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|  | Railway Guidance Document | | RGD-2013-05 | |
| <p style="text-align: center;">Guidance on how the Data Protection Act 1998 protects sensitive personal data of employees</p> | | | | |
| Date of issue/ last review | July 2017 | | Date of next review | July 2019 |
| RGD postholder/owner | | | Tom Wake, Regulatory Management Team | |
| RGD cleared by | | | Colin Greenslade, Head of Strategy, Planning and Regulatory Management | |
| RGD type | | | Policy_____ <input checked="" type="checkbox"/> Information_____ <input checked="" type="checkbox"/> Procedure_____ <input type="checkbox"/> | |
| Target audience | RSD_____ <input checked="" type="checkbox"/> | | Policy_____ <input type="checkbox"/> | |
| | RPP_____ <input checked="" type="checkbox"/> | | Inspectors_____ <input checked="" type="checkbox"/> | |
| | | | Admin_____ <input type="checkbox"/> | |
| Keywords Data Protection Act, personal data, witness, investigation | | | | |
| Summary This rail guidance document explains the approach inspectors should take when requesting sensitive personal information from a dutyholder about an individual when the dutyholder declines, quoting their responsibilities under the Data Protection Act 1998. | | | | |
| Original consultation Legal: Chris Simms | | | | |
| Subsequent consultation Helen Ayers, 2017 | | | | |

Detail

The Data Protection Act 1998 (DPA) ensures protection for sensitive personal data that is held, for example, by an employer. It cannot be disclosed to another party, unless one of the exemptions applies. Sensitive personal data includes, race, ethnicity, political or religious beliefs, sex life, physical or mental health, membership of a trade union, or information around offences committed by an individual.

There may be occasions when an inspector asks a dutyholder to provide information about an individual that is considered to be sensitive personal data, in order to assist an investigation, for example, concerning a health issue. The dutyholder may well refuse to provide this information, quoting their duties under the DPA.

Action

If colleagues experience concerns about disclosure of personal information, they should write to the duty holder explaining the exemptions.