



AMBERHAWK

ONSITE COURSES IN INFORMATION LAW

Introduction

Amberhawk provides subject specific, on site courses designed to give staff an understanding of specialist legal issues surrounding complex information law legislation. Most of our courses deal with the practical application of the law in a particular context; for example the application of data protection to marketing, human resources or the use of CCTV. Other courses deal with the FOI/EIR regime or RIPA or specific issues such as Privacy Impact Assessment or security.

In all our courses we provide practical examples and exercises to help staff apply the legal concepts to their working practice. This is especially important if staff have a supporting role in ensuring an organisation's compliance with a statutory or regulatory requirement. If FOI/EIR courses are held in Scotland, the course content relates to the relevant Scottish law.

Assessing your training needs

This brochure describes a range of all-day and half-day courses. If these do not meet your requirements we can mix and match course content to ensure that any course we deliver is tailored to meet your precise training requirements. **That is why we agree a course specification and training approach that will work best for your staff before any training commences.** Your trainer will be an expert in the field and has a training qualification.

We can also customise material from our public course offerings; such course content is available from the "**Brochures**" page of the Amberhawk website (URL on last page).

Fees, discounts and administrative arrangements

The standard fee for a day's training course is **£1,950** plus VAT. **We do not charge expenses except where we have to arrange an overnight stay the day before the course.** Our fee is therefore "all in" and there are **no hidden extras.** Only if **significant** additional preparation outside the existing range of materials is required, there **may** be an additional cost for course development. We can normally identify if this is the case immediately. Courseware and course objectives are prepared and agreed with you in advance.

We will usually send the master copy courseware approximately 2 weeks before the course to allow time to reproduce the material. If you want us to provide copies there is a small additional cost. We can deliver courses via our laptops but it avoids compatibility issues if we can use your system and flipcharts. We can take groups of up to 20 on most training courses.

Significant discounts can be gained if the course is run on a number of days. The fee is **£1,850 per day for two days of training** and **£1,700 per day for three or more days.** Discuss with us, if this is your intention. **Note that there again, there are no other travel expenses, unless we have to travel up the day before and stay overnight.**

There is a £100 discount per day if your organization is a member of the groups identified below.



ONSITE COURSES IN INFORMATION LAW

(Application of Data Protection law to specific sectors, FOI, FOISA, RIPA, EIRs, Privacy Impact Assessment, Audit, Information Assurance, Security and Re-use)



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FROM AMBERHAWK TRAINING LTD
FEBRUARY 2011

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Any query – contact us!

For further details of the content of any course identified in this brochure, or to inquire about a bespoke course, or anything else please contact us (Telephone: **0845 680 2623**, Email: info@amberhawk.com or by the [contact us](#) facility on our website: www.amberhawk.com).

Should staff gain an ISEB qualification in data protection/FOI?

Our public courses allow staff to gain a qualification in Data Protection or Freedom of Information. Considerable savings can be achieved if you want this for your staff and can organise an on-site ISEB course in Data Protection or FOI. We have a separate brochure on this; please [contact us](#) (see last page for details) and we will send it to you. (Course content is exactly the same as our public courses as advertised on our website).

DETAILS OF OUR ON-SITE COURSES

1. Access to information under the Data Protection Act and FOIA/EIR

This day long course has two half day parts (which can be delivered as separate half days): Part 1 relates to Subject Access Requests under the Data Protection (DP) Act and Part 2 relates to FOI/EIR requests for information. Combining a session involving **all** access routes in this way allows staff of a public authority to appreciate the differences between the access routes in the various DP/FOI/EIR regimes.

However, we can also deliver a single day course that covers access and exemptions **just under DP** (or **just under FOI/EIR**). Here we combine either Part 1 of this course on DP (or Part 2 for FOI/EIR) with Part 1 of Course 2 (or Part 2) described next ("*Refusing requests for information or personal data*"). Both these Parts 1 (**for DP**) or Parts 2 (**for FOI/EIR**) are delivered on the same day as a course **just** on DP (or **just** on FOI/EIR).

