what the consequences of this are for them. Done properly, it can make your organisation more transparent and should reassure people that they can trust you with their personal information. A privacy notice that is legalistic or drafted with the primary objective of indemnifying an organisation is unlikely to achieve this objective.



About this code

Who is this code aimed at?

This code is aimed at all organisations that collect information about people, whether directly or indirectly.

It applies to activities such as:

- asking people to fill in their names, addresses and health information on an official form;
- collecting information about shoppers from their loyalty card transactions;
- recording and retaining the calls customers make to a call centre; or
- analysing a person's online purchasing habits to send out special offers and recommendations.

This code will help organisations to draft clear privacy notices and to make sure that they collect information about people fairly and transparently. It does not apply to collection of information that does not identify people, for example, anonymised or statistical information.

The code's status

The code has been issued by the Information Commissioner under section 51 of the Data Protection Act 1998 (DPA). This requires him to promote good practice, including compliance with the DPA's requirements, and empowers him, after consultation, to prepare codes of practice giving guidance on good practice.

The basic legal requirement is to comply with the DPA itself. Organisations may use alternative methods to meet the DPA's requirements, but if they do nothing then they risk breaking the law. The ICO cannot take action over a failure to adopt good practice or to act on the recommendations set out in this code.



Benefits of the code

Following the code will help you to draft clear and informative privacy notices that the people you deal with will be able to understand. This will help you to meet your legal obligations under the DPA by making sure you collect and use personal information fairly and transparently. Other benefits of drafting a good privacy notice include:

- higher levels of trust and a better relationship with the people you collect information about;
- a competitive advantage, by reassuring potential and existing customers that you take their privacy seriously;
- encouraging people to provide more valuable information, because they are confident it will be used properly;
- allowing customers to indicate their marketing preferences, which may mean that they respond more positively to you; and
- less risk of queries, complaints and disputes about your use of personal information.

How to use the code

Different organisations have different needs, depending on the sort of information they collect and how they do it. You can therefore use this code in several different ways. For example:

- it can be used to produce a new privacy notice;
- its content can be integrated into an existing privacy notice; or
- it can be used as a checklist to evaluate an existing privacy notice.

The code will help organisations to design privacy notices that can be understood by the people you collect information about.

The ICO will provide additional help, for example if an organisation is drafting a privacy notice that deals with a specialised or contentious form of data collection.



Fairness and what the law says

What the law says

The law says that personal information shall be processed fairly – processing includes obtaining, using or disclosing it. It goes on to say that personal information is not to be treated as processed fairly unless the organisation in control of the processing ensures, so far as is practicable, that the individual has, is provided with, or has made readily available:

- the identity of the organisation in control of the processing;
- the purpose, or purposes, for which the information will be processed;
- any further information necessary, in the specific circumstances, to enable the processing in respect of the individual to be fair.

Drafting a privacy notice is the obvious way to satisfy these legal requirements.

It is clear that the law gives you a degree of discretion in providing ‘fair processing information’ – ranging from actively communicating it to making it readily available. This code will help you to adopt the right approach.

The law also makes it clear that you must consider the specific circumstances, and the individuals concerned. This means that there can be no single way of complying. This code helps you to understand the alternatives, and to adopt good practice.

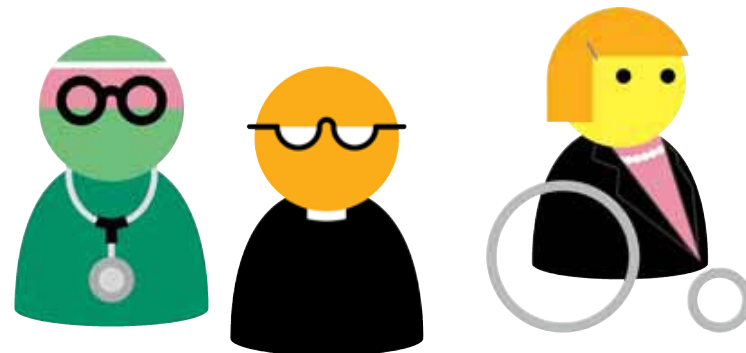
Key points about fairness

Fairness has two main elements:

- using information in a way that people would reasonably expect and in a way that is fair;
- ensuring people know how their information will be used, for example by providing a privacy notice or publishing it on your website.

