



PO11 Access to Personal Information

Approval

Approved by Tenants' Forum	DATE 19 March 2009
Approved by Board	DATE 01 April 2009
Due for Review	DATE 31 March 2012

Review undertaken

Resident involvement <i>As agreed with Tenants' Forum</i>	None required
Equality Impact Assessment	23 March 2009

1. Scope of policy

This policy sets out Soha's approach to allowing individuals access to their personal information in accordance with their legal rights. This will include:

- Tenants
- Leaseholders
- Shared owners
- Staff
- Board members
- Applicants for housing, home ownership and employment
- People who don't fall in to any of the above categories but to whom Soha provides or receives services e.g. lifeline clients, individuals who contract to Soha

It does not apply to limited companies or other corporate bodies. This relates to information held in structured and referenced paper based records, electronic records or as CCTV images.

2. Aim

Soha recognises that all personal information gathered about individuals must be processed lawfully and correctly under the principles laid down under the Data Protection Act 1998 and that those individuals have the right to access the information held about them.

We aim to provide equal access to the service and will not discriminate on grounds of race, colour, ethnic or national origins, religion, sexual orientation, disability, gender, age or any other matter which may cause a person to be treated with injustice.

3. Policy Statement

Soha is committed to allowing individuals access to the personal information it holds about them in an open and visible manner. Soha will hold and process personal information to comply with the Principles of Data Protection. Information will be:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than is necessary
- Processed in line with your rights
- Secure
- Not transferred to other countries without adequate protection

4. Implementation

4.1 Personal Information

Personal information is information that relates to a living individual directly or from which an individual is readily identifiable.

Individuals have the right to see the personal information held about them in Soha records. This will include paper housing files, paper personnel records and computer records.

Information held purely for statistical purposes which does not identify individuals is not considered to be personal information.

4.2 Exempt Information

Certain information is exempt will not be available for individuals to view (“exempt” information):

- Information relating to or identifying a third party, unless the third party has given their written consent;
- Information from third parties or other agencies (e.g. Social Services, doctors, benefits agencies, lawyers) which could be reasonably expected to be treated as confidential. This will include situations such as where a complaint has been made and in information that has been given in the expectation of confidentiality;
- Information that could cause physical or mental harm to the individual or another person;
- Information subject to legal professional privilege or statutory requirement, or is likely to lead to legal proceedings being taken;
- Information prejudicial to the commercial or financial interests of Soha;

Where Soha withhold information, we will inform the individual and give reasons for this.

4.3 Access to personal information

Soha will have agreed procedures for dealing with access to personal information and will train staff to deal with requests.

Soha may at its discretion charge a fee to deal with a request to see information. The maximum fee is set by legislation and is currently £10.00.

The Data Protection Officer will keep a record of all requests to access personal information. This will include information sent out as part of the response, together with details of any information withheld and the reasons for this. The statutory time limit for making the information requested available is 40 days but Soha will aim to make the information available within 2 weeks. This time will begin when:

- Soha has confirmed the identity of the person making the request and, where appropriate, their authorised representative; and
- where necessary, been given information reasonably required to locate the records; and
- if requested, has received the fee.

All accept written requests for information. However verbal requests are acceptable and we will have procedures in place to address this. We can assist people with a learning disability to access this service or work with their support worker.

Access to any personal information about an individual will only be given to the person concerned or their authorised representative. Where necessary we will require proof of identity from that individual before we disclose any information.

Persons applying for access to information on behalf of another person will be required to produce the written authority of that person, even if they are close members of the family or household.

We may provide Individual copies of documents unless in the view of the Data Protection Officer the request is excessive or unreasonable. We will personally explain information containing any technical terms to the individual.

Soha will change or delete any information which we discover is clearly wrong. Where we cannot agree any dispute about the accuracy of information, we will add a note to record this dispute. Soha will take all reasonable action to verify and then if necessary amend the information disputed.

5. Responsibility

The Director of Finance & Resources has overall responsibility for access to personal information. The Legal Services Manager acting as Data Protection Officer is responsible for the data protection issues.

The Senior Housing Officer will process requests by tenants to view personal information.

The Personnel Co-ordinator will process requests by Staff and Board Members to view personal information.

6. Context

Data Protection Act 1998 (as amended)

Data Protection Policy PO10

Information Commissioners Office- Data Protection good Practice Note on subject access requests and local authority records

Information Security policy PO09

Confidentiality Policy PO12

It complements and must be read in conjunction with the Data Protection Policy, Confidentiality Policy and Information Security Policy.