

BCS Foundation Certificate in Data Protection Syllabus

Version 1.2
December 2016

This professional certification is not regulated by the following United Kingdom Regulators - Ofqual, Qualification in Wales, CCEA or SQA

Change History

Any changes made to the syllabus shall be clearly documented with a change history log. This shall include the latest version number, date of the amendment and changes made. The purpose is to identify quickly what changes have been made.

Version Number and Date	Changes Made
Version 1.2 December 2016	Strapline regarding regulated statement has been added
Version 1.1 March 2015	Updated the extra time requirements – candidates whose first language is not English are entitled to an extra 15 minutes and use of dictionaries.
Version 1.0 March 2014	New qualification and syllabus created

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Introduction

Knowledge of UK data protection law, and an understanding of how it is applied in practice, is important for any organisation holding personal information. The BCS Foundation Certificate in Data Protection is designed for those who wish to get a sound grounding in the key elements of the law and its practical application.

Objectives

The Foundation Certificate is intended to promote an understanding of UK Data Protection law. By obtaining the Foundation Certificate individuals will:

- Hold a recognised qualification in Data Protection.
- Have an appreciation of the way in which the DPA (Data Protection Act) and the marketing provisions of the Privacy and Electronic Communications (EC Directive) Regulations 2003 work.
- Have an understanding of individual and organisational responsibilities under the DPA.
- Be better placed to support their organisation in managing and handling customer data in compliance with the DPA.

Target Group

The qualification is primarily aimed at those who need to have an understanding of data protection to do their job, or those whose effectiveness in their role would be enhanced by knowledge of the law in this area.

The foundation course will also provide a stepping stone for those who have, or who will have, some responsibility for data protection within an organisation and who intend in due course to obtain the Practitioner Certificate.

This qualification is likely to be of particular benefit to those working in the following areas:

- Data Protection and Privacy
- Information Governance
- Project Management
- Legal
- Marketing
- IT Security
- Human Resources

Duration and Format of the Course

Candidates can study for this certificate in two ways: by attending training courses provided by Accredited Training Organisations or by self-study. An accredited training course will require a minimum of 16 hours of study run over a minimum of two days.

The course can be delivered a number of different ways from traditional class-room based training to online e-learning.

Eligibility for the Examination

This is a foundation level course and candidates will not need to have prior knowledge of data protection law (although it would be an advantage). It is strongly recommended that candidates complete an accredited training course but this is not mandatory.

Duration and Format of the Examination

The format for the examination is a one-hour multiple-choice examination. The examination is closed book i.e.no materials can be taken into the examination room. The pass rate is 26/40.

Guidelines for Accredited Training Organisations

It is required that all courses accredited for the BCS Foundation Certificate in Data Protection will provide a minimum of 16 study hours.

Each major subject heading in the syllabus is assigned an allocated time. The purpose is to give both guidance on the relative proportion of time to be allocated to each section of an accredited course and an approximate minimum time for the teaching of each section. Training Organisations may spend more time than is indicated and candidates may spend more time again in reading and research.

The total time specified in this syllabus is 16 hours of lecture and practical work. The course may be delivered as a series of modules with gaps between them, as long as the course meets all other constraints. Courses do not have to follow the same order as the syllabus. Note that specific laws and legal issues relating to the country(s) within which a Training Organisations operates may be mentioned as examples and included in course material, but the examination will only test the principles.

Additional time for candidates requiring Reasonable Adjustments

Candidates may request additional time if they require reasonable adjustments. Please refer to the [reasonable adjustments policy](#) for detailed information on how and when to apply.

Additional time for candidates whose language is not the language of the exam

An additional 25% (15 minutes) will be allowed for candidates sitting the examination in a language that is not their mother tongue. If the examination is taken in a language that is not the candidate's native / official language then they are entitled to use their own **paper** language dictionary (whose purpose is translation between the examination language and another national language) during the examination. Electronic versions of dictionaries will **not** be allowed into the examination room.

Syllabus

1. Introduction (0.5 hours - 3%)

The objective is to ensure a basic appreciation of the context of data protection law, and a basic understanding of the role of the Information Commissioner.

1.1 Context of Data Protection law

- EU Data Protection Directive 1995/46/EC
- Privacy and Electronic Communications Directive 2002/58/EC
- UK Human Rights Act 1998
- EU Charter of fundamental rights and freedoms (Article 8)

Candidates are expected to have a basic understanding of the aims of these four key legal instruments. Candidates are not expected to have a detailed knowledge of their provisions.