This code focuses on drafting and communicating privacy notices. However, it inevitably touches on wider issues of fairness and transparency.

Fairness means being honest and open about who you are and what you are going to do with the personal information you collect. However, being honest and open is just one aspect of fairness. Telling people what you intend to do with their information does not mean that the processing of the information will necessarily be fair. You also need to consider the effect the processing will have on the individual.



When you collect information you should be clear why you need it. You should also try to predict whether you will be likely to do other things with it in the future. A privacy notice can provide for reasonable evolution in the use of information. However, you should not draw up a long list of possible future uses if, in reality, it is unlikely that you will ever use the information for those purposes.

In some cases people will have a choice over whether to provide information, or over the use that can be made of it. Where people do have a choice, it must be properly explained to them. Where there is choice, the individual's wishes or preferences must be respected, other than in exceptional circumstances.

It is good practice to try to put yourself in the position of the people you're collecting information about. Ask yourself the following questions.

- Would they know who is collecting the information?
- Would they understand why you're collecting it?
- Would they understand the implications of this?
- Would they be likely to object or complain?

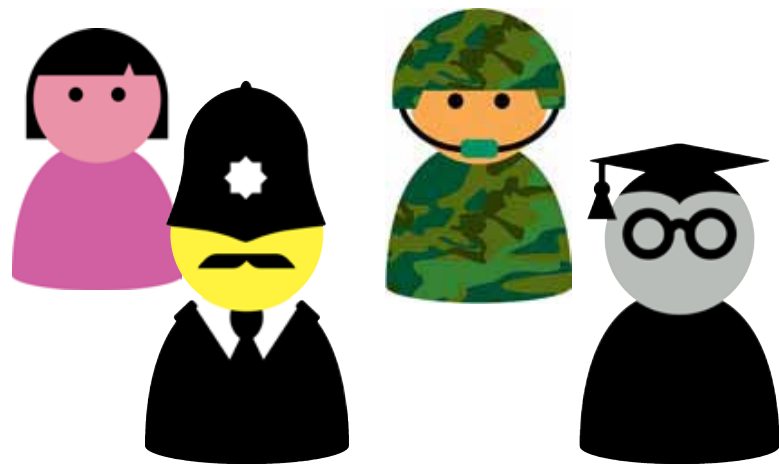
Remember that if you mistreat personal information, you are also mistreating the people it is about and will probably be breaking the law.

Making sure people understand

The basic legal requirement is to make sure people know who you are, what you intend to do with their information and who it will be shared with or disclosed to. Depending on the circumstances, you may decide to go beyond the basic requirements of the law, for example by telling people:

- if you intend to pass information on, the name of the organisations involved and details of how they will use the information;
- how long you or other organisations intend to keep the information;
- whether replies to questions are mandatory or voluntary;
- the consequences of not providing information - for example, non-receipt of a benefit;
- whether the information will be transferred overseas;
- what are you doing to ensure the security of personal information;
- about their rights and how they can exercise them - for example, the fact that a person can obtain a copy of their personal information or object to direct marketing;
- who to contact if they want to complain or know more about how their information will be used; and
- about the right to complain to the Information Commissioner if there is a problem.

Sometimes organisations have different sorts of relationships with different groups of people. For example, a local authority might use information about old age pensioners to administer free access to local leisure facilities, and information about shopkeepers to collect business taxes. Rather than having a single, catch-all privacy notice, it may be better to have separate notices aimed at the different groups of individuals you deal with. This makes it clearer and easier for people.



Transparency and consent

You should always be straight with the public. You should not lead them to believe that they can exercise choice over the collection and use of their personal information when in reality they cannot. It is important to make sure that where people do have a choice, they are given a genuine opportunity to exercise it. A good example of this is the opportunity to subscribe to, or unsubscribe from, direct marketing.

There is a fundamental difference between telling a person how you're going to use their personal information and getting their consent for this. In many cases it is enough to be transparent. In other cases a person's positive agreement will be needed. This is most likely to be the case where sensitive information is being collected, or where previously collected information is to be used in a significantly different way.

