

SERVITE HOUSING ASSOCIATION

DATA PROTECTION POLICY

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1. Introduction

- 1.1 Servite Housing Association recognises that the Data Protection Act 1998 is an important piece of legislation to protect the rights of individuals in respect of any personal information that we keep about them, whether on computer or in manual systems.
- 1.2 The Act lays down regulations and safeguards for the collection, recording and use of personal information. Servite needs to collect and use certain types of information about people with whom it deals in order to operate. These include employees, applicants for employment, tenants, and housing applicants, sharing owners, committee members, suppliers and others with whom it communicates. Certain information may be required for regulatory or monitoring purposes as laid down by statute. Other information may be required for the purpose of establishing a contract. In any case Servite recognises that the information must be dealt with lawfully and correctly under the principles laid down within the Act.
- 1.4 Servite has registered with the Information Commissioner as a Data Controller under the Data Protection Act.

2. Data Protection Principles

- 2.1 All processing of personal data must be carried out in accordance with the data protection principles which require that personal data and information held by the Association is:
 - Obtained and processed fairly and lawfully
 - Obtained only for specific and lawful purposes and shall not be used for any other purpose
 - Adequate, relevant and not excessive in relation to the purpose for which it is obtained or kept
 - Accurate and up to date
 - Held no longer than is necessary for the purpose
 - Processed in accordance with the rights of data subjects under the data protection act
 - Kept securely

3. Responsibilities for Compliance

- Servite as a corporate body is the data controller under the act
- The Finance Director has overall responsibility for data protection within the Association and for ensuring that our notification to the Information Commissioner and our entry in the Data Protection Register is accurate and up to date.
- Compliance with data protection legislation is the responsibility of all members of staff within Servite who process personal information

4. The Rights of the Individual

4.1 Registered Social Landlords have a general duty of confidentiality towards individuals to whom they provide services. The Act also sets out six rights of data subjects (see Appendix A for definition of terms):

- The right of access to information held
- The right to prevent processing of data likely to cause damage or distress
- The right to prevent processing for the purpose of direct marketing
- Rights in relation to automated decision taking
- Right to compensation
- The right to take action to rectify, block or erase inaccurate data

5. Consent

Generally wherever possible, personal or sensitive data should not be obtained, held or disclosed unless the individual has given consent.

6. Housing Management

6.1 Housing Registration

Much of the information that is processed in housing management originates from applications for housing. The current 'Homehunt' registration form outlines that information received will be used solely for the purpose of operating the Association's Homehunt service. Information will not be disclosed without written consent unless required to do so by law or by the regulator.

6.2 Statutory Information

The Association also receives requests from third parties such as local authorities, police, public utilities and housing benefit for information. Where there is a statutory obligation to supply information no consent is required. However, where there is no statutory obligation then explicit consent is required.

6.3 Tenancy Agreement

Information contained within the tenancy agreement is covered as it forms part of a contract between the individual and landlord. Consent is required if information is to be provided to a non statutory third party.

6.4 Tenancy Enforcement

Information supplied by a third party to an officer of Servite concerning an individual e.g. tenant complaint, cannot be disclosed to another individual unless the third party consents.

Information recorded by an officer as a record of an event e.g. witnessing anti-social behaviour, or recording a file note after an incident or call, would

be classed as an accessible record and should be disclosed where a request is made. Care is required to be taken when placing additional notes on house files or computerised tenant records. The exception being where the information is aimed at preventing or detecting crime.

Information passed to or received by the police is controlled within the Data Protection Act. The exception is where the information is being used to prevent or detect crime. Information sharing protocols should be developed in conjunction with police.

7. Human Resources

- 7.1 The other main processing of personal and sensitive personal data will occur within Human Resources department.
- 7.2 Employees of Servite, as part of their contract of employment consent to the organisation holding and using personal data. Personal data includes names and addresses, bank details, health records etc.
- 7.3 Applications for employment advise applicants that the information contained in the form will be used for monitoring and copies taken to complete the recruitment process. Information will be held for no more than 12 months following completion of the interview process.

8. Access Request

- 8.1 Tenants, employees and other individuals about whom the Association holds personal information have the right to access the information, unless it is exempt under the Data Protection Act.
- 8.2 The Association will comply with the request for information within 40 days. Where the file requested contains information relating to another person, the data controller must consider:
 - Has the other person given consent to share the information
 - Is it reasonable to disclose information without the consent of the other person

Alternatively, if practical, information should be anonymous, otherwise the Information should not be disclosed to the tenant/employee.

- 8.3 Tenants, former tenants and sharing owner's requests for access to information will be considered by the Housing Services Director in the first instance.
- 8.4 Employees requests for access will be directed to the line manager, who will inform the Corporate Services Manager of the request. The Corporate Services Manager will make arrangements for the employee to call into the Human Resources department to view the file. No items or contents can be removed or copied without the permission of the Corporate Services Manager.

Employees will be issued with a printout of their personnel records on an annual basis for review, update and return. This will ensure that personal data retained is accurate and up to date.

9. Charges for Providing Information

No charge is normally made for requests for information. However the Association reserves the right to make a charge of no more than £10 to cover administration, stationery and postage costs, where it is felt necessary.

10. Disclosure of Data

10.1 Servite must ensure that personal data is not disclosed to unauthorised third parties, which includes statutory and non statutory bodies and individuals. All staff should exercise caution when asked to disclose personal data held on another individual to a third party.

10.2 Personal data can be disclosed where consent has been given or without consent in the event of:

- Legal requirement to comply
- Prevention or detection of crime

10.3 In the event of requests for either personal or sensitive employee data, such as salary details etc, written signed authorisation from the employee is required prior to disclosing information.

11. Data Security

11.1 The Act requires that organisations maintain strict security in relation to personal data. All staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to unauthorised third parties. All personal data should be accessible only to those who need to use it.

11.2 Personnel files will be stored in locked cabinets, access to computerised records is password protected.

12. Retention and Disposal of Data

12.1 The fifth principle states that personal data should not be kept for longer than necessary. It is therefore necessary to consider the reasons for collecting personal data and if the data should be retained when the relationship between Servite and the individual ends, i.e. former tenants or employees.

12.2 [2007 review\Appendix B Statutory Periods of Retention.pdf](#) sets out the statutory periods of retention for various documents. Personal data held which is not identified within the retention list should be assessed on a 'risk analysis' approach to determine risks and impact when considering disposal of data. Confidential information that is no longer required will be securely

disposed of and shredded if necessary.

13. Computer Security

Information stored on computers is password protected as detailed in our policy on Telephones, Computers, Internet and Email use.

Definition of Terms

Data Subject

This refers to any living individual who is the subject of personal data. Examples of data subjects for Servite Housing Association are:

- Tenants, prospective tenants and former tenants
- Committee members
- Employees
- Sharing owners
- Others in receipt of service

Personal Data

Personal data relates to data that can identify an individual from information which is held by Servite. It also includes any expression of opinion or view about an individual or their circumstances. Examples of personal data include:

- Age
- Marital status
- Housing history
- Economic status
- Allowance, benefits and grants
- Support services received
- Medical data

Sensitive Personal Data

The Act also recognises that some items of data are more sensitive than others and therefore require additional legislation to ensure appropriate handling. Examples of sensitive personal data include:

- Race or ethnic origin
- Political opinions
- Religious or other beliefs
- Physical or mental health
- Criminal convictions