Part 1 – DP content: All legal and procedural requirements associated with a Subject Access request to personal data (e.g. timescales, fees) and all problem areas (e.g. getting personal data from laptops, emails or archive, personal data identify another individual).

Part 2 – FOI/EIR content: All procedural requirements associated with a request (e.g. formalities, timescales, duty to advise and assist; requirements of Codes of Practice; how the information is communicated. Comparison with EIRs, Procedural exemptions: the appropriate limit and the Fees Regulations, and repeat or vexatious requests). Guidance of Information Commissioner and Ministry of Justice. **Note:** in Scotland, we deliver Part 2 of this course in the context of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

2. Refusing requests for information or personal data

This day long course also has two half day components (which also can be delivered as separate half days). Part 1 relates to the application of a Subject Access exemption under the Data Protection Act and Part 2 relates to refusing FOI/EIR requests for information. The advantage of combining exemptions in this way allows staff to appreciate the differences between the various exemptions in the DP/FOI/EIR regimes.

Part 1: - DP content considers procedures associated with your chosen subject access exemptions (e.g. crime and taxation, research, information required to be made public; confidential references etc).

Part 2: - FOI/EIR content: looking at all the important exemptions, chosen by the client, from a legal and procedural standpoint. These will usually be the most frequently used exemptions (e.g. confidential information, commercial prejudice), the interests they are there to protect, and any relevant public interest considerations. The Information Commissioner and Ministry of Justice guidance are considered, together with relevant Commissioner and Tribunal decisions on specific exemptions. **Note:** in Scotland, we deliver Part 2 of this course in the context of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

3. Auditing data protection

The day long course considers how an organisation can assess data protection compliance and identifies the key audit controls through which data protection practices and procedures can be monitored. The course is designed for auditors who do not have detailed data protection knowledge.

Contents include: examination of assessments which do not involve access to personal data: management structures; Data Protection Officer status; training and staff awareness; contracts with data processors. Software. Privacy Impact Assessments. Auditing which requires access to personal data: assessment of compliance with principles (e.g. collection of personal data; legal basis of processing), notification, dealing with data subject rights, security of processing, transfers outside the EEA.

4. Auditing freedom of information/EIRs

The day long course considers how an organisation can assess FOI/EIR compliance and identifies the key controls through which FOI/EIR practices and procedures can be monitored. It is designed for auditors who do not have detailed FOI/EIR knowledge.

Contents include the identification of the audit points identified in various Codes of Practice and Commissioner's guidance that apply to the FOI/EIR regimes, management structures, staff awareness and data processor contracts.

We can also deliver this course in the context of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

5. Data handling/security for public sector managers

This half day long course explains the legal drivers underpinning the HMG Security Policy Framework (SPF) and, where appropriate, the Local Government Association (LGA) Data Handling Guidelines. The course explains why the Framework and Guidelines have been produced and explores their content. There is an emphasis on explaining the role of managers in implementing the SPF or LGA Guidelines and to their continuing management responsibilities to this area.

Note: if you are looking for a more detailed day long data security course, please consider Course 20 "Information security and the law".

6. Application of the data protection principles to a various sectors

This day long course applies the data protection principles to specific sectors of your choosing, the processing of confidential personal data and, if needed, the Privacy and Electronic Communications Regulations (PECR).

This course looks at the application of the data protection rules to specific functions or sectors (such as marketing, credit referencing, banking, insurance, utilities, local authorities, human resource management). Consideration of data processing environments (e.g. internet, intranets, e-mail, CCTV, smart cards, electronic commerce, data matching, data sharing, statutory obligation to disclose). The marketing aspect includes electronic marketing and the Privacy and Electronic Communications Regulations (PECR). We discuss with you what sectors you want covered in your course.

The course assumes some familiarity with the Data Protection definitions and Principles. If this familiarity is wholly absent we can introduce a definitional session.

7. Data Protection Act and CCTV

This course can be a half day or an all day course. The day long course includes the following: Article 8 of the Human Rights Act, definitions, the lawful processing of images, fair collection notices and signage, camera siting, CCTV or surveillance of staff or at work, covert use of cameras and RIPA/DPA interface, Retention and disposal of images, Disclosure of images (e.g. to external agencies), Misuse of images (e.g. CCTV cameras follow an attractive blonde) and rights of access to images. Also considered is the ICO's CCTV Code of Practice, CCTV procurement and Privacy by Design initiatives and the importance of staff training. If need be the course can cover, scope of the national security exemption and the crime prevention exemption, CCTV public order surveillance and ACPO's CCTV strategy.

