

DATA PROTECTION POLICY

1. INTRODUCTION

- 1.1 This policy document outlines Reidvale Housing Association's policy in relation to data protection.
- 1.2 Reidvale Housing Association recognises the importance of the Data Protection Act 1998, which seeks to protect the rights of individuals in respect of any personal information that we keep about them, whether on computer or in manual systems.

2. EQUAL OPPORTUNITIES

- 2.1 Reidvale Housing Association is committed to providing fair and equal treatment to all residents and stakeholders. We will not discriminate against any on the grounds of race, colour, ethnic or national origin, language, religion, belief, age, gender, sexual orientation, marital status, family circumstances, employment status, physical ability and mental health.

3. LEGAL AND REGULATORY FRAMEWORK

- 3.1 In formulating and implementing this policy the following statutory and good practice requirements have been considered:
 - The Data Protection Act 1998
 - The Human Rights Act 1998
 - The Equality Act 2010
 - The Freedom of Information Act 2002
 - The Anti Social Behaviour etc (Scotland) Act 2004 (which provides a legislative framework for interagency information sharing)
 - The Information Commissioner's Data Protection Code: Employment Practices
 - The Information Commissioner's Data Protection Code: CCTV
 - The Information Commissioner's Code of Practice: Data Sharing

4. GENERAL AIMS AND OBJECTIVES

- 4.1 The Association will adopt and operate procedures in accordance with the Data Protection Act principles.
- 4.2 The Association aims to ensure that personal data and information held by it shall be:

- (i) obtained and processed fairly and lawfully
- (ii) obtained only for specified and lawful purposes, and shall not be used for any other purpose
- (iii) adequate, relevant and not excessive in relation to the purpose for which it is obtained or kept
- (iv) accurate and up to date
- (v) held no longer than is necessary for the purpose
- (vi) processed in accordance with the rights of data subjects under the Data Protection Act
- (vii) kept securely

4.3 The Association and all staff who use any personal information must ensure that they follow these principles at all times.

5. DATA CONTROLLER

5.1 The Association will ensure that it maintains its registration with the Information Commissioner as a Data Controller under the Data Protection Act and will ensure that our practices in the handling of personal information is of a high standard and complies fully with the Act.

5.2 The Association will ensure that the Information Commissioner is informed of:

- (i) the personal data being or to be processed
- (ii) the category or categories of data subject to which they relate
- (iii) the purposes for which the data are being or are to be processed
- (iv) the people to whom the Association may wish to disclose the information
- (v) the names, or a description of any countries or territories outside the European Economic Area to which the Association may transfer the personal data
- (vi) a general description of security measures taken to protect the data.

6. RESPONSIBILITIES FOR COMPLIANCE

6.1 The Director has overall responsibility for data protection within the Association.

6.2 All staff have a responsibility to fully comply with the requirements of the Data Protection Act and this policy. When involved in requesting information, staff will explain why the information is necessary, what it is to be used for, and who will have access to it.

7. ACCESS RIGHTS

7.1 Tenants, employees and other individuals about whom the Association holds personal information will have the right to access the information, unless it is exempt under the Data Protection Act.

- 7.2** We will ask enough information to judge whether the person making the request is the individual to whom the personal data relates. This is to avoid personal data about one individual being sent to another, accidentally or a result of deception.
- 7.3** We will not ask for information if the identity of the person making the request is obvious to us, for example, in cases where we have an ongoing relationship with the individual (eg. tenant who is known to the housing officer). Where we cannot verify the identity of the individual, we will request either a passport, driving licence or two official letters (from different organisations) prior to complying with the request.
- 7.4** Information is exempt from access in a number of situations including if:
- it would identify another individual who has not consented to the disclosure
 - in the opinion of a health professional or the landlord, it would be likely to cause serious harm to the physical or mental health of the tenant or any other person.
- 7.5** Requests for information must be made in writing (including email and fax). The Association will respond to written requests promptly and will take no longer than 40 days to inform the tenant/applicant in writing whether it holds such information and will give the tenant/applicant a copy of that information.

8. CHARGES FOR PROVIDING INFORMATION

The Association will not normally levy any charge for responding to requests for information. However, the Association reserves the right to make a charge of up to £10 to cover administration, stationery and postage costs, where it is felt necessary to do so.

9. AMENDING INFORMATION

- 9.1** If the tenant/applicant gives the Association written notice that the information held is incorrect and can provide factual evidence to support this (and the Association accepts this to be so) the Association must correct or erase the information and as soon as possible send a revised copy to the tenant/applicant free of charge.
- 9.2** If the Association does not accept that the information is incorrect, it must place a note recording the tenant's/applicant's views with the information it has decided not to alter and must send the tenant/applicant a copy of the note with a notice stating the reasons why it believes the original information to be correct.

10. CONFIDENTIALITY

- 10.1** This policy complements the Association's Openness and Confidentiality Policy. Only information which can or must be legally disclosed under the Data Protection Act will be shared with a third party without the individual's consent.
- 10.2** All staff will have a password to ensure information is only accessible to those who need to know the information in order to carry out their requirements of their post.

11. POLICY REVIEW

- 11.1** The Association will review this policy at least every 5 years.
- 11.2** The review process will take account of legislative changes, policy and good practice guidance.
- 11.3** This policy was agreed by the Management Committee on 29 October 2014.