



# Data Protection Policy

## POLICY STATEMENT

Chelmer Housing Partnership (hereafter CHP) is committed to meeting its obligations under the Data Protection Act 1998 and will:

- observe the law in all collection and processing of personal data regarding living individuals;
- only use data in ways relevant to carrying out its legitimate purposes and functions as a Housing Association and in a way that is not prejudicial to the interests of individuals;
- take due care in the collection and storage of any sensitive data;
- ensure staff keep all data accurate, timely and secure;
- meet any access request in compliance with the law;
- keep registration up to date.

Generally speaking, information we hold about our customers and staff will be disclosed only to that individual or, in certain circumstances, to someone else with their permission. We will hold the appropriate personal data necessary to enable functions to be performed. On no account should personal data of any description be left unattended/on open view. We will only disclose information over the phone if staff are certain of the individual's identity (as a security check, individuals may be asked to confirm a personal detail).

## 1. POLICY AIMS

- 1.1 This policy aims to clearly set out how information provided by both customers and staff will be protected, used appropriately and within the constraints of the law.

## 2. STATUTORY, REGULATORY & CORPORATE RESPONSIBILITIES

- 2.1 CHP is registered as a Data Controller with the Information Commissioner.
- 2.2 CHP when processing personal data will comply with the eight enforceable data protection principles outlined in the Data Protection Act:
- Fairly and lawfully processed;
  - Processed for limited (specific and lawful) purposes;
  - Adequate, relevant and not excessive;
  - Accurate;
  - Not kept longer than necessary;
  - Processed in accordance with the data tenants rights;
  - Secure;
  - Not transferred to other countries without adequate protection.
- 2.3 CHP recognises that personal information is confidential and that unauthorised disclosure is a breach of contract and an offence under the Data Protection Act.
- 2.4 All statements of Data Protection Law compliance and information about any contacts made with the Data Protection Registrar will be appropriately filed and will be available to staff and tenants on request.

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- 2.5 All CHP staff, whether permanent or temporary, will:
- be made aware of the requirements of the Data Protection Act when they collect or handle data about an individual;
  - not disclose data except where there is specific consent in special circumstances (e.g. potential violence) or a legal requirement, or as part of agreed Data Sharing protocols. Data sent to outside agencies will always be protected by a written contract.
- 2.6 CHP is bound by the Housing Corporation's Regulatory Code which requires that housing associations must maintain the highest standards of probity in all their dealings.

### 3. POLICY DETAILS

- 3.1 **Data Protection Officer:** the Head of Customer Service is the Data Protection Officer, who will ensure that there are adequate records of all data access requests, all complaints by customers and any follow up actions.
- 3.2 **Ordinary data:** data such as name, address, age, income, gender, Housing Benefit will be treated in a consistent way. CHP will only collect data that is relevant to the carrying out of its legitimate purposes and functions in a way that is not prejudicial to the interests of individuals.
- 3.3 **Sensitive Data:** CHP will ensure that sensitive data is accurately identified on collection so that the proper safeguards can be put in place. Sensitive data means data consisting of information relating to the individuals:-
- racial or ethnic origin;
  - political opinions;
  - religious beliefs;
  - Trade Union membership;
  - Physical or mental health;
  - Sexual life;
  - Civil or Criminal offences.
- 3.3.1 Tenants and customers of CHP will be informed about how CHP will store and use the data at the time of collection. A standard statement (see paragraph 3.4) will be sent with all written requests for data and a similar verbal script will be used for phone data collection.
- 3.3.2 Where CHP intends to use data for its main purposes, the provision of homes and services to Essex neighbourhoods, tenants will be deemed to have given their data for this purpose. For example when the information is used in research project to determine future demand for services in Essex.
- 3.3.3 If another use is to be made of the data, tenants will be offered an opt-out for any mailings beyond this core purpose. CHP will honour this opt-out.
- 3.3.4 CHP will ensure that data collection is as accurate as is possible, given the methods used in collection. Voice mail data may be less reliable than written documents. Data may be stored in many ways, eg databases, ordered manual files or Word or Excel files. The data will be collected consistently no matter where the data is to be stored.