If you opt for a half-day course, we would want you to identify which part of the day long course content can be excluded or shortened.

8. Data Protection Act and data sharing (e.g. child protection)

This course can be a half day or all day course. The day long course includes: a formal teaching session in relation to the interplay between the common law of confidence and Article 8 of the Human Rights Act with relevant parts of the Data Protection Act and other legislation (e.g. Children Act 2004) and subsequent regulations. The course also covers the application of the *all* Data Protection Principles to data sharing (e.g. consent, as required by law, and the public interest) and classroom discussion re the key elements of the application of official guidance. The course includes a case-study session which starts from the easier case studies and ends with a complicated case. (We would discuss the scenarios with you to make sure they are relevant to you).

The course also explores disclosure procedures in great detail and explores why sometimes reluctance to share personal data. The content of relevant official guidance (e.g. the Code of Practice on data sharing) and other documentation (e.g. any relevant data sharing protocol) as appropriate.

If you opt for a half-day course, we would want you to identify which part of the day long course content can be excluded or shortened.

9. Data Protection Act and employee data

This course can be a half day or all day course. It includes a session on the definitions in data protection and the Act's interaction with the common law of confidence.

The Data Protection Act is discussed in the context of the following HR issues: fair processing notices & transparency: what should be declared on forms & websites; use and disclosure of medical personal data in HR; what staff can have access to which personal data; posting details of staff on the Intranet; opinions and disputed opinions (e.g. in appraisals and emails: accuracy, relevance); retention and disposal of personal data: archiving, and providing and getting references

There are sessions on: disclosure of staff details with consent (e.g. from payroll records); disclosure of staff details without consent (e.g. to external agencies; trades unions?); vetting of staff; surveillance and monitoring at work; consequences of rights of employees to personal data and the fact that the right of access might not apply. We cover FOI expectations of public sector staff (e.g. re expenses claims etc); security obligations arising from HMG security classifications; data sharing of staff details outside the EEA and HR elements associated with procurement of equipment or use of data processors.

We would prioritise the subject areas you want covered in your course and if you opt for a half-day course, we would want you to identify which part of the day long course content can be excluded or shortened.

10. Data Protection Act and finance service delivery

This course can be a half day or an all day course. It includes a session on the data protection definitions and the overlap between data protection and the common law of confidence that can apply to financial information.

The Data Protection Act is discussed in the context of the following issues: fair processing notices & transparency: what should be declared on forms & websites; disclosure procedure in connection with money laundering and credit referencing; use and collection of medical personal data; subject access by customers; disclosure to the authorities under other circumstances; CCTV surveillance of staff and customers; personal data on “awkward” customers (e.g. opinions and disputed opinions). All forms of marketing of financial services (including the Privacy and Electronic Communications Regulations). Also included is the role of Credit Reference Agencies and the relevant parts of the FSA’s Banking Practice Code.

If you opt for a half-day course, we would want you to identify which part of the day long course content can be excluded or shortened.

11. Data Protection Act and marketing

This course can be a half day or an all day course. The course covers: a review of the definitions to identify when the Act is engaged and a review of the definitions to identify when the Privacy and Electronic Communications Regulations (PECR) are engaged.

There then follows a detailed discussion (workshop style) with respect to all data protection principles in the context of marketing (including third party marketing); application forms, fair processing notices, privacy policy re marketing purpose all forms of direct marketing and the right to object to marketing (includes PECR); market research and the research exemption; outsourcing the marketing function; behavioural marketing and the ASA database rules. Also covered are important Tribunal and ASA cases of importance to the marketing function.

If you opt for a half-day course, we would want you to identify which part of the day long course content can be excluded or shortened.

