

DATA PROTECTION & PRIVACY POLICY

AS WITH ALL OF THE CO-OPERATIVE'S POLICIES and PROCEDURES, THIS GUIDE, IN FULL AND IN PART, IS AVAILABLE IN SUMMARY, ON TAPE, IN BRAILLE, AND IN TRANSLATION INTO MOST OTHER LANGUAGES –

PLEASE ASK A MEMBER OF STAFF IF YOU WOULD LIKE
A VERSION IN A DIFFERENT FORMAT

Policy Prepared by:	Caron Quinn
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Appendix 1 Related Policies / Documents



1. Introduction

Forgewood Housing Co-operative Ltd (hereinafter the “Co-operative”) is committed to ensuring the secure and safe management of data held by the Co-operative in relation to customers, staff and other individuals.

The Co-operative’s staff members have a responsibility to ensure compliance with the terms of this policy, and to manage individuals’ data in accordance with the procedures outlined.

We recognise that we have a responsibility to conduct our business in as open and accountable a manner as possible.

At the same time, we recognise that we have a duty to ensure that personal and other sensitive information is kept confidential, and in particular that we comply with the Data Protection Act 1998 (the 1998 Act) and the GDPR. Our duty relates to our dealings with:

- applicants and tenants;
- our staff, committee members and other members of the public;
- all the local and national agencies and authorities which we currently deal with; and
- all commercial contacts.

This policy describes how we will seek to ensure openness and accountability in our activities, while maintaining the confidentiality of personal and sensitive details, including commercially confidential information.

The Co-operative needs to gather and use certain information about individuals. These can include tenants, employees and other individuals that the Co-operative has a relationship with.

The Co-operative manages a significant amount of data, from a variety of sources. This data contains Personal Data and Sensitive Personal Data (known as Special Categories of Personal Data under the GDPR).

This Policy sets out the Co-operative’s duties in processing that data, and the purpose of this Policy is to set out the procedures for the management of such data.

Appendix A details the Co-operative’s related data protection policies and key documents.

2. Legislation

It is a legal requirement that the Co-operative process data correctly; the Co-operative must collect, handle and store personal information in accordance with the relevant legislation.

The relevant legislation in relation to the processing of data is:

- a) the General Data Protection Regulation (EU) 2016/679 (“the GDPR”);
- b) the Privacy and Electronic Communications (EC Directive) Regulations 2003 (as may be amended by the proposed Regulation on Privacy and Electronic Communications); and
- c) any legislation that, in respect of the United Kingdom, replaces, or enacts into United Kingdom domestic law, the General Data Protection Regulation (EU) 2016/679, the proposed Regulation on Privacy and Electronic Communications or any other law relating to data protection, the processing of personal data and privacy as a consequence of the United Kingdom leaving the European Union

3. Data

- 3.1 The Co-operative holds a variety of Data relating to individuals, including tenants and employees (also referred to as individuals) which is known as Personal Data.

The Personal Data held and processed by the Co-operative is detailed within our Fair Processing Notice and our Data Protection Addendum of the Terms of and Conditions of Employment which has been provided to all employees.

- 3.1.1 “Personal Data” is that from which a living individual can be identified either by that data alone, or in conjunction with other data held by the Co-operative.
- 3.1.2 The Co-operative also holds Personal data that is sensitive in nature (i.e. relates to or reveals a data subject’s racial or ethnic origin, religious beliefs, political opinions, relates to health or sexual orientation). This is “Special Category Personal Data” or “Sensitive Personal Data”.

4. Processing of Personal Data

- 4.1 The Co-operative is permitted to process Personal Data on behalf of individuals provided we do so on one of the following grounds:
- Processing with the consent of the individual (see paragraph 4.4 below);
 - Processing is necessary for the performance of a contract between the Co-operative and the individual;
 - Processing is necessary for the Co-operative’s compliance with a legal obligation;
 - Processing is necessary to protect the vital interests of the individual or another person;
 - Processing is necessary for the performance of a task carried out in the public interest or in the exercise of the Co-operative’s official authority; or

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- Processing is necessary for the purposes of legitimate interests.

4.2 Fair Processing Notice

- 4.2.1 The Co-operative has produced a Fair Processing Notice (FPN) which it is required to provide to all tenants whose Personal data is held by the Co-operative. That FPN will be provided to a tenant from the outset of processing their Personal Data and they will be advised of the terms of the FPN when it is provided to them.

