Personal data: privacy, ownership, consent and data protection

5.2.1 · Issues and impact · revision notes

Organisations collect huge amounts of personal data about us. This subtopic covers the ethical and legal issues this raises, using the specification's terms: privacy, ownership, consent, misuse and data protection. On Paper 1, expect 'Explain' questions set in a context and 6-mark 'Discuss' questions.

Key facts

- **Personal data**: information about a living person who can be identified from it.
- **Consent**: agreement that is freely given and informed.
- **Misuse**: using data for another purpose, sharing it without permission, or accessing it without authorisation.
- People's rights: see their data, have it corrected, object to marketing, sometimes have it deleted.
- **Privacy**: control over who sees and uses information about you.
- **Ownership**: who controls and profits from data; the person it is about keeps legal rights over it.
- Data protection duties: lawful, fair and open; stated purpose only; only what is needed; accurate; not kept too long; secure.
- Breach effects: fraud, identity theft and phishing for people; fines, compensation claims and lost trust for organisations.

Notes

Personal data and why it is collected

- **Personal data** is any information about a living person who can be identified from it, either directly or by combining it with other data.
- Examples: name, address, date of birth, email address, photos, location, IP address, bank details and health records.
- It is collected through online forms, apps, loyalty cards, cookies that track browsing, CCTV and smart devices.
- Organisations use it to provide a service (e.g. delivering a parcel), personalise it, target adverts, improve products or sell it to other companies.

The ethical issues

- **Privacy**: your right to control who sees information about you. Tracking your location or browsing, or combining data sets, can reveal where you live, your routine, your health or your beliefs.
- **Consent**: agreeing to your data being collected and used. Real consent is freely given and informed (you know what you are agreeing to). Consent hidden in long terms and conditions, or given by a pre-ticked box, is not real consent.
- **Ownership**: once a company holds data about you, who controls it? The company may store it, share it and profit from it, but you still have legal rights over data about you.
- **Misuse**: using data for a purpose it was not collected for, sharing or selling it without permission, or looking at it without authorisation, e.g. an employee looking up a neighbour's records.
- Removing names does not always make data anonymous: a postcode, a date of birth and the routes a person runs can together identify one person. Grade 7+ only

Data protection: the legal side

- Data protection law says an organisation that holds personal data must use it lawfully, fairly and openly, telling people what it collects and why.
- It must use the data only for the purpose it was collected for, and collect only what it needs.
- It must keep the data accurate and up to date, and not keep it for longer than it is needed.
- It must keep the data secure, e.g. with encryption, access levels and backups.
- People have rights: to see the data held about them, to have mistakes corrected, to object to direct marketing and, in some cases, to have their data deleted.
- Organisations must report serious data breaches to the Information Commissioner's Office (ICO), and can be fined for breaking the law.
- In the UK the law is the Data Protection Act 2018 and the UK GDPR. Naming the law alone earns little: describe what it requires.

How to answer each type of question

Give / State: examples or a definition 1 to 2 marks **Grade 3**

1. Give the number of examples asked for, each clearly different.
2. Make your examples fit the context: what would this organisation really collect?
3. For a definition, include 'living person' and 'can be identified'.

Example. A food delivery app stores data about its customers. Give **two** items of personal data that it is likely to store. (2 marks)

Model answer. Any two, 1 mark each: the customer's name (1); their home address (1); their phone number or email address (1); their payment card details (1); their order history (1).

Explain two ethical issues in a given situation

4 marks | Grade 5

1. Name each issue with a specification term: privacy, consent, ownership or misuse.
2. Link it to the situation: what data is collected, who sees it, did people agree?
3. Add the consequence using 'so' or 'which means'.
4. Make sure your two issues are different.

Example. A company sells smart doorbells that record video of anyone who comes near the front door. The videos are uploaded to the company's servers. Explain **two** ethical issues this raises. (4 marks)

Model answer. Consent: the doorbell films visitors and people walking past (1), who have not agreed to be recorded, so their images are collected without their knowledge (1). Privacy: the videos are stored on the company's servers (1), so staff or hackers could see when the owners come and go, revealing their daily routine (1).