12. Data Protection and Privacy Impact Assessments

The course can be a half day or an all day course; the all day course offers more time to consider practical issues when performing a PIA. The course content covers the following questions: What is data protection? How does it differ to privacy? How does it differ from security? Why do we have to do a PIA? Practical sessions cover: how PIA relates to risk assessment: how to assess risks, how to quantify them, what countermeasures could be adopted, audit of countermeasures.

Finally, the course covers a privacy law compliance check and how that differs from a data protection compliance check. It addresses the questions How do we know what other laws to consider? Do we do a small-scale PIA or full-scale PIA? Doing a PIA in detail? What records should be kept?

13. Data Protection and Outsourcing

This half day long course addresses the Seventh and Eighth Data Protection Principles with special regard for outsourcing considerations. It also considers when a data controller outside the European Economic Area, outsources to a processing function into the UK. The content covers law underpinning the seventh and eighth data protection principles. A review of data losses and how the Data Protection Act is enforced (Undertakings; Monetary Penalty Notices). The course covers parts of ISO 27001 relate to outsourcing and contracts with data processors.

14. Data Protection Act training for support staff (Principles)

This day long course covers a review of the definitions to identify when the Act is engaged and a detailed discussion (workshop style) with respect to the eight data protection principles in the context of: application forms, fair processing notices and privacy policies; direct marketing (excluding PECR); research; posting details on the Internet, data sharing, data loss and security, private use of the Internet by staff; impact of rights of access and limited business and HR functions (e.g. Retention and disposal of records). Disclosure procedures are also discussed and the course can include a brief summary of rights of access.

In this course, we normally teach data protection in the context of a few issues chosen by the client. In this way, this data protection course (e.g. how the Principles work) is always considered in the context of your organisation’s processing of personal data.

15. Data Protection Act training for support staff (Rights & Exemptions)

The day long course covers all procedural requirements associated with a request for access to personal data (e.g. timescales, law and procedures) and discussion of other the rights of data subjects). In addition it covers all considers procedures associated with your chosen subject access exemptions (e.g. crime and taxation, research, information required to be made public; confidential references etc).

16. Data Protection Update on the latest issues

This day long course usually covers the content of recent Data Protection Update sessions. Content includes a legal update: a review of undertakings; FOI Decisions Notices that reveal Data Protection issues, and case law; What’s new from the UK from the ICO ; What’s new in the Information Assurance/security/PIA update ; European Update Other news round-up.

If you opt for this course, we would normally want you to identify relevant topics for your organisation. Because this development can involve additional course preparation, we reserve the right to charge for **significant** additional course preparation (but we will tell you what this is before we contract for this course).

17. FOI/EIR training for support staff (Handling Requests)

This day long course covers all procedural requirements associated with a request (e.g. formalities, timescales, duty to advise and assist; requirements of Codes of Practice; how the information is communicated. Comparison with EIRs, Procedural exemptions: the appropriate limit, Fees Regulations, and repeat or vexatious requests).

In addition the course looks at all the important exemptions, chosen by the client, from a legal and procedural standpoint (e.g. confidential information, commercial prejudice), the interests they are there to protect, and any relevant public interest considerations. Relevant Guidance, Commissioner and Tribunal decisions on specific exemptions are also considered.

We can also deliver this course in the context of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

18. FOI/EIR training for support staff (Exemptions)

This day long course compliments course 16 (dealing with handling FOI/EIR requests) and considers **all** the FOIA/EIR exemptions, with a detailed look at those most frequently used (e.g. confidential information, commercial prejudice), the interests they are there to protect, and any relevant public interest considerations. The Information Commissioner and Ministry of Justice guidance are considered, together with relevant Commissioner and Tribunal decisions on specific exemptions.

We can also deliver this course in the context of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

19. Freedom of Information/EIR and the interface with Data Protection

This day long course looks at the law and procedures when an EIR or FOI request involves personal data that relate to another data subject (i.e. other than the applicant).

It covers an introduction to Data Protection Act 1998 (DPA), with emphasis on categories of data covered, introducing category (e) data, what is personal data, the data protection principles, and who is liable. Effect of FOIA on personal privacy, and a detailed analysis of s.40 exemption for personal data and of Regulation 13 of the EIRs. Using the data protection principles to apply the exemption to third party data, and considering the Information Commissioner Guidance and Decision Notices in relation to these exemptions.