The collection and use of personal information is often essential to provide the service or carry out the transaction that the individual has requested. In such cases, choice is not an issue, because the individual cannot expect to receive what he or she has asked for unless any necessary processing of personal information takes place.

In some cases individuals are required by law to provide their personal details. Where this is the case, seeking consent is meaningless. Instead, organisations should be open with people and explain clearly why their information is being collected and what it will be used for.

Even if individuals have no real choice, the collection of information about them still has to be fair and transparent. A privacy notice can be used to make sure that this is the case.

Remember, if you intend to market people by electronic means (for example, by email, SMS, fax or telephone) then special rules will apply and you may need their permission before doing so. Please see our guidance on the Privacy and Electronic Communications Regulations 2003.

Don't tell people the obvious

There is no need to actively communicate a privacy notice provided that your collection and use of information:

- is something that a reasonable person is likely to anticipate and would agree to if asked; and
- is necessary to carry out the transaction or deliver the service the individual has requested; and
- will have no unforeseen consequences for the individual concerned.

For example, a person might purchase a book from an online store. His or her personal information is only used to despatch the goods, to take payment and for the company's own record keeping. In this case, the collection and use of the information would not be unfair even if the individual has not been explicitly told about it. This is because any reasonable person requesting the service would understand that they cannot receive the service they want unless some processing of their personal information takes place. However, even in cases like this, it is good practice to have a privacy notice available for those who want to know more about how their personal information will be handled.

Similar considerations apply where an organisation uses another organisation to do something on its behalf, for example where an online retailer uses another company to despatch goods ordered on its website. Provided the outsourcing doesn't involve any use of customer information that wouldn't have happened anyway, there is no need to actively inform customers. Again, it is good practice to have information about your outsourcing arrangements available for customers that want to know more about this.

When to actively communicate a privacy notice

By 'actively communicate' we mean take a positive action to provide a privacy notice to a member of the public, for example, by sending a letter, reading out a script or distributing an email. This is different from having a privacy notice available for members of the public who want to see it. In such cases it is the individual who has to take the action, for example by clicking on a web link or asking for more information.

A good way to decide whether to actively communicate your notice is to try to understand what the person the information is about would expect. If you think the person would be surprised by your use of their personal information, or would find it objectionable in some way, you should actively tell them about it.

If you hold information that you collected for a specific purpose but now wish to use it in a new and unforeseen way, it may not be enough to simply provide an update about what you intend to do with the information. For example, if you have explicitly assured the individual that you will not share their information with third parties but now wish to do so, you should actively seek their consent.

It's a lot easier to actively communicate a privacy notice in an online context than in a 'bricks and mortar' one. You should make full use of the technology available to you to promote transparency and fairness.

The need to actively communicate a privacy notice is strongest where:

- you are collecting sensitive information; or
- the intended use of the information is likely to be unexpected or objectionable; or
- providing personal information, or failing to do so, will have a significant effect on the individual; or
- the information will be shared with another organisation in a way that wouldn't be expected.

Sharing information

There can be strong pressures to share personal information with other organisations, in both public and private sector contexts. However, an organisation's decision to share information doesn't negate its duty to treat people fairly. This means that prior to sharing information, the organisation holding it must consider carefully what any recipient organisation is going to do with the information, and what the effect on people is likely to be. It is good practice to obtain an assurance about this, for example in the form of a written agreement.

Combining information from different sources can create a very detailed picture of an individual's affairs. The individual may not expect this and may find it overly intrusive. Organisations that intend to combine information should explain this, and its likely consequences, in their privacy notices.

In marketing contexts, organisations often ask for permission to share customer information with third parties, for example companies in the same group. General descriptions like this should be backed up with more detailed information, for example the names of the companies involved, for those that want it.

Selling information

Some organisations set out to collect personal information with the intention of selling or renting it to anyone who will pay. If you intend to do this, you should make it clear to individuals that the information they supply could be provided to anyone and could be used for any purpose. You should tell them this when you ask them to provide their details.