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- 3.3.5 A document showing all data collection points is available on the Intranet. Staff must inform the Data Protection Officer if they plan to access any new data from individuals.
- 3.3.6 Staff are responsible for ensuring that data is collected accurately and fully. Sensitive data should be identified when collected and staff must inform tenants that this data will be stored at the time of collection.
- 3.3.7 All personal information will be dated at the time of collection so that records can be archived at an appropriate time.
- 3.4 Statement for written forms and web/email communications:** when data are collected the following statement will be included in all written forms and also web/email communications -
  - 3.4.1 If you complete this form CHP will store and process your data in accordance with the requirements of its Data Protection Policy and in keeping with the Data Protection Act 1998.
  - 3.4.2 CHP may supply information to other organisations such as the police or local authority and may keep you informed about products and services that may be of interest to you, such as PremierPlus.
- 3.5 Data Storage and Processing:** CHP will only hold data that is relevant to the carrying out its legitimate purposes and functions in a way that is not prejudicial to the interests of individuals. Information will be accurate and timely and will be held in an environment as secure as possible.
  - 3.5.1 CHP staff will be responsible for ensuring that all regular data care procedures are fully and conscientiously followed. All ordered manual files and databases will be kept up to date and will have an agreed archiving policy. Data no longer required for the legitimate purposes of CHP will be regularly purged and in the case of written data will be shredded.
  - 3.5.2 All individual data will be kept secure, by regular office security procedures or through the controls over the computer network. Sensitive data will be treated with appropriate security. CHP's ICT Security Policy meets the requirements of the BS7799 standard for network security. Staff will also take care to meet high standards of security by disposing appropriately of any written reports, which are generated from individual records.
  - 3.5.3 Any data processing will only be allowed where there is a clear rationale for the activity, which meets the Data Protection Act criteria. A 'Table of Data' will be maintained and all staff will be responsible for keeping this up to date.
  - 3.5.4 Where data are passed to a third party for processing, CHP will ensure that a written contract is put in place that states that the third party will work within CHP's data protection policy. Control of the data will not be allowed to move to the third party.
  - 3.5.5 All data processing will be included in the Data Table. Any changes to data storage or processing will be logged with the Data Protection Officer.
  - 3.5.6 All staff will take responsibility for following through any data care work required to maintain accurate corporate data systems. They are also responsible for any records

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they keep in any ordered filing systems.

- 3.5.7 Archiving policies for data no longer needed in our storage systems will be set up for all data stores. A clear rationale must be supplied for personal data to be kept beyond five years.
- 3.5.8 All data will be stored in a secure location and precautions will be taken to avoid letting data become accidentally disclosed.
- 3.5.9 Any external organisation employed to process data on CHP's behalf will be bound to comply with CHP's Data Protection Policy by a written contract.
- 3.5.10 Any mailings generated from stored data will observe opt out choices in good faith.
- 3.5.11 Sensitive data should not be kept unless agreed by the Data Protection Officer at CHP.
- 3.5.12 Information that is stored on a laptop or handheld device must be password protected.
- 3.6 Disclosures:** CHP will not allow sensitive data collected from tenants to be disclosed to third parties except in circumstances, which meet the requirements of the Data Protection Act. This will be either:
- The tenant has consented to the disclosure;
  - CHP is legally obliged to disclose the data;
  - There is a business requirement to disclose data that is within the remit of the Data Protection Act and is not prejudicial to the interests of the individual.
- 3.6.1 The swapping of any data collected by CHP will only take place where the tenant has been informed about this use of their data and offered the chance to opt out.
- 3.6.2 All staff must ensure any general disclosure is recorded on the 'Table of Data' and each class of disclosure includes a clear rationale as to why this is taking place.
- 3.6.3 Any new disclosure to be made must be checked for suitability with the Data Protection Officer. This may be referred to the Data Protection Registrar for advice.
- 3.6.4 Any request for data based on a legal requirement, e.g. from Police or other body, must be put in writing and be checked against the advice of the Data Protection Registrar before data are disclosed. All staff have a duty to protect individual's data from accidental disclosure; staff are reminded of the following:
- Do not give out passwords to other people, as they will then have access to the data.
  - Do not recycle reports that contain personal data.
  - Take care to ensure that data is not left about on laptops or in files out of the office where they can be accessed by other people who are not CHP staff.
  - Confirm the identity of a caller before disclosing any information.
- 3.6.5 Where sensitive data is involved, staff should not disclose data to outside agents except in cases agreed by the Data Protection Officer or as part of agreed Data Sharing Protocols.
- 3.7 Tenant Access:** CHP will provide information in response to any reasonable access request. CHP will ensure data are kept in an accessible form to facilitate access.

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- 3.7.1 Staff will contact the Data Protection Officer within two working days when a request for data is made.
- 3.7.2 A standard letter will be sent to the tenant stating CHP policy on tenant access. This will promise to provide the required data within` 40 days. CHP will not charge for this.
- 3.7.3 A search will be set up by the Data Protection Officer to ensure that all relevant data will be collected and collated ready for presentation. The search will include all electronic data and ordered manual files if required. Information on data collection, storage, processing and transfer may be required.
- 3.7.4 The data will be offered at CHP's premises with a member of staff on hand to help with any queries or interpretations. If the tenant is unable to visit the CHP premises, alternative arrangements can be agreed.
- 3.8 Complaints/Queries:** CHP will respond to any complaints in line with the standard Customer Feedback Policy.
- 3.8.1 Records will be kept of all correspondence for 5 years.
- 3.8.2 Staff should notify the Data Protection Officer of any complaint or query that relates to this policy and inform the Data Protection Officer of any correspondence and developments as they occur.

#### **4. POLICY CONSULTATION, PROMOTION & EVALUATION**

- 4.1 The Head of Customer Service is the Lead Officer for the Data Protection Policy and will ensure that the relevant staff adhere to its guidelines; and the Operations Committee is provided with any relevant updates.
- 4.2 It is the responsibility of the Operations Committee to review, adopt and approve this policy.
- 4.3 All members of staff are required to sign a data protection declaration.
- 4.4 This policy will be placed on the CHP intranet and a copy is available to all tenants on request.
- 4.5 Tenant representatives will be provided with training on their data protection responsibilities.

#### **5. LINKS**

- 5.1
- CHP Fraud Policy
  - CHP IT Security Policy
  - ICO Data Protection Good Practice Note

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