

Challenges in data protection for counselling centres

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DatAct conference



Personal data protection act (101/2000)

Sets conditions for processing of personal data

La Strada – personal data administrator (=processes personal data) – has to define:

- Purpose and
- Means of processing

Personal data protection office – independent supervisory body

- Extensive controlling powers
- May impose fines for violation of personal data protection
- Its chairperson appointed by the president of the Czech Republic, nominations by Parliament

Obligations of La Strada as personal data administrator

- process only data that are precise,
- use the data only to the purpose defined and only in the scope that is necessary
- keep personal data only for a time period that is necessary for their processing
- process personal data only with the consent of the person (client)

Consent with processing personal data – La Strada

Data processed:

- name and surname
- date of birth/age
- place of permanent residence
- current place of residence
- identification document information
- state of health ,
- social situation,
- the process of trafficking and its consequences.

The purpose of data processing – La Strada

- processing of statistical data needed by the organisation,
- dealing with relevant institutions and organisations in favour of the client in the framework of individual planning when providing the social service.

Data processed for 5 years from the termination of the service.

Social services act

Confidentiality obligation

- all employees of social service providers,
- also after the termination of labour relationship
- members of social service inspection
- Exemption: client's consent, in writing, defining scope and purpose

Forwarding personal data

Social services act, § 100:

- written consent of client,
- explicit obligation stated in:
 - Social Services Act: new obligation to forward data to child social protection bodies, in case that the provision of social protection for such a child is necessary (administrative decision needed)
 - (not relevant to La Strada CZ).
 - other legislation (e.g. Criminal Code)

Confidentiality obligation/Criminal Code

Criminal code: General obligation to report / act against the commitment of a crime (selected crimes).

Exception: crime of trafficking in human beings and pimping for persons providing help to victims of crimes.

Collection of summarized data

Social services Act, § 100

General information and summary statistical data may be used by:

- employees of the Ministry for Labour and Social affairs, regional and municipal offices (scientific, publication and pedagogic activities)
- The Ministry of Labour and Social affairs (analytical and conceptual activity)

Social services evidence system

Data forwarded to the Ministry of Labour and Social affairs annually:

- cumulative numbers of clients,
- client data disaggregated according to:
 - Age groups (youth/adults),
 - Sex (men/women)
 - Target group (victims of trafficking, commercially exploited persons, persons in crisis)

Programme for supporting trafficking victims

- Personal data shared with the Interior ministry
- client written consent
- advantages for clients :
 - residence permit
 - Services provided to clients paid by the Interior Ministry.

Data processing - database

Fwd: Next Week! - iva@str x Arum LaStrada x

https://strada.arum.cz/index.php/client/crud?locale=en_US#edit=new

Client | Fast entering of acts | Household | Hotline | Hotline - Identity | Chronology | Inconsistence | Team | Contacts

Starting date* 04/07/2013

End of relation

Act number* 022

Boss of act* Jarolímová Iva

First name* Test

Surname* Test

Date of birth* 01/01/1990

Date of birth is an estimate

Birth place

Street

Gender* Woman

Marital status married_woman

City* Praha

Postal code

Country ČR

Nationality ČR

Residence status unknown

Identity papers VZP

Education základní

As child

Archived client

Notice

Contact info

phone num. 777 000 000

Client source* klientka

Forms of exploitation* nucená prostituce

Police cooperation* nespolupráce

Client termination ...

Save Close Print

New client

Data processing – Google project

Global human trafficking Hotline network: Polaris project (USA), Liberty Asia, LSI (LS CZ in partnership)

New ways of data sharing and analysis: data collected to support anti-trafficking strategies focused on eradication, prevention and victim protection

But...

Client personal data protection remains in first place! Only non-personally identifying data will be shared!

What are the challenges?

1. Need/desire to collect data vs. increasingly complex environment (legal, technological)

What do we need data for?

- requested by donors
- evaluation of our own activities/efforts
- measuring of progress: where are we going
- What are the trends? What should we focus on?

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What are the challenges? (2)

2. IT specialists vs. human rights defenders

Knowledge and expertise needed: involve IT specialists to provide knowledge-based counselling and advice to organisations on the technical aspects of data-storing, data-flows and sharing.

3. Involve legal data protection specialists

Thank you!
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Konec prezentace