Normally personal information can only be sold if the individuals concerned have already been told that their information may be passed on to other organisations. When a business is insolvent, bankrupt, being closed down or sold, the database can be sold on or, if rented, should be returned to its owner. However, the seller must make sure that the information will only be used for the same or a similar purpose. For example, information obtained for insurance may only be sold to a business to promote similar insurance products. If the buyer wants to use the personal information for a new purpose, it will have to get consent for this from the individuals concerned.

Privacy notices are very useful when information is being bought, sold or rented. They can help the recipient organisation to check what people were told when they originally provided their information. Depending on what they were told, the recipient organisation may then need to communicate its own privacy notice to the individuals concerned. If there is a difference between what people were told originally and what the recipient organisation intends to do with the information, then individuals must be advised of this within a reasonable period of time. If there is a difference, individuals should be asked whether they agree to their information being used for a new purpose. Failing to check what 'permissions' apply to the data could lead to a breach of the DPA.

Providing privacy notices

Drafting a privacy notice should provide an opportunity to review your collection of information. For example, you should ask yourself whether you really need the information you are asking for. A privacy impact assessment can help you to answer this question. Remember that information is expensive to keep and brings legal liability with it.

Drafting a privacy notice

Privacy notices should be clear and genuinely informative. They must be drafted so that the people they're aimed at understand them. Don't assume that everybody has the same level of understanding. You should avoid using terminology that might confuse the general public. Don't use legalistic language – adopt a simple style that your intended audience will find easy to read and understand.

Privacy notices must be truthful. You should not offer people choices that are counter-intuitive or misleading. Whilst it's acceptable to use both opt-ins and opt-outs, they shouldn't be used in a way that will confuse people. Any choices offered must be genuine. It is unfair to give people the impression that they have a choice when in reality they do not.

In some cases there are specific sectoral rules that organisations must follow when collecting personal information, for example in advertising or financial services contexts. Organisations must make sure they comply with any rules of this sort, as well as complying with data protection law.

How to provide a privacy notice

Privacy notices can be provided through a variety of media.

- Orally: face-to-face or when you speak to someone on the telephone – it's a good idea to document this.
- In writing: printed media; printed adverts; forms, such as financial application forms or job application forms.
- Through signage: for example an information poster in a public area.
- Electronically: in text messages; on websites; in emails.

It is good practice to use the same medium you use to collect the information to deliver the privacy notice. So, it would not be good practice to collect information through a form in a newspaper, but to then direct readers to a website to read the privacy notice. However, in some contexts it can be very difficult, or impossible, to provide a privacy notice. This might be the case where an advert in a newspaper is very small or where providing privacy information as part of a premium rate telephone call would significantly increase the price of the call. In some cases an organisation should concentrate on obtaining the information it needs to deal with an individual, for example in an emergency situation. It should explain its information use at an appropriate point later on. Where you can't provide a privacy notice, it is particularly important to make sure you only use the information you collect in a way that members of the public are likely to anticipate and agree to.

Layered approach

When collecting personal information you should be realistic about how interested the public is in the way you are going to handle it. Many individuals will be more concerned with receiving the goods, services or benefits that they have applied for. They are unlikely to read a detailed privacy notice, or to make a complaint about the way you handle their personal information, unless they feel their personal information has been handled badly. This is why a 'layered notice' can be useful. This allows you to provide the basic privacy information there and then, but to make more detailed information available elsewhere for those that want it.

The layered approach can be very useful where there is a need to explain a particularly complicated information system to people. It works very well in online contexts, where it is easy to provide a front page link. A ‘bricks and mortar’ equivalent is to provide contact details on a paper form which people can use if they want more information about how their personal details will be used. The front page should also be used to give people prominent, early warning of any use of their information that is likely to be unexpected or objectionable.

A layered notice usually consists of a short notice plus a longer notice. The short notice contains basic information, such as the identity of the organisation and the way in which the personal information will be used. This can be used where there is not enough space to provide more detailed information, for example in an advert. The short notice contains a link to a second, longer notice which provides much more detailed information. The longer notice can, in turn, contain links to further material, explaining relatively specialist issues such as the circumstances in which information may be disclosed to the police.

Making privacy notices accessible

If you collect information from vulnerable individuals, such as children, you must take the appropriate steps to make sure those individuals are treated fairly. This involves drafting privacy notices appropriate to the level of understanding of your intended audience and, in some cases, putting stronger safeguards in place. You should not exploit any lack of understanding or experience, for example, by asking children to provide personal details of their friends.