Describe how an organisation must handle personal data

2 to 4 marks | Grade 6

1. State a requirement of data protection law, e.g. keep the data secure.
2. Give a practical example that fits the organisation in the question.
3. Use a different requirement for each point.

Example. A dental practice stores its patients' names, addresses and medical histories. Describe **two** things the practice must do to meet data protection law. (4 marks)

Model answer. Keep the records secure (1), e.g. encrypt them and give a login only to the staff who need them (1). Keep the records accurate and up to date (1), e.g. change a patient's address or allergy information as soon as they report a change (1).

6-mark 'Discuss' the ethical and legal issues

6 marks | Grade 8

1. Identify the data being collected and who benefits from collecting it.
2. Work through the specification terms that apply: privacy, consent, ownership, misuse, data protection.
3. Cover benefits as well as concerns, applied to the context.
4. End with a justified conclusion, e.g. what safeguards would make the plan acceptable.

Example. A secondary school wants students to install an app that records their attendance by tracking the location of their phones. Discuss the ethical and legal issues of this plan. (6 marks)

Model answer. Marked in levels: the top level needs balanced, developed points linked to the school, and a conclusion. A strong answer might say: Attendance would be recorded automatically and accurately, saving teachers' time and quickly showing if a student is missing. However, location is personal data, so the school must follow data protection law: tell students and parents exactly what is collected and why, collect only what is needed (whether a phone is on the school site during the school day, not where it is in the evening), keep the data secure and delete it when it is no longer needed. Consent is an issue: students may feel pressured to install the app, so another way to register must be offered. Tracking young people is a serious privacy risk: if the data were leaked or misused, it could reveal where a student lives and their routine. Students without smartphones would also be treated differently. Overall, the plan is only acceptable if tracking is limited to school hours and the school site, with consent and strong security; otherwise the privacy risks outweigh the time saved.

Don’t lose marks

- Writing 'it breaks data protection law' without saying which requirement is broken and why.
- Confusing privacy with security: privacy is about who should see the data; security is how it is protected from people who should not.
- Thinking data is anonymous just because the names have been removed.
- Making general points ('the data could be hacked') that are not linked to the situation in the question.
- Only writing about problems in a 'Discuss' question: include the benefits too.

More tips

Memory tricks

- The five specification words: **P**rivacy, **O**wnership, **C**onsent, **M**isuse, **D**ata protection: 'Please Only Collect My Data'.
- Personal data test: could this, alone or combined with other data, point to one living person? If yes, it is personal data.
- Data protection in six words: open, purpose, minimum, accurate, time-limited, secure.
- Ethical asks 'is it right or fair?'; legal asks 'does the law allow it?'. Something can be legal but still unethical.

Exam technique

- Label each point with a specification word (privacy, ownership, consent, misuse, data protection), then explain it in the context.
- If the question says 'ethical and legal', cover both: what is right or fair, and what the law requires.
- In 6-mark answers, tie every point to the organisation and data in the question, and finish with a conclusion.

What each grade needs

What you need to be able to do, from the first marks up to the top grade.

Grade 3 — **Define personal data**
Information about a living person who can be identified from it, such as a name, address or photo.

Grade 3 — **Give examples of personal data collected**
For example name, date of birth, email address, location, bank details and health information.

Grade 4 — **State why organisations collect personal data**
To provide a service, personalise it, target adverts, improve products or sell the data to others.

Grade 5 — **Explain privacy and consent issues in context**
Say who could see or use the data, whether the person agreed, and what harm could follow.

Grade 5 — **Describe what data protection law requires**
Data must be used openly and only for its stated purpose, limited to what is needed, accurate, not kept too long and secure.

Grade 6 — **Explain misuse and the effects of breaches**
Misuse and breaches can lead to fraud or identity theft for people, and fines and lost trust for organisations.

Grade 7 — **Explain why 'anonymous' data may identify people**
Combining details such as postcode, date of birth and location can point to one person.

Grade 8 — **Discuss the benefits and risks of collecting data**
Balance convenience and better services against privacy, consent and security, then reach a conclusion.

Free notes, Full packs, practice papers and mock exams at chhetriacademy.com. Written for this site; not taken from past papers. Stuck? 1-to-1 tutoring with a free 30-minute trial lesson.