4.3 Employees

- 4.3.1 Employee Personal data and, where applicable, Special Category Personal Data (referred to as Sensitive Personal Data), is held and processed by the Co-operative. Details of the data held and processing of that data is contained within the Employee Fair Processing Notice which is provided to employees at the same time as their Contract of Employment.
- 4.3.2 A copy of any employee's Personal Data held by the Co-operative is available upon written request by that employee from the Co-operative's Depute Director.

4.4 Consent

Consent as a ground of processing will require to be used from time to time by the Co-operative when processing Personal Data. It should be used by the Co-operative where no other alternative ground for processing is available. In the event that the Co-operative requires to obtain consent to process an individual's Personal Data, we will obtain the consent in writing.

4.5 Processing of Special Category Personal Data or Sensitive Personal Data

In the event that the Co-operative processes Special Category Personal Data or Sensitive Personal Data, the Co-operative will do so in accordance with one of the following grounds of processing:

- The individual has given explicit consent to the processing of this data for a specified purpose;
- Processing is necessary for carrying out obligations or exercising rights related to employment or social security;
- Processing is necessary to protect the vital interest of the data subject or, if the data subject is incapable of giving consent, the vital interests of another person;
- Processing is necessary for the establishment, exercise or defence of legal claims, or whenever courts are acting in their judicial capacity; and
- Processing is necessary for reasons of substantial public interest.

5. Data Sharing

5.1 The Co-operative shares its data with various third parties for numerous reasons in order that day to day activities are carried out. In order that the Co-operative can monitor compliance by these third parties with Data Protection laws, the Co-operative requires the third party organisations to enter in to an Agreement with the Co-operative.

5.2 Data Sharing

5.2.1 Personal data is from time to time shared by the Co-operative and third parties.

5.2.2 Where the Co-operative shares in the processing of personal data with a third party organisation (e.g. for processing of the employees' pension), it shall require the third party organisation to enter in to a Data Sharing Agreement with the Co-operative.

5.3 Data Processors

A data processor is a third party (i.e. not the Co-operative) that processes personal data on behalf of the Co-operative.

5.3.1 A data processor must comply with Data Protection laws. The Co-operative's data processors must ensure they have appropriate security measures in place, maintain records of processing activities and notify the Co-operative if a data breach occurs.

5.3.2 If a data processor wishes to sub-contact their processing, prior written consent from the Co-operative must be obtained. Upon a sub-contracting of processing, the data processor will be liable in full for the data protection breaches of their sub-contractors.

5.3.3 Where the Co-operative contracts with a third party to process personal data held by the Co-operative, it shall require the third party to enter in to a Data Protection Addendum with the Co-operative.

6. Data Storage and Security

All Personal Data held by the Co-operative will be stored securely, whether electronically or in paper format.

Paper Storage

If Personal Data is recorded on paper, it will be kept in a secure place where unauthorised personnel cannot access it. When the Personal Data is no longer required it will be disposed of according to our Retention and Disposal policy. If the Personal Data requires to be retained on a physical file then the Co-operative's will ensure it is appropriately secured.

Electronic Storage

Personal Data stored electronically will also be protected from unauthorised use and access. Personal Data will be password protected when being sent internally (or externally to the Co-operative's data processors), or those with whom the Co-operative has entered in to a Data Sharing Agreement.

If Personal data is stored on removable media (CD, DVD, USB memory stick) then that removable media will be stored securely at all times when not being used. Personal Data must not be saved directly to mobile devices and must be stored on designated drives and servers.

7. Breaches

7.1 In the unlikely event of a data breach, the Co-operative has reporting duties. Breaches which pose a risk to the rights and freedoms of the individuals (who are the subject of the breach) will be reported externally in accordance with paragraph 7.3 below.

7.2 Internal Reporting

The Co-operative takes the security of data very seriously and in the unlikely event of a breach will take the following steps:

- As soon as the breach or potential breach has occurred, and in any event no later than six (6) hours after it has occurred, the Data Protection Officer (DPO) must be notified in writing of (i) the breach; (ii) how it occurred; and (iii) what the likely impact of that breach is on any individual(s);
- The Co-operative must seek to contain the breach by whatever means available;
- The DPO must consider whether the breach is one which requires to be reported to the ICO and the individuals affected, and will do so in accordance with paragraph 7.3 below;
- Notify third parties in accordance with the terms of any applicable Data Sharing Agreements

7.3 Reporting to the ICO

The DPO will report any breaches which pose a risk to the rights and freedoms of the individual(s) who has been the subject of the breach to the ICO within 72 hours of the breach occurring. The DPO must also consider whether it is appropriate to notify the individual(s) affected by the breach.