There are no hard and fast rules about the collection of information from vulnerable individuals. Again, you should try to look at your collection of information from the individual’s point of view. You should use your knowledge of the individuals you deal with to decide your approach. In particular, you should try to work out whether the individuals you are collecting information about would understand the consequences of this. If in doubt, you should be cautious and should instead ask the individual’s parent, guardian or carer to provide the information.

Sometimes you may want to collect information from people whose first language is not English. In some cases you may be obliged by law to provide forms and privacy notices in another language, for example, Welsh. Although you may not be required by law to offer translations, it is good practice to provide your privacy notice in the language that your intended audience is most likely to understand.


Keeping your privacy notices under review

It is unfair and misleading to have a privacy notice that isn’t accurate or up to date. It is therefore good practice to keep your privacy notice under regular review.

It is also good practice to review the effectiveness of your notice by analysing complaints from the public about your information use in general and your privacy notice in particular. If people think it is misleading or difficult to find, for example, you may need to redraft it or give it greater prominence.

Examples:

The final part of this code consists of a set of examples based on real privacy notices that we have seen. They illustrate good practice to adopt, such as giving people appropriate choices that are easy to exercise, and bad practice to avoid, such as using confusing language. The examples are illustrative extracts only and should not be used as templates. They cannot cover every type of information collection, but they will help organisations to draft privacy notices whatever their line of business. Please note that the formats shown may not meet accessibility requirements.



Date of Birth

Occupation

Address

Post Code

How information about you will be used

We may share your information with credit reference agencies and other companies for use in credit decisions, for fraud prevention and to pursue debtors.

We would like to send you information about our own products and services, as well as those of selected third parties, by post, telephone, email and SMS. If you agree to being contacted in this way, please tick the relevant boxes.

Post Phone email SMS

We would also like to share your information with other companies so that they may send you information about their products and services, by post, telephone, email and SMS. If you agree to your information being shared in this way, please tick the box.

If you need any further information please write to us at 10 Street Name, Town Name, County Name AB12 3CD.

Customer Signature

Date

Simple language, clear font and style.

Clear opportunity to agree to marketing.


Prior consent sought.

Alternative 'opt out' version:

Clear opportunity to opt out of marketing.

We would like to send you information about our own products and services, as well as those of selected third parties, by post. If you **do not** agree to being contacted in this way, please tick the box.

Specific rules for marketing by email, telephone and SMS apply. Please see our guidance on the Privacy and Electronic Communications Regulations 2003.



Date of Birth

Occupation

Address

Post Code

LEGAL DECLARATION

X Limited is a company incorporated in England and is a member of the X Retail Group ("the Group"). The Group ("we/us") also includes Y Limited and Z Limited and their associated companies from time to time. The personally identifiable information you provide will be processed in accordance with the Data Protection Acts 1984 and 1998 and other applicable laws. We will use your information so that we can process your order. This includes administering any accounts, processing your bank/credit card details in order to obtain payment, arranging delivery of any goods purchased, and the prevention and detection of fraud. We can hand over your information to anyone to whom we transfer our rights and duties under our agreement with you or if we have a duty to do so and the law allows us to do it. We will use your information for market research and the marketing of our own and third parties' products and services. This may include contacting you by post, telephone, email or SMS unless you indicate you do not want to be contacted in any of these ways by calling us on 0870 23 45 67. We will use your information to search the files of credit reference agencies who will record that search. This information may be used by other lenders in making credit decisions about you, members of your household and those with whom you may be financially linked. Information held about you by the credit reference agencies may already be linked to records relating to people with whom you are financially linked. For the purposes of credit searching, you may be treated as financially linked and you will be assessed with reference to any associated records. We will share your information with other companies, for the purposes of market research and the marketing of their products and services, unless you indicate that you wish to be excluded from such uses by contacting us on 08701 23 45 67. By signing this form, you consent to the information you provide being processed for the above purposes.

Customer Signature

Date

Confusing and legalistic language. Closely spaced text, small italic font in light grey.


Unnecessary – means little to public.

