

COR13

ADOPTED: 27.02.02

REVIEWED: 23.2.05; 27.2.08; 23.2.11; 26.2.14; 27.9.17

DATA PROTECTION POLICY

1.0 INTRODUCTION

- 1.1 We recognise that we have a responsibility to conduct our business in as open and accountable a manner as possible.
- 1.2 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 related codes of practice. Our duty relates to our dealings with:
- applicants, tenants and factored owners;
 - our staff, committee members and other members of the public;
 - all the local and national agencies and authorities which we currently deal with;
 - all commercial contacts.
- 1.3 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.
- 1.4 This policy is supported by the Data Protection & Access to Personal Information procedure, which describes how we will respond to requests from individuals to access information we hold about them, under the Data Protection Act.

It should be read in conjunction with the following:

- Committee Members Code of Governance, section 6.2
- Committee Members Code of Conduct, section 4.13
- Staff Code of Conduct, sections 5.1 – 5.3
- IT System Security and IT Use and Communications policies.

2.0 OPENNESS

- 2.1 Our aim is to conduct our activities openly and to make information publicly available unless there are justifiable reasons for withholding it.
- 2.2 Prospect will make available a broad range of information. The primary way for us to make this available will be via our website. The information that we publish will be available in other formats, including hard copies and other languages. A charge may be made for these alternative formats. Our Publication Framework will be developed and will set out the specific information that we will publish, and more details about the charges for alternative formats.
- 2.3 We will fully comply with legislation regarding making information available. This will include compliance with Freedom of Information (FOI) should it be extended to Housing Associations. The principles of this policy comply with FOI and if this is extended to Housing Associations, then we will prepare a procedure specifically covering the process that staff will follow.

3.0 CONFIDENTIALITY

Collecting and holding information

- 3.1 We recognise that:
 - we need to collect and hold information about individuals – e.g. applicants, tenants, employees – and about the range of groups, external organisations, contractors and suppliers etc. that we deal with;
 - we have a responsibility to ensure that all the information we collect is held securely and is only accessed and used by those employees who need to do so as part of their duties.
- 3.2 Prospect will comply with the General Data Protection Requirements (GDPR) which come into effect in May 2018, as well as the existing legislation, the Data Protection Act 1998. To comply with the GDPR, related guidance and good practice, we will only collect, store and process personal or sensitive information if it is necessary to:
 - comply with current statutory regulations;
 - enable us to meet our responsibilities;
 - enable us to provide the services required by applicants, tenants, staff or any other individual or group receiving a service from, or providing a service to us
 - For the purpose of research aimed at understanding and improving the service that we provide
- 3.3 The information to be recorded and the manner in which it is recorded will be covered by procedures which comply with the principles of the GDPR (see Appendix 1).

Manual records

- 3.4 Manual records containing information covered by the GDPR will be kept in secure, lockable storage, accessible only by employees who require the information to carry out their duties.
- 3.5 Employees with access to such records will ensure that the records are left secure when they have the required information. Manual files will not be left unattended on individual desks, but will either be returned to secure storage or locked in the employee's desk.
- 3.6 Keys for cabinets, cupboards etc. holding personal files will either be held by a specific post-holder or kept in a secure location accessible only by authorised employees.

Computer records

- 3.7 Personal and sensitive information held on computers will be stored as detailed in the IT System Security policy, with access being restricted to those employees who require the information to carry out their duties.
- 3.8 The approval of levels of access and the advice regarding passwords will be as described in the IT System Security policy and procedure.
- 3.9 Computer screens will be locked when staff members are away from their desk or out of the office, to prevent unauthorised use of that machine. Computers will be shut down at the end of each working day.

Office security

- 3.11 The office will be locked and the alarm system set when no staff are present, and the alarm system will be linked to a central control station. Out with the publicised office opening hours, when employees are in the building:
 - public access to the office will only be possible by arrangement;
 - if there are less than two employees on the ground floor the main external security door will normally be locked, unless there is a meeting taking place in which case it may be left open with the glass door locked.
- 3.12 Visitors will not be permitted access to any part of the office past Reception unless invited by an employee who is then responsible for making sure that they do not have access to any personal information.