8. Data Protection Officer (DPO)

8.1. A DPO is an individual who has an over-arching responsibility and oversight over compliance by the Co-operative with Data Protection laws. The Co-operative's DPO is the Paul Lennon, telephone number 01698 263 311.

8.2 The DPO will be responsible for:

8.2.1 monitoring the Co-operative's compliance with Data Protection laws and this Policy;

8.2.2 co-operating with and serving as the Co-operative's contact for discussions with the ICO; and

8.2.3 reporting breaches or suspected breaches to the ICO and individuals in accordance with paragraph 7 above.

9. Data Subject Rights

9.1 Certain rights are provided to individuals under the GDPR. Individuals are entitled to view the personal data held about them by the Co-operative, whether in written or electronic form.

9.2 Individuals have a right to request a restriction of processing their data, a right to be forgotten and a right to object to the Co-operative's processing of their data. These rights are detailed within the Co-operative's Fair Processing Notice.

9.3 Subject Access Requests

Individuals are permitted to view their data held by the Co-operative upon making a request to do so (a Subject Access Request). Upon receipt of such a request, the Co-operative will respond to the Subject Access Request within one month of the date of receipt of the request.

The Co-operative:

9.3.1 must provide the individual with an electronic or hard copy of the personal data requested (unless any exemption to the provision of that data applies in law);

9.3.2 where the personal data comprises data relating to other individuals, must take reasonable steps to obtain consent from those individuals to the disclosure of that personal data to the individual who has made the Subject Access Request; or

9.3.3 where the Co-operative does not hold the personal data sought by the individual, must confirm that it does not hold any personal data as soon as



possible, and in any event, not later than one month from the date the request was made.

9.4 The Right to be Forgotten

- 9.4.1 An individual can exercise their right to 'be forgotten' by submitting a request in writing to the Co-operative seeking that the Co-operative delete all the individual's Personal Data.
- 9.4.2 Each request received by the Co-operative will be considered on its own merits and legal advice may be obtained in relation to such requests. The DPO will have responsibility for accepting or refusing an individual's request and will respond in writing to the request.

9.5 The Right to Restrict or Object to Processing

- 9.5.1 An individual may request that the Co-operative restrict its processing of Personal Data, or object to the processing of that data.

9.5.1.1 In the event that any direct marketing is undertaken by the Co-operative, an individual has an absolute right to object to this marketing and if the Co-operative receives a written request to cease direct marketing, then it must do so immediately.

- 9.5.2 Each request received by the Co-operative will require to be considered on its own merits and legal advice may be require in relation to such requests.

10. Privacy Impact Assessments (PIAs)

- 10.1 These are a means of assisting the Co-operative in identifying and reducing the risks that our operations have on personal privacy of individuals.
- 10.2 The Co-operative shall:
- Carry out a PIA before undertaking a project or processing activity which poses a "high risk" to an individual's privacy. High risk can include, but is not limited to, activities using information relating to health or race, or the implementation of a new IT system for storing and accessing Personal Data; and
 - In carrying out a PIA, we will include a description of the processing activity, its purpose, an assessment of the need for the processing, a summary of the risks identified, the measures that we will take to reduce those risks, and details of any security measures that will be taken to protect the personal data.
 - The Co-operative will require to consult the ICO in the event that a PIA identifies a high level of risk which cannot be reduced. The DPO will be responsible for such reporting, and where a high level of risk is identified by those carrying out the PIA, they will advise the DPO within five (5) working days.

11. Archiving, Retention and Destruction of Data

- 11.1 The Co-operative cannot store and retain Personal Data indefinitely. It must ensure that Personal data is only retained for the period necessary. The Co-operative shall ensure that all Personal data is archived and destroyed in accordance with the periods specified within the Retention Policy.

12. Training

- 12.1 All staff will receive the necessary training in the operation of Data Protection and the GDPR as it relates to their specific duties, and in the maintenance of the confidentiality and security of the manual and computer information that we hold.
- 12.2 The main training will be carried out as part of the induction process for all new staff. Refresher training will be given at regular intervals as required, as part of our staff training and development programme.

13. Implementation and Review

- 13.1 The Depute Director is responsible for ensuring that this policy is implemented as required by Committee Members and all staff.
- 13.2 The Depute Director will ensure that this policy is reviewed by the Management Committee at least every 3 years.

14. Equalities Act

- 14.1 We will ensure that by implementing this policy, we will continue to comply with equalities legislation.

APPENDIX A

Related Policies / Documents

- Code of Conduct for Governing Body Members
- Code of Conduct for Staff
- Tenant/Customer Fair Processing Notice
- Employee Fair Processing Notice