

Barrhead Housing Group Policy on:	CO06b: Data Protection Policy Statement
Compliant with Regulatory Standards	n/a
Compliant with Charter standards :	Standard 1: Equalities and 2: Communications
Guidance and Legislation	Data Protection Act 2018
Compliant with Tenant Participation Strategy :	n/a
Compliant with Equal Opportunities :	Commitments embedded within policy documentation
Equality Impact Assessment	NO EQIA is required in relation to this policy
Freedom of Information	Policy will be made available via BHG's Guide to Information
GDPR	Policy supports BHG's approach to GDPR, and the robust management of personal data
Compliant with Annual Assurance :	Yes
Linked Policies and Strategies	GDPR Policy Statement GDPR Privacy Policy GDPR Staff and Group Fair processing Notices
Date of Approval :	30 Jan 2020
Policy Review Date :	30 Jan 2023
Responsible Officer :	Chief Executive
Version History	Draft Approval: 30.01.2020 Last Approved : 2018

This policy can be made available in different languages and other formats such as Braille, large print or tape, on request.

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1. Introduction

Data Protection Policy Statement

Barrhead Housing Association (hereinafter referred to as 'The Association') recognises that the Data Protection Act 1998 and the General Data Protection Regulations 2016 applicable from 25th May 2018 are important pieces of legislation to protect the rights of individuals and is committed to ensuring the secure and safe management of data held by the Association in relation to customers, staff and other individuals.

Ensuring compliance with the data protection legislation is not simply an issue of operating within the law; it is also about the effective handling and storage of personal information and respecting the interests of individual data subjects.

We registered with the Information Commissioner Office as a 'Data Controller' under the Data Protection Legislation, and ensure that our practices in the handling of personal information are of a high standard and comply fully with the regulations. Any relevant changes will be notified, in writing, to the Information Commissioner. Where the Association enters into a contractual relationship with third parties whom we ask to process personal data on our behalf for various reasons (e.g. staff pension schemes), the GDPR defines those third party processors as 'Data Processors'.

Registration details with the Information Commission:

Barrhead Housing Association Registration No.: Z1351301

Expiry Date: 04 June 2020

2. Aims and Objectives

This policy statement aims to protect and promote the rights of individuals and the Association. It identifies information that is to be treated as confidential and the procedures for collecting, storing, handling and disclosing such information.

Access to information will be provided in order that subjects can comment on and correct the personal information the Association holds to ensure that the information is complete, accurate, clear and unbiased.

All aspects of the policy are designed to remain within the six principles for processing personal information contained in the General Data Protection Regulation which are:-

- Lawfulness, Fairness and Transparency
- Purpose limitation
- Data minimisation

- Accuracy
- Storage limitation
- Integrity and confidentiality

We will:

- Observe statutory requirements regarding the fair collection and use of personal information
- Obtain and process personal data only to the extent that it is necessary to perform its functions and deliver services
- Ensure the personal data used is of high quality in terms of accuracy and relevance
- Apply regular checks to ensure that data is not held for longer than the purpose required
- Ensure that individuals can properly exercise their rights under the Act (including the right of access to information held, and where appropriate, correction or erasure)
- Take appropriate steps to safeguard all personal data held by the Association to minimise the risk of loss, wrongful access, or improper use
- Ensure that personal data is not transferred out with the EU, from which GDPR applies.

All staff members of the Association (including our subsidiary) using any personal data information will be provided with training to ensure that they follow these principles at all times.

3. Definition of personal data

Personal data is defined as data which relate to a living individual identified

- From this data, or
- From this data and other information which is in the possession of, or is likely to come into the possession of, the data controller
- And includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

4. Equality & Diversity

Barrhead Housing Association is committed to providing fair and equal treatment to all our customers and to comply with the Equality Act 2010. The Act established 9 protected characteristics (the grounds on which discrimination is unlawful). These cover age, race, sex, religion/belief, sexual orientation, pregnancy/maternity, gender reassignment, disability and marriage/civil partnership.

5. Legal Framework and Scottish Social Housing Charter

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

- (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
- (d) Freedom of Information (Scotland) Act 2002 which applies to Housing Associations effective from 11 November 2019.
- (e) Scottish Social Housing Charter
SSHC 1: Social landlords perform all aspects of their housing services so that:

Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

In relation to these Regulations, the following guidance has been prepared by the Association to ensure compliance:

- Privacy Policy
- Fair Processing Notice for customers
- Fair Processing Notice for staff
- Data Protection Addendum for use with our data processors
- Data Sharing Agreements for use with other data controllers

6. Processing of personal data – consent

The requirement to give consent has been overhauled by the new Regulations and now must be given freely for a specific purpose of processing and by seeking

individuals to opt in to providing this consent. It will be used by the Association where no other alternative ground for processing is available

In the event that the Association requires to obtain consent to process a data subject's Personal Data, it shall obtain that consent in writing. The consent provided by the data subject must be freely given and the data subject will be required to sign a relevant consent form if willing to consent.

Such consent will also be required for use of images in any publications or on our website and we will seek consent for a specific purpose. This will also apply where we are processing personal data obtained from tenant conferences, AGMs, or similar events, and we will do so in advance.

7. Processing personal data without obtaining consent

There are other grounds for processing personal data without consent. The Association is permitted to process Personal Data on behalf of data subjects provided it is doing so on one of the following grounds:

- Processing is necessary for the performance of a contract between the Association and the data subject or for entering into a contract
- Processing is necessary for the Association's compliance with a legal obligations such as employment details being passed to HMRC
- Processing is necessary to protect the vital interests of the data subject, for example dealing with anti-social complaints
- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of the Association's official authority; (currently only available to public authorities) or
- Processing is necessary for the purposes of legitimate interests, such as obtaining National Insurance Numbers.

8. Security of personal data

A data breach can occur at any point when handling Personal Data and the Association has reporting duties in the event of a data breach or potential breach occurring. Breaches which pose a risk to the rights and freedoms of the data subjects who are subject of the breach now also require to be reported externally to the Information Commissioner Office within 72 hours.

Procedures and guidance are in place to guide staff in the necessary reporting of breach to the appointed Data Protection Champion/ICO.

9. Data Protection Champion

In recognition of the changes brought about by GDPR, the Association will administer all data processing requests through our Data Processing Champion, currently our Director of Customer Services.

10. Data Protection Officer

In light of being deemed a public body for the purposes of Freedom of Information, the Association is now under a duty to appoint a data protection officer (DPO). The role of the DPO is to assist to monitor internal compliance, inform and advise on our data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for data subjects and the supervisory authority. The Association has appointed its Corporate Services Manager as its DPO

11. Rights of individuals

Certain rights are provided to data subjects under the GDPR. Data Subjects are entitled to view the personal data held about them by the Association, whether in written or electronic form.

Data subjects also have a right to request a restriction of processing their data, a right to be forgotten and a right to object to the Association's processing of their data. These rights are notified to the Association's tenants and other customers in the Association's Fair Processing Notice.

12. Data Retention Guidance

The Association cannot store and retain Personal Data indefinitely. It must ensure that Personal data is only retained for the period necessary. The Association shall ensure that all Personal data is archived and destroyed in accordance with the periods specified within our Data Retention Policy & Retention Document schedule.

13. Access to the policy

The Policy will be made available in the useful documents section of our website and in our main office reception area.

14. Review

This policy will be now be reviewed within every three years to ensure that it responds to any changing circumstances.

