

DATA PROTECTION (JERSEY) LAW 2005

***PROVIDING PERSONAL
ACCOUNT INFORMATION
TO A THIRD PARTY***



GD10

DATA PROTECTION (JERSEY) LAW 2005:

Providing Personal Account Information to a Third Party

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Aim of this guidance

To help you decide whether or not you should be giving information to third parties calling on behalf of an account holder and what to say if you decide not to. This guidance would be a useful training aid for any organisation that commonly deals with personal information or that regularly faces enquiries from the general public.

Recommended good practice

- We know that it is not easy to judge when you can give out information and when you cannot.
- Common sense should make you cautious about releasing details of someone's account, not just the need to comply with the Data Protection (Jersey) Law 2005 ("the Law"). The Law is here to ensure that personal information is handled fairly and securely.
- You must therefore have appropriate safeguards in place to ensure that, if you do decide to reveal account information, you are sure that the person you are speaking to is either your customer or someone acting on their behalf.

For example:

Request some form of evidence that the account holder has given their authority.

Set up a password on the account as a security measure (this may be an option for customers where someone regularly calls on their behalf, e.g. their spouse.)

- Think about whether or not you actually need to give any personal information. If not, it may be possible to speak to the caller.

For example:

Someone reporting a problem with another's phone line would not require a telecommunications company to disclose information (although if the company explained that it had been cut off for non-payment this would involve disclosure.)

- You have good reason to be careful about accepting instructions from someone other than the account holder where this will result in charges being incurred even if no personal information will be released.

Saying no

If it is not appropriate to reveal account details to a third party, explain why you are not willing to give them any information. Something along the lines of the example below should help them to understand why you cannot deal with them.

“We have to be careful with our customers’ information because there are attempts to trick us into giving it to someone who is not the customer and who is not acting on that customer’s behalf”.

Remember that there may be occasions when it is reasonable to reveal some limited information about an account to someone other than the account holder.

Example	✓ Good Practice	✗ Bad Practice
<p>Someone calls on behalf of their elderly mother to check whether there is a valid gas maintenance contract that would cover an emergency call out and can quote details from her most recent bill.</p>	<p>You are confident that the caller is acting on their mother's behalf and you provide this information. It is hard to imagine why somebody would want this unless they wished to help the account holder.</p> <p>Or</p> <p>You are not confident that the caller is really calling on their mother's behalf so are not comfortable speaking with them. You explain this rather than blaming the data protection law.</p>	<p>You are suspicious and refuse to release the information saying that the data protection law prevents you from doing so.</p>
<p>Someone calls requesting details of an elderly relative's bank account. They have no account details and can offer no proof that they have been authorised to call on that person's behalf.</p>	<p>You are suspicious and refuse to release the information until they can provide some evidence that they have permission to act on behalf of that person. Rather than simply citing the data protection law, you tell them that you need to be certain of the identity of any callers and of their authority to act for the account holder in order to avoid giving details to unauthorised people.</p>	<p>You provide the details anyhow. (This is probably a breach of the data protection law).</p>

CONTACT THE COMMISSIONER:

Enquiries and Publication Requests:

T: 01534 441064

F: 01534 441065

E-Mail: dataprotection@gov.je

W: www.dataprotection@gov.je

Office of the Data Protection Commissioner

Morier House

Halkett Place

St.Helier

Jersey

JE11DD

