

IC	H: Compliance Audit Checklists: Other Data Protection Issues			Page	1
Organisation		Department		Date	
Aspect	H.1 Using Data Processors	Auditor		Audit ref:	
Question/Check		Evidence (Documents) Examined	Findings and Observations		Result
H.1.1 Choosing a Data Processor					
a) How does your organisation actually choose its Data Processor(s)? Does this involve choosing one providing sufficient guarantees on security?					
b) What reasonable steps did you take to ensure that the Data Processor complies with data protection requirements?					
c) How did you assess their data security measures? (eg risk assessment procedures)					
d) How do you ensure that the Data Processor complies with these measures?					
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H.1.1 Choosing a Data Processor (continued)					
e) Is there an on-going procedure for monitoring their data security measures?					
f) How does this procedure work?					
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H.1.2 Contract Initiation					
a) How do contracts deal with specific Data Protection and/or security issues such as: <ul style="list-style-type: none"> Notification (e.g. who is the Data User)? Limitations (e.g. on disclosures and use of data)? Obligations to comply with any limits set? Relevant security and data protection standards? 					
b) Is there a written contact?					
c) Do existing contracts include provisions requiring the processor to only act on instructions from the organisation and comply with its security obligations?					
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H.1.3 Contract Review					
a) How is the contract checked to ensure that all necessary requirements are specified?					
b) How are the results of any contract reviews documented?					
c) If the contractor uses any agents, how are they identified and how are their responsibilities assigned?					
d) If your organisation sets any audit requirements, how are these specified, carried out and reported?					
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H.1.4 Contract Modifications					
a) How are modifications to contracts initiated, authorised and implemented?					
b) Who is responsible for making improvements to standards that are found to be inadequate?					
c) When a contract expires or is terminated, what are your procedures regarding personal data held? (Eg Who retains the data? What happens to it?)					
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H.1.5 Contract Breaches					
a) What happens in the case of breaches of Data Protection Act principles, such as security, or data controller's duties?					
b) How are indemnities specified (if any) in case of breach of contract conditions?					
c) How does the Data Processor obtain authorisation from your organisation for overseas transfers of personal data to territories outside the EEA?					
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Organisation		Department		Date	
Aspect	H.2 Notification	Auditor		Audit ref:	
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H.2.1 Notification to the Commissioner					
a) Who is responsible for the organisation's notification to the Commissioner?					
b) Can the person(s) responsible for Notification be identified by staff within the organisation?					
c) To what extent do the Notification entries reflect the actual processing of data?					
d) How often is this point reviewed?					
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Aspect	H.2 Notification	Auditor		Audit ref:	
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H.2.1 Notification to the Commissioner (continued)					
e) Are the registered purposes lawful and do they comply with any legal constraints to which the organisation is subject?					
f) Does each notification entry adequately reflect the personal data that are held?					
g) Are any exemptions from notification relied upon?					
h) If any exemption is relied upon, how is continued compliance with the terms of the exemption maintained?					
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Aspect	H.2 Notification	Auditor		Audit ref:	
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H.2.2 Notification Maintenance					
a) What are the procedures for keeping the Notification entry up-to-date?					
b) How are staff kept informed of how the Notification entry correspond to their work?					
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Aspect	H.3 Transitional Provisions	Auditor		Audit ref:	
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H.3.1 Processing Already under way					
a) Has your organisation distinguished between 'processing already under way' and new processing started after October 24 th 1998 to identify data which is subject to the Data Protection Act 1998? If so, how?					
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Aspect	H.3 Transitional Provisions	Auditor		Audit ref:	
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H.3.2 Dual Regime					
a) What steps have been taken to ensure that the organisation's working practices and systems take account of personal data which are subject to the Data Protection Act 1998 and personal data which are not?					
b) Has data eligible for continuing under the terms of the Data Protection Act 1984 been clearly identified within the organisation?					
c) What guidance, if any, has been given to staff on how to operate this dual regime?					
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Aspect	H.3 Transitional Provisions	Auditor		Audit ref:	
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H.3.3 The first and second transitional periods					
a) How are personal data added after the 24 th October 1998, identified?					
b) What are the procedures for identifying personal data that may be exempt until October 24 th 2001?					
c) How is the organisation preparing to incorporate Manual Data within the organisation's Data Protection system after October 24 th 2001?					
d) Has the organisation prepared procedures for changing the way eligible data are processed after the first transitional period ends in 2001 and the 2 nd transitional period ends in 2007?					
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H.3.3 The first and second transitional periods (continued)					
e) If so, what are these procedures?					
f) How have staff been instructed to process data once transitional relief no longer applies?					
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