We can also deliver this course in the context of S.38 of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

20. The Environmental Information Regulations

This day long course looks at the law, procedures and exemptions when a request involves environmental information and, where appropriate, contrasting them with the relevant obligations of the corresponding FOI regime.

The course content covers: where do the EIRs come from and what is environmental information? Compare and contrast EIRs with FOIA Detailed consideration of differences in scope (who is an EIR authority?), procedure, review of refusals, and the EIR exceptions. DEFRA Guidance and Code of Practice and other special features of the EIRs regime.

We can also deliver this course in the context of the Freedom of Information (Scotland) Act 2002 and equivalent Scottish Environmental Regulations.

21. Information security and the law

This day long course addresses the Seventh Principle and how the obligations under all the principles relate to ISO 27001. It also considers the Eighth Principle and the transfer of personal data outside the European Economic Area and outsourcing considerations.

The focus is the law underpinning the Seventh and Eighth Data Protection Principles. A review of data loss cases and how the Data Protection Act is enforced (Undertakings; Monetary Penalty Notices). The course extends to key parts of ISO 27001 relate to obligations under these principles (e.g. policies and management structures; practices for securing data including access controls and encryption). Contracts with data processors. How this influences system design. Offences and other relevant law (e.g. Computer Misuse Act; rules of evidence, confidentiality).

For public sector bodies, the context of the training is likely to be the HMG Security Framework and Information Assurance Assessment instead of ISO 27001.

22. Regulation of Investigatory Powers Act

This day long course looks at the RIPA powers as they relate to the interception of communications; the acquisition of communications data (eg billing data); intrusive surveillance (on residential premises/in private vehicles); covert surveillance in the course of specific operations; the use of covert human intelligence sources (agents, informants, undercover officers) and access to encrypted data. We normally discuss with clients what RIPA powers they want delegates to understand.

For each of these powers, the course identifies the purposes for which they may be used; which authorities can use the powers; who should authorise each use of the power; the use that can be made of the material gained; the nature of the independent judicial oversight; and the means of redress for the individual.

We normally deliver this course in the context of a "surveillance situations" that delegates want discussed. Such situations include: use of CCTV images, directed surveillance (e.g. on instructions from the police); covert surveillance (e.g. undercover detection); employee monitoring at work; communications data access (e.g. who has called whom and when) and surveillance when you check facts given to you by someone (e.g. anonymous tip-offs)

23. Re-use of public sector information

This half day course covers the "Re-use of public sector information Regulations (S.I. 1515/2005)" which applies to certain public authorities and the information that can be released under FOIA. The course covers: Why "re-use" is seen to be a desirable outcome; which public sector bodies are involved in re-use and what information is included or excluded from the scope of the Regulations.

The course follows an application for re-use from its initial request, the production of an asset register of information subject to reuse and the acceptance or refusal by a public sector body of a reuse request. We cover IPR issues and licences and the fees that can be raised, the timescales for a response and what should be in a "Refusal Notice". Finally we look at the Appeals process and specific issues (e.g. if the re-use relates to personal data and whether the public sector body keep the revenues from reuse).

We would also consider your requirements in the context of the "Unlocking Innovation" policy and the publicly availability of several public sector databases (usually statistical).

24. Other information law courses

All the above courses can be "mixed and matched" to suit your training objectives. Do not hesitate to **contact us** (details on page 2) if your requirement is not one of the above, but clearly is in our sphere of competence.

We can also customise material from the public courses that Amberhawk delivers; to view our public course offerings visit the training page, accessible from our website. For onsite ISEB courses, also **contact us**.

If you want this for your staff and can organise an on-site ISEB course in Data Protection or FOI, we have a separate brochure we can you. (Course content is exactly the same as our public courses as advertised on our website).

Finally, when we offered the ISEB syllabus on "IT Law", we had developed courses on: "Contract law in general". "Contract law applied to IT", "Intellectual Property, "databases and computers" and "Internet Law and e-business". If these are of interest to you, please use the **contact us** information below.