Raises Privacy and Electronic Communications Regulations problems and 0870 number does not provide easy means to opt-out consistent with the medium (script).

Confusing language.

Unexpected use. Good practice would be to obtain consent.

Examples:




Please provide telephone numbers in case we need to contact you about your claim.

You do not have to tell us your phone number but it will help us to contact you quickly if we have a question about your claim.

Home:	Work:	Mobile:
-------	-------	---------

Clear explanation of why it would be helpful to provide this information.



About your claim – Sharing information

Sharing information with your landlord could help us to deal with your claim more quickly and reduce the risk of you falling behind with your rent because of your claim being delayed.

If your Housing Benefit is paid directly to your landlord or to your Council rent account, then we can discuss payment details (e.g. award dates and amounts) as we have to give your landlord this information.

With your permission, we would also be able to tell your landlord if:

- You have claimed Housing Benefit
- We have made a decision on your claim, or
- We need more information to make a decision and what that information is.
- You can withdraw your permission at any time.

We won't give your landlord any information about:

- Your personal or family circumstances

Your finances


It will not affect your claim if you do not give us permission to discuss your claim with your landlord.

If we can talk to your landlord about your claim please sign below.

I give my local council permission to share information about the progress of my Housing Benefit claim with my landlord or their representative.

Signature of claimant:	Date:
Signature of partner:	Date:

Honest explanation of the outcome of choosing not to provide the requested information.



Your declaration

I understand the following:

You will use the information I have provided to process my claim for housing benefit, council tax benefit, or both.

You may check some of the information with [other sources](#) within the Council, the Rent Service, other councils and Government departments, e.g. the Benefits Agency, the Inland Revenue and the Home Office.

You may also get information about me from certain [other organisations](#), or give information about me to them to: make sure the information is accurate; prevent or detect crime; and protect public funds. These other organisations include government departments, other local authorities and private sector organisations such as banks and organisations that may lend me money.

If I give information that is incorrect or incomplete you may take action against me, including court action.

I declare that the information I have given on this form is correct and complete.

Signature of the person claiming:

Clear explanation of purpose and use.

Easy way for people to find out who else information is shared with.

Examples:

X

You must provide the following telephone numbers. It will delay your claim if you don't provide your telephone numbers.

Home:	Work:	Mobile:
-------	-------	---------

X

About your claim – Sharing information

Enabling us to share your personal data with your landlord and other third parties could help us to deal with your claim more quickly and reduce the risk of any delay with the processing of your claim which may cause you to fall into arrears with your rental payment.

If your Housing Benefit is paid directly to your landlord or to your Council rent account, then we can discuss payment details (e.g. award dates and amounts) as we have to give your landlord this information. However, if you sign below we would also be able to tell your landlord whether you have claimed Housing Benefit or we have made a decision on your claim, or we need further information to make a decision about your claim and what that information may be.

Signature of claimant:	Date:
Signature of partner:	Date:

By signing above you agree that we can share information about the progress of your Housing Benefit claim with your landlord/landlady or their representative.

It will not affect your claim if you don't give us permission to discuss your claim with your landlord.

X

Declaration

I hereby confirm my understanding of and acceptance of the following information. Donningly Council (the 'Council') will utilise the personal data I have provided in this form and via any evidence I have submitted in support of my claim in order to process my claim for housing benefit, council tax benefit, both of these or other applicable benefits which may be available to myself in accordance with the Council's personal data usage policies. The Council may check the personal data against other sources within the Council and other relevant third party public sector organisations as necessary in order to prevent and detect crime, protect public funds and make sure the personal information is accurate. The Council may also require to check personal data I have provided, or information in relation to myself, which has been provided to the Council by a third party with other information held by the Council. The Council may also get information about me from third parties or give information about me in accordance with the law. For the purposes of the Data Protection Act 1998 the data controller processing your personal data is Donningly Council. The Council processes all personal data in accordance with the Data Protection Act 1998 and the law.

Having read and understood the above information I hereby provide declaration that the data on this form is correct and comprehensive and understand that if I give the Council information that is incorrect or incomplete the Council may commence legal action against me potentially leading to or including court action.

Signature: _____


Implies it is mandatory to give this information when in this case it is voluntary.

