



WHAT IS PERSONAL DATA?



digital
TOOLKIT

Guidance for Organisations

This document is purely for guidance and does not constitute legal advice or legal analysis. It is intended as a starting point only, and organisations may need to seek independent legal advice when renewing, enhancing or developing their own processes and procedures or for specific legal issues and/or questions.



JOIC

JERSEY OFFICE OF THE
INFORMATION COMMISSIONER

WWW.JERSEYOIC.ORG



What is 'Personal Information'?

Does the information relate to an individual?

Can you identify the natural living person?

- Directly?
- Indirectly?

Personal data

- The Law applies to 'personal data' meaning any information relating to an identifiable, natural, living person who can be directly or indirectly identified in particular by reference to an identifier (the "data subject");
 - » A name, an identification number or location data;
 - » An online identifier; or
 - » One or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the person;
- 'Identifier' means a number or code assigned to an individual by a controller or processor (organisation/ charity etc.) for the purposes of its operations that uniquely identifies the individual and can include location data.
- This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people;
- The Law applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria. This could include chronologically ordered sets of manual records containing personal data;
- Personal data that has been pseudonymised – e.g. key-coded – can fall within the scope of the Law depending on how difficult it is to attribute the pseudonym to a particular individual.

Take the following into account in deciding whether the person is identified or identifiable

- The means reasonably likely to be used by the controller or another person to identify the person, taking into account factors such as the cost and amount of time required for identification in the light of the available technology at the time of processing and technological factors;
- Whether the personal data, despite pseudonymisation, is capable of being attributed to that person by the use of information other than that kept separately for the purposes of pseudonymisation.



Personal information may fall into a category called ‘special category data’

- Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership;
- Genetic or biometric data that is processed for the purpose of uniquely identifying a natural person;
- Data concerning health;
- Data concerning a natural person’s sex life or sexual orientation; or
- Data relating to a natural person’s criminal record or alleged criminal activity.

You will need to check out our guidance about using/processing **‘special category data’**.

Personal Information/data means information that;

- Is being processed by means of equipment operating automatically in response to instructions given for that purpose;
- Is recorded with the intention that it should be processed by means of such equipment;
- Is recorded as part of a filing system or with the intention that it should form part of a filing system.