Requests to access data

- 3.13 As permitted by the GDPR and related statutory regulations, we will comply with requests for access to information we hold about individuals, so long as the request is from the individual concerned or someone authorised to apply on their behalf.
- 3.14 Requests will be dealt with as detailed in the Data Protection & Access to Personal Information procedure supporting this policy.

Formal requests will not be required for 'routine' enquiries, such as a tenant calling to check on their rent account, so long as the necessary checks are made by the employee dealing with the call to ensure that the enquirer is entitled to receive the information.

Sharing data with others

- 3.15 To comply with the GDPR we will not normally pass on information we hold to any other individual or organisation without the written permission of the person concerned. The main exceptions will be where the passing on of such information is:
- covered by an agreement, protocol or contract that complies with the principles of the GDPR, which has been entered into with third parties with whom our staff need to share information;
 - permitted by law, e.g. where a Police investigation into criminal activity requires the divulging of information we hold, including where such a request is accompanied by a Court Order.
- 3.16 We will ensure that any contract with a company providing a service includes a 'non-disclosure' clause covering any personal or sensitive data company staff may be given access to in the course of their work.
- 3.17 We will ensure that, apart from the exceptions described below, all reports to the Management Committee relating to applicants, tenants or employees are anonymous, i.e. that individual names do not appear.

The exceptions will be where identification is essential or unavoidable in the Committee's consideration of the matter, e.g. when hearing an employee's appeal against disciplinary action, or a tenant's attendance to appeal against a decision made by staff.

- 3.18 We will ensure that in making any information available to the media or other agencies, the anonymity of individuals is maintained, unless written permission is obtained in advance for names to be released or individuals to be identified.

Financial and other management information

- 3.19 We will apply the principles described above regarding personal and sensitive information to all financial and general management information.
- 3.20 In accordance with the Committee Members' Code of Governance and Code of Conduct, and our Committee Standing Orders, the proceedings of the Management Committee or Working Group meetings will be regarded by all present as being confidential.
- 3.21 The minutes of meetings that become the publicly available record, in addition to ensuring that individuals are not identified, will not include 'commercially sensitive' information, for example:
- the results of tendering exercises, where tenderer's names are linked to the amount of their bid – the name of the successful tenderer only will be minuted;
 - financial details relating to agreements with lenders regarding loans to the Association – the name of the lender and amount borrowed will be minuted;

- details of claims against contractors or suppliers, or claims against the Association by them, particularly where such claims are subject to legal action, or details of disputes with contractors or suppliers before legal action is taken – a general reference to the matter will be minuted;
- details of discussions with the Scottish Housing Regulator regarding the financial position of the Association – a general reference to any meeting will be minuted.

Use of information, breach of confidentiality and subject consent

3.22 All information held by us will only be used for the purposes for which it has been obtained, or other legitimate purposes allowed by the GDPR. In particular, Committee Members and employees will not use any information obtained in the carrying out of their duties for personal gain, or pass any such information on to any other person who might use it in such a way.

3.23 Any breach of confidentiality by a Committee Member will be dealt with in accordance with the Committee Members Code of Conduct, and may result in that person having to resign from the Committee.

Any breach of confidentiality by an employee will be dealt with under our Disciplinary policy and procedures.

3.24 We recognise that individuals have the right to choose how they want their personal information to be used. We will have a variety of privacy statements to cover different aspects of our work. These will be publicised to our tenants and other service users. Our general privacy statement is detailed at Appendix 2.

Use of data for research purposes

3.25 If we are considering using personal data for research purposes, we will always consider whether it is necessary to process that data in order to achieve the research purpose. If such processing is necessary, then provided the data has been obtained fairly and lawfully it may be used for research purposes under the GDPR

3.26 We will use data collected for one piece of research for other research only with the consent of the data subject(s). We will ensure that there will be no direct consequences for the individuals who have taken part in the research, and that their personal data will not be processed in a way that could cause damage or distress to any data subject.

