

“Unstructured personal data” held by **Public Authorities**

The Freedom of Information Act 2015 (FOIA) extended the definition of “data” in section 1 of the Data Protection Act (DPA) and introduced the “*category e*” definition of data - “unstructured” data. Unstructured data can include, for example, information in documents kept in a random order in a box, notes in a notebook, handwritten notes in paper files.

This extended definition applies to information recorded by **public authorities specified in Schedule 1 to FOIA ONLY**.

The effect of the introduction of “unstructured” data is that all information is now “data” for the purposes of the DPA, however it is held by the public authority.

“Unstructured personal data” is information in unstructured data that relates to a living individual who can be identified from that data or from those data and other information which is in the possession of, or is likely to come into the possession of, the public authority.

Effect on subject access requests made to public authorities

Individuals can make subject access requests to a specified public authority for any personal data, including unstructured personal data. No additional fee can be levied.

To exercise the right of access to “unstructured personal data”, individuals must be able to provide a “description of the data”. This does not require an individual to identify precisely where the unstructured information may be kept by the public authority, but may be an indication as to where it is likely to be, for example ‘in a note made by X in their diary when I came in for a meeting on y date’.

Other provisions of the DPA applying to “unstructured personal data”

- The fourth data protection principle – accuracy of data;
- The sixth data protection principle in respect of the rights of:
 - access to personal data, and
 - rectification etc. of personal data;
- compensation relating to damage and/or distress caused by contraventions of the right of access or the fourth principle;
- Exemptions from the subject information provisions and non-disclosure provisions; The enforcement powers of the Information Commissioner;
- The miscellaneous and general provisions of Part 6 of the DPA (except the section 50 offence of unlawful obtaining, etc.); and
- Schedules 3-8 as applicable.

Unstructured personal data relating to “*appointments or removals, pay, discipline, superannuation or other personnel matters, in relation to*” government employees is exempt from all the data protection principles and rights of individuals, including the right of access to personal data.