1.2 The role of the Information Commissioner

- Provision of guidance
- Codes of practice
- Enforcement role

NB details of enforcement provisions and specific codes are covered elsewhere in the syllabus

2. Identification of processing subject to the Act (2 hours - 13%)

The objective is to ensure that candidates know the key definitions in the Act and how to apply them in order to identify which information and processing activities are subject to the Act.

- Definition of 'Data' (1(1) a, b and c)
- Definition of Relevant Filing System
- Definition of Personal Data (including Sensitive Personal Data)
- Definition of Data Controller
- Definition of Data Processor
- Definition of Processing
- Definition of Data Subject
- Domestic purposes exemption (Section 36)

For the avoidance of doubt candidates are not expected to have a knowledge of 1 (1) d and e or 1 (2) (3) (4) (5) and (6))

3. Understanding the principles (5 hours - 31%)

The objective is to ensure an understanding of how the principles regulate the processing of personal data, as well as an understanding of the application of individual principles in the light of the interpretation provisions in Part II of Schedule 1. Candidates will be required to show an understanding of the need to interpret and apply the principles in context.

- First and Second Principles, including transparency, Schedules 2 and 3 and purpose limitation
- Third Principle
- Fourth Principle
- Fifth Principle
- Sixth Principle
- Seventh Principle – including data processing contracts
- Eighth Principle – including:
 - what constitutes a transfer
 - the implications of transferring personal data outside of the EEA
 - a broad appreciation of the different ways of achieving adequacy
 - an understanding of Schedule 4

NB Candidates are not expected to have an in-depth understanding of the detail of the different options for ensuring adequacy.

4. The rights (2 hours - 13%)

The objective is to ensure an awareness of all the rights conferred by the Act and a more detailed understanding of the application of key rights

Awareness of:

- Rights in relation to automated decision taking
- Right to rectification, blocking, erasure and destruction

A more detailed understanding of:

- Right to attempt to prevent processing likely to cause damage or distress
- Right to prevent processing for the purpose of direct marketing
- Right to compensation
- Right of subject access - including:
 - Process, timescale and fee
 - Approach to third party data
 - An awareness of the existence of the main exemptions

Candidates are only expected to know the standard fee **not** to know, for example, the fee regime in respect of educational records

Candidates are **not expected** to have a detailed knowledge of the subject information exemptions but are expected to understand the main areas in which exemptions are likely to be applicable and have a basic understanding of the effect of these provisions:

- Crime and taxation - Section 29(1)
- Serious harm in connection with certain types of records - Data Protection (Subject Access Modification) (Social work) Order 2000 and Data Protection (Subject Access Modification) (Health) Order 2000
- Negotiations - Schedule 7

5. Privacy and Electronic Communications (EC Directive) Regulations 2003 – rules relating to direct marketing (1 hr - 6%)

The objective is to ensure an awareness of the relationship between the Regulations and the Act, and an awareness of the main provisions relating to marketing:

- Objective and broad scope
- Provisions relating to marketing calls (automated and live)
- Provisions relating to marketing emails and SMS

NB Candidates are not expected to know the conditions for marketing by fax

The only preference service candidates are expected to know about is the Telephone Preference Service (TPS)/ Corporate Telephone Preference (CTPS)

6. Notification (0.5 hr - 3%)

The objective is to ensure a broad awareness of notification including:

- The requirement for data controllers to notify unless they are exempt (including a broad understanding of the 'core business purposes' exemption, not for profit exemption, and the fact that processing of manual data does not require notification)
- The requirement for data controllers to comply with the DPA even if they are exempt from notification

NB Candidates are expected to be aware that there are fees for notification but are **not** expected to have knowledge of the fee structure or to know the registrable particulars

7. Enforcement (2 hours - 13%)

The objective is to ensure an awareness of the ways in which the Information Commissioner and the Courts enforce the provisions of the Act.

The candidates will be expected to have an awareness of:

- Information Notices
- Undertakings
- Enforcement Notices
- Civil Monetary Penalties
- Power to conduct a compulsory audit (Section 41A Assessment Notices)
- Section 55

Candidates should understand where enforcement powers apply to the DPA and to PECR

8. Understanding when disclosures are permitted (1.5 hours - 9%)

Objectives include a basic knowledge of:

- Fairness and compatibility in the context of making disclosures of personal data
- Disclosures that may be permitted, including use of exemptions Section 29 (3), Section 35 (1) and (2)
- Powers and constraints other than data protection (e.g. confidentiality, a basic awareness of the fact that there may be other considerations for public sector organisations making disclosures)
- Considerations when sharing data (the Information Commissioner's Data Sharing Code of Practice)

9. Good practice (1.5 hours - 9%)

Objectives include a basic knowledge of;

9.1 Codes of practice

- The status and use of codes of practice
- An awareness of ICO codes in key areas - Privacy Notices, Subject Access, Employment Practices, CCTV – but not the content of those codes

9.2 Making compliance happen in practice

A basic understanding of:

- The reasons for and broad approach to making Privacy Impact Assessments
- Role of a Data Protection Officer
- Training of staff

Levels of Knowledge / SFIA Levels

This course will provide candidates with the levels of difficulty / knowledge skill highlighted within the following table, enabling them to develop the skills to operate at the levels of responsibility indicated.

