Data Protection

Regional SGBV CM/IM Workshop

9-11 October 2017

San José, Costa Rica

Learning Objectives
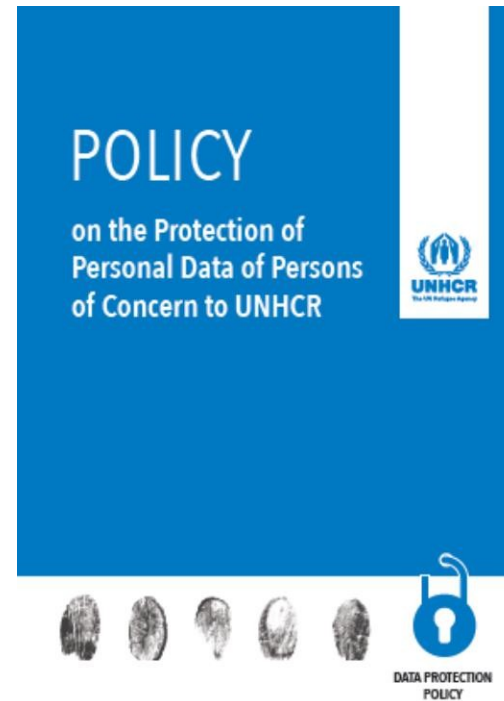
1) Review key elements in the UNHCR Data Protection Policy.
2) Reflect on data protection measures in place in your organization using the Data Protection Checklist.

UNHCR's new Data Protection Policy (2015):

Purpose, Rational and Scope:

✓ Processing **personal data** of UNHCR's persons of Concern (PCO) in accordance with **UN's regulations** on computerized personal data file.

✓ **UNHCR, partners and third parties** handling POC's data.

✓ Even **after individuals are no longer POC**

http://www.refworld.org/docid/55643c1d4.html

POLICY
on the Protection of
Personal Data of Persons
of Concern to UNHCR

DATA PROTECTION POLICY

Guidance in related UNHCR materials:
- UN Staff Regulations,
- Code of Conduct,
- Registration and Resettlement Handbooks,
- RSD Procedural standards, etc.

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UNHCR The UN Refugee Agency

UNHCR's new Data Protection Policy (2015):
Basic principles

✓ **Legitimate and fair processing** : consent, best interest, UNHCR's mandate, POC's safety & security

✓ **Purpose specification**: specific and legitimate purpose

✓ **Necessity and proportionality** : not to exceed the purpose

✓ **Accuracy**: updated to ensure it fulfils the purpose(s) for which it is processed

✓ **Respect for the rights of the data subject** (POC) : information, access, correction, deletion and objection

✓ **Confidentiality** : even after the data subject is no longer a POC.

✓ **Security** : technical and organizational data security measures (SOP, training, Data Protection Impact Assessment; physical security, access control, protection of data in security risk situations).

✓ **Accountability**: accountability and supervision structure

Data Protection Impact Assessment (DPI)

A tool and process for assessing the protection impacts on data subjects in processing their personal data and for identifying remedial actions as necessary in order to avoid or minimize such impacts.

WHEN:

When elaborating new systems, projects or policies or before entering into data transfer arrangements (DTA)

WHAT:

✓ general description of the new system, project or DTA
✓ analysis of the risks to the rights of data subjects

WHO and HOW: please consult **Regional Legal Unit and HQ**

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Implementing Partners (IPs) and UNHCR's POC data

- IPs are expected to apply the **same standards or comparable standards and principles** of UNHCR's data protection policy

- Standards and principles should be **verified** and included **Partnership Agreements**

- **UNHCR to assist Implementing Partners** in building or enhancing their capacity

- Personal data should be **returned to UNHCR upon termination of the agreement**, unless exceptional circumstances apply

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SGBV/CP data protection measures

- Basic data protection practiced by orgs/agencies
- Tool: Data Protection Checklist
- Confidentiality of information / Information Sharing Protocol
- Limited access to SGBV/CP data (referrals & Transfers)
- Anonymous information in reports

Data Protection Checklist

1. Self-audit of basic data protection measures in place or not in place for organizations/agencies

2. To be considered at various intervals of time (at least once per year)

3. Considerations for paper and electronic files in any type of operation

4. Data contingency planning, particularly in emergency or high security risk locations

ACTIVITY: Data Protection in your Operation

Instructions

1. Break into groups by country **or** groups of 3 or 4 from different countries.
2. Consider the **9 main questions in the Data Protection Checklist**.
3. Is this complete in your operation or are there still items that need to be put **in place?**

Key messages

- Data Protection Policy should be apply to handle **personal data of UNHCR's POCs.**

- UNHCR can assist **Partners to comply** with the Policy's standards and principles.

- **Data Protection Impact Assessment (DPIA)** for new systems, policies and projects.

- **Regional Legal Unit & Data Protection Officer in HQ** should be contacted for advice and support for DPIA or when doubts.

- Refer to the **Data Protection Checklist periodically** to ensure that basic data protection measures are in place for both paper and electronic files.