



DATA PROTECTION POLICY (WEF 25 MAY 2018)

1. INTRODUCTION

This policy sets out what customers, staff and board members can expect in respect of confidentiality of personal details held by Islington and Shoreditch and Lien Viet housing associations. (ISHA).

2. AIMS

The aim of this policy is to make sure that everyone gathering, storing and handling personal information at ISHA does so fairly and transparently and is fully aware of the requirements of data protection legislation. We are committed to treat the information of employees, customers, board members, stakeholders and other interested parties with the utmost care and confidentiality. Everyone handling data will comply with data protection procedures and data subjects will be made aware of their rights.

3. STATUTORY AND REGULATORY FRAMEWORK

The General Data Protection Regulations (GDPR) which took effect on 25 May 2018

[The Data Protection Act 2018 (currently in Bill form and going through Parliament)]

Background legislation

Under the *General Data Protection Regulations* there are terms with special meanings, these are:

- Personal data –
 - information relating to a living identifiable individual.
 - The information may be automated or manual. It may be direct or indirect and e.g. include IP addresses and pseudomised information.
- Special categories of personal data
 - Sensitive personal data or information relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data, health data, sex life or sexual orientation.
- Data controller
 - A controller decides the purposes and ways of processing personal data
- Data processor
 - A processor processes personal data on behalf of a controller.

Reference	Version	Created	Author	Review	Board Approved
Data Protection Policy (WEF 25 May 2018)	2	January 2018	HOPOD	March 2019	22 March 2018

At least one of the following conditions has to be met for processing *personal data*:

- Consent of the individual
- Processing is necessary:
 - to perform or enter into a contract
 - to comply with a legal obligation
 - to protect vital interests of the individual or another person
 - for the performance of a task carried out in public interest or in exercise of official authority vested in the controller
 - for the purpose of legitimate interest pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the individual.

At least one of the following conditions has to be met for processing *special categories of personal data*:

- The person has given their explicit consent
- Processing is necessary for carrying out obligations under employment, social security, social protective law or collective agreement
- Necessary to protect vital interests of an individual or third party where they are physically or legally incapable of giving consent
- Processing relates to personal data deliberately made public by the individual
- Processing is necessary for the establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity
- Processing is necessary for reasons of substantial public interest which is proportionate to the aim pursued and which contains appropriate safeguards
- Processing is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services
- Processing is necessary for reasons of public interest in the area of public health
- Processing is necessary for archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes.

Note: The Freedom of Information Act 2000 does not apply to Islington and Shoreditch or Lien Viet Housing Associations as we are not designated as a public authority within the terms of that Act. This means that we are not obliged to provide information if we receive “Freedom of Information” requests, but we can provide information voluntarily if appropriate.

4. POLICY DETAILS

When processing information we will follow the data protection principles

- Process lawfully, fairly and transparently
- Collect for specified, explicit, and legitimate purposes and no incompatible processing
- Adequate, relevant and limited to what is necessary
- Accurate, kept up to date. Inaccuracies must be rectified without delay

Reference	Version	Created	Author	Review	Board Approved
Data Protection Policy (WEF 25 May 2018)	2	January 2018	HOPOD	March 2019	22 March 2018

- Kept for no longer than is necessary
- Ensure appropriate security using technical and organisational measures
- Accountability – demonstrate compliance with these principles.

We will provide privacy statements in which we let people know

- Our contact details
- What information we collect about them
- The purpose and legal reasons for collecting the data
- How long we keep their data
- Details of anyone else who is given the data
- Their legal rights relating to their data

We are committed to:

- Restrict and allow appropriate access to sensitive data
- Make sure our data collection procedures are transparent
- Train employees on data protection
- Have secure networks to protect online data from cyber attacks
- Have clear procedures for reporting data breaches
- Have clear agreements where we transfer your data to other organisations
- Being clear when we share data
- Publish this policy and other data protection information on our website
- Good housekeeping practices
 - Document shredding
 - Locked cabinets
 - Transferring data securely
 - Frequent data backups
 - Authorised access to systems

Retention of Information

Documents will be retained in line with our data retention guidelines

Data security

All staff are responsible for ensuring that:

- Any personal data, which they hold, is kept secure.
- Personal information is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised third party.
- They adhere to the ICT Policy

Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Reference	Version	Created	Author	Review	Board Approved
Data Protection Policy (WEF 25 May 2018)	2	January 2018	HOPOD	March 2019	22 March 2018

Agreed by Finance and Resources Committee 28 February 2018 & noted amendment 23 May 2018

5. HEALTH AND SAFETY

Information relating to health is described as sensitive data. We will comply with all legislation in collecting this information

6. EQUALITY AND DIVERSITY

Equality and Diversity information is described as sensitive data. We will comply with all legislation in collecting this information

7. TRAINING

A data protection training programme will be put in place for all staff and board members

8. MONITORING

Monitoring the policy will be part of the data protection compliance arrangements

9. REVIEW

This policy will be reviewed by the Board on an annual basis

10. ASSOCIATED GUIDANCE DOCUMENTS (SOME CURRENTLY IN DRAFT)

1. Customer privacy notices
 - a. Applications
 - b. Tenancy /lease sign-ups
 - c. Sales and Marketing
 - d. Commercial customers
2. Staff and board/sub committee members privacy notices
 - a. Applicants
 - b. Current staff/board/sub committee members and records after leaving
3. Responding to rights under the GDPR including Subject Access Requests (SARS):
Procedure for managing requests for access to personal records, right to be forgotten and to have data corrected
4. Obtaining valid consent and responding to requests to opt out
5. Collection and use of special categories of data
6. Data breaches, detection, notification and investigation
7. Office security
8. Contractor/supplier checklist
9. Data sharing agreements
10. Data retention document
11. Data protection by design/privacy impact assessments
12. Use of children's data

Related policies

1. IT policy

Reference	Version	Created	Author	Review	Board Approved
Data Protection Policy (WEF 25 May 2018)	2	January 2018	HOPOD	March 2019	22 March 2018