

Fair Information Practices

<http://bobgellman.com/rg-docs/rg-fips.pdf>

This statement of Fair Information Practices comes from the Organisation for Economic Co-operation and Development's Guidelines on the Protection of Privacy and Transborder Flows of Personal Data.

The entire OECD document, which includes definitions, a useful interpretative commentary, and other materials can be found at http://www.oecd.org/document/18/0,2340,en_2649_34255_1815186_1_1_1_1,00.html. This reproduction of the core principles is without substantive modification.

Collection Limitation Principle

There should be limits to the collection of personal data and any such data should be obtained by lawful and fair means and, where appropriate, with the knowledge or consent of the data subject.

Data Quality Principle

Personal data should be relevant to the purposes for which they are to be used, and, to the extent necessary for those purposes, should be accurate, complete and kept up-to-date.

Purpose Specification Principle

The purposes for which personal data are collected should be specified not later than at the time of data collection and the subsequent use limited to the fulfilment of those purposes or such others as are not incompatible with those purposes and as are specified on each occasion of change of purpose.

Use Limitation Principle

Personal data should not be disclosed, made available or otherwise used for purposes other than those specified in accordance with [the Purpose Specification Principle] except:

- a) with the consent of the data subject; or
- b) by the authority of law.

Security Safeguards Principle

Personal data should be protected by reasonable security safeguards against such risks as loss or unauthorised access, destruction, use, modification or disclosure of data.

Openness Principle

There should be a general policy of openness about developments, practices and policies with respect to personal data. Means should be readily available of establishing the existence and nature of personal data, and the main purposes of their use, as well as the identity and usual residence of the data controller.

Individual Participation Principle

An individual should have the right:

a) to obtain from a data controller, or otherwise, confirmation of whether or not the data controller has data relating to him;

b) to have communicated to him, data relating to him

- within a reasonable time;
- at a charge, if any, that is not excessive;
- in a reasonable manner; and
- in a form that is readily intelligible to him;

c) to be given reasons if a request made under subparagraphs(a) and (b) is denied, and to be able to challenge such denial; and

d) to challenge data relating to him and, if the challenge is successful to have the data erased, rectified, completed or amended.

Accountability Principle

A data controller should be accountable for complying with measures which give effect to the principles stated above.

Other relevant statements of Fair Information Practices can be found at:

Council of Europe, Council of Europe: Convention For the Protection of Individuals with Regard to Automatic Processing of Personal Data,
http://www.privacy.org/pi/intl_orgs/coe/dp_convention_108.txt

European Union Data Protection Directive, Council Directive 95/46, art. 28, on the Protection of Individuals with Regard to the Processing of Personal Data and on the Free Movement of such Data, 1995 O.J. (L281/47),
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:EN:HTML>.