

Data Protection

Finance and IT policy 8

Keniston

1 Summary

- 1.1 As a landlord and employer, Keniston Housing Association (“**the Association**”) holds personal information on a variety of people (“**Data Subjects**”), which includes prospective, current and former tenants and leaseholders, current and former employees, job applicants, management committee members, suppliers and contractors.
- 1.2 The Data Protection Act 1998 (“**the Act**”) sets legislative requirements for organisations processing personal information (“**Data Controllers**”).
- 1.3 This Policy aims to protect and promote the rights of Data Subjects and the Association and should be read in conjunction with the Association’s IT Security Policy and the Data Protection Procedure.
- 1.4 The Association is registered with the Information Commissioner as a Data Controller under the Act and ensures that its handling of personal information is of a high standard and that it complies with the requirements of the Act.

2 Purpose and Scope

- 2.1 The Association needs to process information about various individuals in order for it to adequately carry out its responsibilities as an employer and its day to day business in the provision of social housing accommodation and associated services, and to also meet its legal obligations.
- 2.2 The Policy covers the processing of Personal Data whose use is controlled by the Association. It applies to all employees, contractors and consultants who process Personal Data on behalf of the Association.
- 2.3 **Processing** relates to obtaining, using, holding, amending, disclosing, destroying and deleting Personal Data.
- 2.4 **Personal Data** relates to a living individual who can be identified by the information alone or together with other information. This includes any expression of opinion about the individual.
- 2.5 The information may be stored electronically (including CCTV images) or as part of the Association’s manual records.
- 2.6 Some Personal Data is classed as **Sensitive Personal Data**. This Personal Data is subject to further and more stringent regulations under the ACT, which requires that it may be processed only in certain circumstances as set out later in this Policy.
- 2.7 Personal Data is regarded as Sensitive if it includes any of the following types of information about an identifiable, living individual: -
 - Racial or ethnic origin;
 - Political opinions;
 - Religious beliefs;

- Trade union membership;
- Physical or mental health;
- Sexual life;
- Offences or alleged offences.

3 Policy statement

3.1 The Association has adopted and operates procedures in accordance with the eight principles of the Act ("**The Data Protection Principles**").

3.2 The Data Protection Principles require that Personal Data held by the Association: -

- Shall be processed fairly and shall be lawfully obtained.
- Shall be obtained only for specified and lawful purposes, and shall not be used for any other purpose.
- Shall be adequate, relevant and not excessive in relation to the purpose for which it is obtained or kept.
- Shall be accurate and where necessary, kept up to date.
- Shall not be held for any longer than is necessary for the purpose.
- Shall be processed in accordance with the rights of Data Subjects under the Act.
- Shall be kept secure.
- Shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

3.3 **Personal Data** including **Sensitive Personal Data** held by the Association may be used for: -

- The letting, renting and leasing of properties and the
- The administration of waiting lists and to assess and prioritise applicants
- The administration of housing and property grants
- The provision of associated welfare services, advice and support
- The engagement, support and management of the Association's employees, contractors and consultants and enabling the Association to fulfil its responsibilities as an employer and a landlord
- Tailoring service delivery to meet individual needs
- Arranging care, support and other associated services for residents
- Complying with the Association's legal and regulatory obligations
- Preventing crime and dealing with anti-social behaviour
- Enabling services to be appropriately reviewed and audited
- Carrying out related research
- Maintaining the Association's accounts and records
- Ensuring adherence to the Association's Equality and Diversity Policy

3.4 **Sensitive Personal Data** may only be processed if at least one of the following conditions is met:

- Explicit consent has been given in writing by the individual
- Processing is required to comply with employment legislation
- Processing is necessary to safeguard the vital interests of the individual or another person
- The information has already been made public by the individual