Doesn't say who other third parties are.

This should appear before the signature box, so that individuals are fully aware of the choice to provide or not to provide the information.

Confusing language.

Examples:



(iv) ... costs ... administrative fee charges ... become due and payable immediately and will not be ... to the terms of any default notice issued by you.

Using your personal information

6. Personal information which you supply to us may be used in a number of ways, for example:

- To make lending decisions
- For fraud prevention
- For audit and debt collection
- For statistical analysis

(i) We may share your information with, and obtain information about you from, credit reference agencies or fraud prevention agencies. If you apply to us for insurance we will pass your details to the insurer. Information provided by you may be put onto a register of claims and shared with other insurers to prevent fraudulent claims.


(ii) We will not disclose any information to any company outside the XXXX Bank Group except to help prevent fraud, or if required to do so by law.

(iii) For further information on how your information is used, how we maintain the security of your information, and your rights to access information we hold on you, please contact: (clear web link/freephone etc.)

Title that people will understand.

Clarity about who personal information is shared with and why.

Clear info about how to find out more. Easy, free access.



(iv) ... costs ... administrative fee charges ... become due and payable immediately and will not be ... to the terms of any default notice issued by you.

DPA Statement

6. I/we agree that You and any lender resulting from this application (the "Lender") shall be entitled to use and process, by any medium, the information given by me/us which may be acquired during the lifetime of any loan for the following purposes:

(i) to provide data and search the files of credit reference agencies or fraud prevention agencies whether before or during the lifetime of any loan granted me/us by the Lender

(ii) to disclose the data to credit reference agencies when required by them for future applications for finance by me/us or my/our financial associates unless I/we successfully file a disassociation with the credit reference agencies

(iii) to disclose the data to any other company within the XXXX Bank Group or to any third party at any time for the purpose of assessing my/our application and administering and enforcing any subsequent loan

(iv) to disclose the data to any third party who replaces my/our Lender

By submitting your personal data you CONSENT to it being processed.

We will share information about you within the XXXX Bank Group and also with other selected companies to provide you with information about products/services which we believe may be of interest to you.

Under the terms of the Data Protection Act 1998 you have the right to make a subject access request. All requests must be made in writing to our head office. There is a charge for this service.

If you do not wish to receive marketing information from XXXX Bank Group or other companies please inform your branch.

Title doesn't mean much to the public.

Unnecessarily complicated language. Use of I or me, we or us etc adds to confusion.

Unclear, 'offputting' notice – seems like a difficult or expensive process. People may not know what a subject access request is.

Small print, not easy to do (i.e. contact branch). Opt out statement not next to statement about marketing information.

Examples:

In more detail

At first glance



Clear information about the identity of the organisation.

Clear, comprehensive links to additional information.

It is acceptable to ask for information like age or gender if you have a business reason to do so.

Clear reassurance about third party disclosures.

The screenshot shows a browser window with a blue header. The page has two tabs: 'Privacy policy' (active) and 'My account'. The main content area is white with blue links. Callouts from the 'At first glance' section point to various parts of the page: one points to the 'Privacy policy' tab, another to the 'My account' tab, a third to the 'What information do we collect about you?' section, and a fourth to the 'Your information' section. A large blue box on the right side of the page contains the text: 'Clear and straight-forward guidance on how to access personal information.' Another blue box at the bottom right contains the text: 'Helpful privacy advice.'

Clear and straight-forward guidance on how to access personal information.

Helpful privacy advice.

My account Privacy policy

Please fill in all the fields marked *

First name*

Surname*

Email address*

Age*

We need this information because we sell age restricted goods.

Address*

Home phone number

Mobile phone number

Your information

Retail collects personal information when you register with us or place an order for products or services. We will use this information to provide the services requested, maintain guarantee records and, if you agree, to send you marketing information. Retail PLC will not share you information for marketing purposes with companies outside the Retail Group. For more information explaining how we use your information please see our privacy policy.

I would like to receive further information about your products and services:

Privacy policy My account

Retail is part of Retail Group plc which includes Retail International and Retail Direct. [This privacy policy explains how we use any personal information we collect about you](#) when you use this website.

