

**COR13**

**ADOPTED: 27.02.02**

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28.10.20; 31.1.24**

## **DATA PROTECTION POLICY**

### **INTRODUCTION**

This policy is supported by the adoption of the GDPR Model Documentation & Guidance produced by the Scottish Federation of Housing Associations (SFHA) & TC Young which is detailed in the Data Protection Procedure.

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.
- Freedom of Information and Environmental Information Regulations.

### **COMPLIANCE**

The Association will collect, handle and store personal information in accordance with the following legislation.

- (a) the UK General Data Protection Regulation (“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);
- (c) the Data Protection Act 2018 (“the 2018 Act”) and
- (d) any legislation that, in respect of the United Kingdom, replaces, or enacts into United Kingdom domestic law, the UK General Data Protection Regulation, 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.

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 with the consent of the data subject
- Processing is necessary for the performance of a contract between the Association and the data subject or for entering into a contract with the data subject;
- Processing is necessary for the Association’s compliance with a legal obligation;

- Processing is necessary to protect the vital interests of the data subject or another person; or
- 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.

The Association will maintain registration with the Information Commissioner's Office referred to as (the) ICO, in accordance with the requirements of the GDPR.

The Association will have a dedicated Data Protection Officer (DPO).

All staff will receive 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.

The Association will implement measures that meet the principles of data protection by design (designing projects, processes, products or systems with privacy in mind at the outset) and data protection by default.

The Association will use data protection impact assessments to help identify and reduce the data protection risks of its projects and meet individuals' expectations of privacy.

The Association will have reporting procedures in the event of a data breach or potential breach occurring.

## **OPENNESS**

Our aim is to conduct our activities openly and to make information publicly available unless there are justifiable reasons for withholding it.

We will fully comply with legislation regarding making information available. This will include compliance with FOI and EIRS.

## **IMPLEMENTATION AND REVIEW**

The Director is responsible for ensuring that this policy is implemented as required by Committee Members and all staff.

The Association's Data Protection Officer, responsibilities include ensuring that all employees are kept up to date with current data protection regulations and good practice.

The Director will ensure that this policy is reviewed by the Management Committee at least every 3 years.

Reviewed by the Management Committee on 31 January 2024

Next review due by: January 2027

## 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.

## PROSPECT EQUALITY IMPACT ASSESSMENT RECORD

<b>Title of policy/ practice/ strategy</b>	Data Protection	
<b>Department</b>	Corporate	
<b>Who is involved in the EQIA?</b>	Brendan Fowler	
<b>Type of policy/ practice/ strategy</b>	New <input type="checkbox"/>	Existing <input checked="" type="checkbox"/>
<b>Date completed</b>	22/1/24	

### 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
<b>Is a full EQIA required?</b>	<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.
Tenant satisfaction survey		Survey carried out in 2022	Age, disability, gender, ethnicity. In some cases other protected characteristics	
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	Quarterly review of complaints as part of Key Performance Indicator report assists 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.
What Scotland Thinks data		Statistical data on attitudes	All protected characteristics	

## Community Profile

The following profile summarises key data for Prospect stock, the Wester Hailes Community and Edinburgh.

Indicator	Prospect	Wester Hailes	Edinburgh	Source	Comment
The number of households in receipt of Universal Credit.	42%	4,605-40%	34,317-9%	Prospect – Cx 22.11.21 Wester Hailes – as at 14.10.21 <a href="#">Universal Credit: Official Statistics (arcgis.com)</a>	Prospect received housing costs directly for 42% of tenants.
The proportion of households in owner occupation, private rented accommodation, and social housing	100%	OO-25.7% PR-9% SH-64.5%	OO-58.9 PR-22.4% SH- 17%	WH-2011 Census Edinburgh- 2011 Census	
The number of people from minority ethnic communities;	23%	20.3%	11%	Prospect – Tenant Survey 2022 WH- 2011 Census CEC- 2011 Census	
The number of people over 60;	18.6% over 65	10.5% Over 65	15% Over 65	Prospect – Tenant Survey 2022 WH- 2011 Census CEC- 2011 Census	
The number of lone parent families;	23%	14%	5.8%	Prospect – Tenant Survey 2022 WH-2011 Census CEC-2011 Census	
The number of people with long-term limiting illnesses;	38.5%	30%	26.7%	Prospect – Tenant Survey 2022 WH-2011 Census CEC- 2011 Census	
The number of homeless persons;	n/a	Not available	1,912	2020/21 <a href="#">Homelessness Statistics 2020-21 - gov.scot (www.gov.scot)</a>	
The number of single households;	38.6%	37.6%	39.1%	Prospect – Tenant Survey 2022 WH-2011 Census CEC-2011 Census	

### 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: **22 January 2024**