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- Processing is necessary in connection with legal proceedings
 - Processing is necessary for the administration of justice
 - Processing is necessary for medical reasons
 - Processing is necessary for equalities monitoring.
- 3.5 Sensitive Personal Data about ethnic origin or religion may be used to provide statistical information to organisations that regulate the Association provided this information is presented in a way that does not identify individuals.
- 3.6 Sensitive Personal Data in relation to medical and/or health information may be used to assess applications for housing and adaptations, to assist residents in receiving appropriate care, support and assistance in an emergency, and to ensure that the Association makes reasonable adjustments for employees and Committee Members in accordance with the Equality Act 2010.
- 3.7 The Association sometimes needs to share Personal Data with the individual Data Subject themselves and with other organisations.
- 3.8 Where necessary, the Association may share some of the Personal Data it processes with the following individuals or bodies: -
- Current, past or prospective employers
 - Family, associates and representatives of the Data Subject
 - Educators and examining bodies
 - Suppliers and service providers
 - Financial organisations, professional advisors and consultants
 - Central government
 - Survey and research organisations
 - Other housing associations or trusts or landlords
 - Trade unions and associations
 - Health authorities
 - Enquirers and complainants
 - Security organisations
 - Health and social welfare organisations
 - Regulatory bodies such as the Homes and Communities Agency
 - Probation services
 - Charities and voluntary organisations
 - Courts and tribunals and police forces
 - Professional bodies, such as auditors and solicitors.
 - Employment and recruitment agencies and organisations who process applications for Disclosure and Barring Checks
 - Credit reference and debt collection agencies
 - Press and the media, provided the Data Subject's identity is kept anonymous
- 3.9 Personal Data will not be shared with organisations or individuals who have no particular right to know about the information or the internal business of the Association without the Data Subject's written consent, other than in the exceptional circumstances which is detailed in the Act, as follows: -
- Where there is clear evidence of fraud

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- To comply with the law
 - In connection with legal proceedings
 - To protect the health and safety of the Data Subject, where they would be at risk if the information were not disclosed, or where there is a legal requirement to do so
 - Anonymously for statistical purposes
- 3.10 The Association will not retain Personal Data for longer than is required.
- 3.11 Personal Data that is no longer required will be disposed of in a way which protects the rights and privacy of Data Subjects.
- 3.12 Anonymous Personal Data may be kept for statistical use, for example, equality and diversity opportunities.
- 3.13 Data Subjects are entitled to: -
- Know what information the Association holds and processes about them and why,
 - Gain access to it,
 - Require the Association to rectify, block, erase or destroy inaccurate information
 - Prevent processing likely to cause unwarranted damage or distress
 - Prevent processing for the purposes of direct marketing
- 3.14 The Association will process any reasonable request within 40 days, from a prospective, current or former tenant, leaseholder, supplier or contractor within the provisions of the Act and the Information Commissioner's guidance.
- 3.15 Any reasonable request from a prospective, current or former employee will be dealt with by the Chief Executive or the Finance Manager within the provisions of the Act
- 3.16 The Association reserves the right to make a charge of £10 on each subsequent occasion access is requested by or on behalf of a Data Subject.
- 3.17 This Policy will form part of the Terms and Conditions of Employment of all employees of the Association.
- 3.18 The Association will ensure that all employees are appropriately trained and aware of its Data Protection Policy and of the requirements of the Act. Initial training will form part of the Association's induction programme.
- 3.19 This Policy will be made available for viewing on the Association's website and all current tenants and those applying for accommodation, together with current and prospective employees will be guided towards this Policy so that they may see how Personal Data collected may be used by the Association and who this data may be passed on to.

4 Responsibility

- 4.1 Under the Data Protection Guardianship Code, overall responsibility for Personal Data rests with the Management Committee.
- 4.2 The Management Committee delegates tasks to the Data Controller. The Data

Controller is responsible for: -

- Understanding and communicating obligations under the Act
- Identifying potential problem areas or risks
- Producing clear and effective procedures
- Notifying and annually renewing notification to the Information Commissioner, plus notifying of any relevant interim changes

- 4.3 The Finance Manager will act as the lead Data Controller for the Association and together with the Management Team, is responsible for the effective implementation of this Policy.
- 4.4 All employees who process Personal Data must ensure they understand and act in line with this Policy and the Data Protection Principles.
- 4.5 Each employee is responsible for informing their line manager, the Chief Executive or the Finance Manager if they become or are aware of a breach of this Policy.
- 4.6 A breach of the Act or failure to follow this Data Protection Policy is considered a serious offence and as such may result in disciplinary proceedings.

5 Review

- 5.1 This Policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments in relevant legislature.

This Policy was approved by the Management Committee on 12 December 2013