3.27 Wherever possible we will anonymise the names of research subjects so that individuals cannot be identified.

Retention of data

3.28 We will have a data retention schedule that sets out the period of time that we will keep data for. This information, where appropriate, will be included in the relevant Privacy Notice.

Paper records, when no longer required, will be disposed of:

- by using a paper shredding machine;

- for bulk disposal, by using confidential waste containers that are collected and disposed of by a licensed contractor. Certificates of destruction will always be obtained and retained. Confidential waste bags will be locked away outside of office hours.

We will work with our software suppliers to facilitate the deletion or pseudonymising (where data records are replaced by one or more artificial identifiers, or pseudonyms so that the data cannot be linked back to the individual that it relates to) the personal data to comply with our data retention schedule.

Training

- 3.29 All staff will receive the necessary training in the operation of 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.
- 3.30 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.

4.0 IMPLEMENTATION AND REVIEW

- 4.1 The Director is responsible for ensuring that this policy is implemented as required by Committee Members and all staff.
- 4.2 The Director is the Association's Data Protection Officer, whose responsibilities include ensuring that all employees are kept up to date with current data protection regulations and good practice.
- 4.2 The Director will ensure that this policy is reviewed by the Management Committee at least every 3 years.

Reviewed by the Management Committee on 27 September 2017

Next review due by: September 2020

GDPR - Principles

The following principles are set out in the GDPR, and it is a requirement under Article 52 that they are followed by organisations.

- (a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals;
- (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

PRIVACY STATEMENT (GENERAL)

Prospect Community Housing will use the personal details we hold about you, and any information you may provide us with in the future for:

- the purposes of dealing with your enquiry
- sending you information that you have requested
- delivering a service to you
- evaluating the service we have delivered to you
- carrying out relevant research into our services and activities.

The personal information we hold will be information you, or others on your behalf, have given us and may include one or more of the following:

- personal details, for example, name, address and contact details
- family, lifestyle and social circumstance
- educational and training details (relating to staff)
- employment details
- financial details
- goods and services provided
- racial or ethnic origin
- physical or mental health (as it relates to your relationship with Prospect Community Housing)
- offences and criminal proceedings (relating to staff - which are held for the appropriate timescales as set out in written policies).

We will only hold sensitive data about you if you give written consent. We will keep your personal information in accordance with the requirements of the Data Protection Act 1998.

We will not disclose the information we hold about you to any other person, organisation, or department within Prospect except in connection with the purposes listed at the start of this statement. Unless the information sharing is done as part of a contract, or certain other tests are met (such as sharing information in relation to a criminal investigation), we will seek your consent to share your personal information.

You have the right to obtain a copy of the personal information we hold about you. Should you wish to obtain a copy of this information, you should submit your request in writing, preferably by using our Request Form, a copy of which is available from our office.

If you have any questions about the use we make of your data, or if you wish to obtain a copy of this information, please contact the Data Protection Officer at:

**Prospect Community Housing, 6 Westburn Avenue, Wester Hailes,
Edinburgh, EH14 2TH.**

Tel: 0131 458 5480

email: enquiries@prospectch.org.uk

PROSPECT EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy	Data Protection	
Department	Corporate	
Who is involved in the EQIA?	Brendan Fowler	
Type of policy/ practice/ strategy	New <input type="checkbox"/>	Existing <input checked="" type="checkbox"/>
Date completed	12/9/17	

Stage 1: Screening Record

What is the main purpose of the policy?

The policy sets out our approach to data protection, covering both legislation (current and future) and good practice.

Who will the policy benefit and how?

This policy affects anyone for whom Prospect holds personal information. This includes applicants, tenants, factored owners, suppliers and staff members.

For each equality group, does or could the policy have a negative impact?

Protected characteristic	Negative	Positive/no impact	Don't know
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy & maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief (including no belief)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you answered negative or don't know to the above question you should consider doing a full EQIA.

Are there any potential barriers to implementing the policy?

Barriers would relate to a lack of staff awareness. This will be tackled through staff involvement in the development of procedures, and staff training.