The levels of knowledge and SFIA levels are explained at www.bcs.org/levels

Level	Levels of Knowledge	Levels of Skill and Responsibility (SFIA)
K7		Set strategy, inspire and mobilise
K6	Evaluate	Initiate and influence
K5	Synthesise	Ensure and advise
K4	Analyse	Enable
K3	Apply	Apply
K2	Understand	Assist
K1	Remember	Follow

Format of the Examination

Type	Multiple choice, 40 Questions.
Duration	1 Hour. An additional 15 minutes will be allowed for candidates sitting the examination in a language that is not their native language
Pre-requisites	Accredited training is strongly recommended but is not a pre-requisite.
Supervised	Yes
Open Book	No
Pass Mark	26/40
Distinction Mark	None
Calculators	Calculators cannot be used during this examination
Delivery	Paper based examination

Trainer Criteria

Criteria	<ul style="list-style-type: none"> • Hold the BCS Foundation Certificate in Data Protection • Have 10 days training experience or hold a train the trainer qualification • Have a minimum of 3 years' experience in the area of data protection
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Classroom Size

Trainer to candidate ratio:	1:16
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Recommended Reading List

IMPORTANT: Legislation, Codes of Practice and Guidance are subject to change. Candidates should ensure they are referring to the most up to date version.

Legislation (can be found at www.legislation.gov.uk)

Title: The Data Protection Act 1998

URL: <http://www.legislation.gov.uk/ukpga/1998/29/contents>

Title: The Privacy and Electronic Communications (EC Directive) Regulations 2003

URL: <http://www.legislation.gov.uk/uksi/2003/2426/contents/made>

Title: Data Protection Directive 95/46/EC

URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:en:HTML>

Title: Privacy and Electronic Communications Directive 2002/58/EC

URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:201:0037:0037:EN:PDF>

Information Commissioner's Office Guidance and Codes of Practice www.ico.org.uk

Title: The Guide to Data Protection

Author: Information Commissioners Office

Publisher: Information Commissioners Office

URL: http://ico.org.uk/for_organisations/data_protection/the_guide

Title: Privacy Impact Assessment Handbook

Author: Information Commissioners Office

Publisher: Information Commissioners Office

URL: http://ico.org.uk/for_organisations/data_protection/topic_guides/~-/media/documents/library/Data_Protection/Practical_application/pia-code-of-practice-final-draft.pdf

Title: Direct Marketing Guidance

Author: Information Commissioners Office

Publisher: Information Commissioners Office

URL: http://ico.org.uk/~-/media/documents/library/Privacy_and_electronic/Practical_application/direct-marketing-guidance.pdf

Codes of Practice

Title: Employment Practices Code of Practice

Author: Information Commissioners Office

Publisher: Information Commissioners Office

Publication Date: November 2011

URL:http://ico.org.uk/~media/documents/library/Data_Protection/Detailed_specialist_guides/the_employment_practices_code.pdf

Title: Privacy Notices Code of Practice

Author: Information Commissioners Office

Publisher: Information Commissioners Office

Publication Date: December 2010

URL:http://ico.org.uk/~media/documents/library/Data_Protection/Detailed_specialist_guides/PRIVACY_NOTICES_COP_FINAL.ashx

Title: Data Sharing Code of Practice

Author: Information Commissioners Office

Publisher: Information Commissioners Office

Publication Date: May 2011

URL:http://ico.org.uk/for_organisations/data_protection/topic_guides/~media/documents/library/Data_Protection/Detailed_specialist_guides/data_sharing_code_of_practice.ashx

Title: Subject Access Code of Practice

Author: Information Commissioners Office

Publisher: Information Commissioners Office

Publication Date: August 2013

URL:http://ico.org.uk/~media/documents/library/Data_Protection/Detailed_specialist_guides/subject-access-code-of-practice.PDF

Title: CCTV Code of Practice

Author: Information Commissioners Office

Publisher: Information Commissioners Office

Publication Date: June 2008

URL:http://ico.org.uk/~media/documents/library/Data_Protection/Detailed_specialist_guides/ICO_CCTVFINAL_2301.pdf