

**Data controller** (from Information Commissioner's Office) means ... a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a "person" recognised in law, that is to say:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can be individuals, for example self-employed consultants. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term jointly is used where two or more persons (usually organisations) act together to decide the purpose and manner of any data processing. The term in common applies where two or more persons share a pool of personal data that they process independently of each other.

#### **Example**

A network of town-centre CCTV cameras is operated by a local council jointly with the police. Both are involved in deciding how the CCTV system is run and what the images it captures are used for. The council and the police are joint data controllers in relation to personal data processed in operating the system.

#### **Example**

A government department sets up a database of information about every child in the country. It does this in partnership with local councils. Each council provides personal data about children in its area, and is responsible for the accuracy of the data it provides. It may also access personal data provided by other councils (and must comply with the data protection principles when using that data). The government department and the councils are data controllers in common in relation to the personal data on the database.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the Act. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.