	Yes	No
Is a full EQIA required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you answered no to the above question explain why a full EQIA is not required:

No impact on equalities identified:	<input type="checkbox"/>
Other:	

Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering, including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Source	Qualitative evidence provided	Quantitative evidence provided	Which protected characteristics are covered?	Gaps identified/ action taken
Management information data		Annual staff and committee equalities data	Age, disability, gender, ethnicity. In some cases other protected characteristics	Membership data not collected. Implementation of Cx will assist with data collection.
Tenant satisfaction survey		Survey carried out in 2016	Age, disability, gender, ethnicity. In some cases other protected characteristics	Data becoming out of date. Implementation of Cx will assist with data collection.
Committee, Equalities Working Group and Tenants Forum minutes	Equality related issues identified and discussed		Various	
Review of complaints received	Tenant/service user experience	Statistical data on types of complaint	All protected characteristics	Implementation of Cx will assist with data collection and analysis of protected characteristics
Observations/conversations (anecdotal)	Staff/committee/tenant/service user levels of understanding, inclusive practice		All protected characteristics	
Edinburgh Census 2011		Statistical data	Age disability, gender, ethnicity, marital status, religion or belief.	Data becoming out of date.
EdIndex data		Statistical data provided for individuals on the housing waiting list	Age, disability, gender, ethnicity. In some cases other protected characteristics.	Data becoming out of date.
SHR Annual Return on Charter data		Statistical data on staff, committee and tenant profile for RSLs	Disability, ethnicity.	

Stage 3: Assessing the impacts

How might the policy impact on people who share protected characteristics? Include both positive and negative impacts.

Protected Characteristic	Description of Impact
Age	Information on this characteristic is routinely collected and held on individual's record, and must be protected.
Disability	Information on this characteristic is routinely collected and held on tenant records, and must be protected.
Gender reassignment	Information on this characteristic is not routinely collected for tenants and applicants and where it is collected is not held on an individual's record, but rather in an anonymous way. This information can be held for staff and committee members, and therefore will need to be protected.
Marriage & civil partnership	Information on this characteristic is routinely collected and held on individual's record, and must be protected.
Pregnancy & maternity	Information on this characteristic is not routinely collected for tenants and applicants and where it is collected is not held on an individual's record, but rather in an anonymous way. This information can be held for staff and committee members, and therefore will need to be protected.
Race	Information on this characteristic is routinely collected and held on individual's record, and must be protected.
Religion or belief (including no belief)	Information on this characteristic is not routinely collected. When it is it is not held on an individual's record, but rather in an anonymous way.
Sex	Information on this characteristic is routinely collected and held on individual's record, and must be protected.
Sexual orientation	Information on this characteristic is not routinely collected. When it is it is not held on an individual's record, but rather in an anonymous way.

How does the policy promote equality of opportunity?

The information that we hold on the protected characteristics, whether anonymised or not, helps us to assess the services that we provide to ensure that there is equal access to protected groups. The policy allows us to continue collecting this information, but ensuring at the same time we comply with legislation and protect the information that we hold.

How does the policy promote good relations?

By holding the information we do, we can analyse trends to make sure that any concerning trends are identified and acted upon.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact.

Does the assessment show a potential for differential impact on any group(s)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is there potential for unlawful direct or indirect discrimination?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

What arrangements could be implemented to reduce or mitigate any potential adverse or negative impacts identified?

None identified.

Describing how Equality Impact analysis has shaped the policy making process

The impact analysis has highlighted the importance of keeping information on the protected characteristics, led us to consider how we can do this whilst at the same time protecting this information.

Monitoring and Review

Any breaches of this policy will be monitored, and any equalities issues related to this considered. The policy will be reviewed every three years by the Director.

Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes No

- ◆ Opportunities to promote equality in respect of age, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, race and religion or belief have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes No

Declaration

I am satisfied with the equality impact assessment that has been undertaken for **Data Protection Policy**.

Name: **Brendan Fowler**

Position: **Director**

Authorisation date: **12 September 2017**