- Topics:**
- [What information do we collect about you?](#)
 - [How will we use the information about you?](#)
 - [Marketing](#)
 - [Access to your information and correction](#)
 - [Cookies](#)
 - [Other websites](#)
 - [Changes to our privacy policy](#)
 - [How to contact us](#)

What information do we collect about you?

We collect information about you when you register with us or place an order for products or services. We also collect information when you voluntarily complete customer surveys, provide feedback and participate in competitions. Website usage information is collected using cookies.

How will we use the information about you?

We collect information about you to process your order, manage your account and, if you agree, to email you about other products and services we think may be of interest to you.

We use your information collected from the website to personalise your repeat visits to our website.

If you agree, we shall pass on your personal information to our group of companies so that they may offer you their products and services.

Retail PLC will not share you information for marketing purposes with companies outside the Retail Group.

In processing your order, we may send your details to, and also use information from credit reference agencies and fraud prevention agencies.

Marketing

We would like to send you information about products and services of ours and other companies in our group which may be of interest to you. If you have consented to receive marketing, you may opt out at a later date.

You have a right at any time to stop us from contacting you for marketing purposes or giving your information to other members of the Retail Group.

If you no longer wish to be contacted for marketing purposes, please [click here](#).

[Return to top](#)

Access to your information and correction

You have the right to request a copy of the information that we hold about you. If you would like a copy of some or all of your personal information, please [email](#) or write to us at the following [address](#). We may make a small charge for this service.

We want to make sure that your personal information is accurate and up to date. You may ask us to correct or remove information you think is inaccurate.

Cookies

Cookies are text files placed on your computer to collect standard internet log information and visitor behaviour information. This information is used to track visitor use of the website and to compile statistical reports on website activity.

For further information visit [www.aboutcookies.org](#) or [www.allaboutcookies.org](#)

You can set your browser not to accept cookies and the above websites tell you how to remove cookies from your browser. However in a few cases some of our website features may not function as a result.

Other websites

Our website contains links to other websites. This privacy policy only applies to this website so when you link to other websites you should read their own privacy policies.

Changes to our privacy policy

We keep our privacy policy under regular review and we will place any updates on this webpage. This privacy policy was last updated on 25 December 2008.

How to contact us

Please contact us if you have any questions about our privacy policy or information we hold about you:

- [by email](#)
- or write to us at: Retail Group, Privacy Team, Main Road, Anytown.

[Return to top](#)

Examples:



Bad practice to collect so much personal information just to access the website and doesn't say what the information will be used for.

Asks for excessive information and states that it is mandatory.

Should not have to accept terms and conditions just to access a retail site.

The screenshot shows a web browser window with a navigation bar (Home, My account, Gifts, News, Contact us) and a registration form. The form includes fields for First name, Surname, Email address, Date of birth, Address, Home phone number, Mobile phone number, Profession, and Salary, all marked as mandatory. Below the form is a checkbox for 'ACCEPT' and a section for 'Retail Group Terms and Conditions' containing 15 numbered clauses. The browser's address bar shows 'The Web' and there are notifications for 'Unread email, 24', 'Stories unread, 28', and 'Friends online, 14'.

Privacy policy is buried in the terms and conditions.

Misleading guarantee that information will never be shared.

No opportunity to opt in or out of receiving marketing.

Unhelpful not to provide contact details.

Subject access is made to sound like a difficult, legalistic and expensive process.

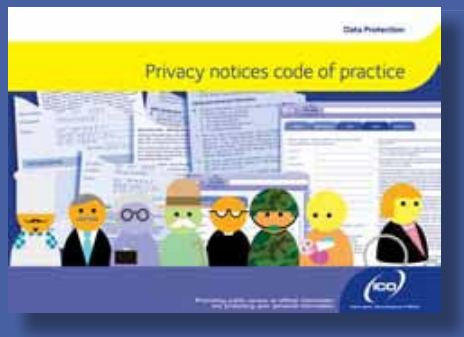
Find out more

Please call **08456 306 060**, or **01625 545 745**
if you would prefer to call a national rate number

e: mail@ico.gsi.gov.uk

w: www.ico.gov.uk

Information Commissioner's Office
Wycliffe House, Water Lane,
Wilmslow, Cheshire SK9 5AF.



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