



PO10 Data Protection

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 implementation of the Data Protection Act 1998 (as amended) (hereafter called "DPA") and applies to all personal data held by Soha Housing Limited. Data protection legislation provides regulation for the collection, recording and use of all personal information about people.

It applies to:

- information held in structured paper based systems ;
- information held on computer systems; and
- CCTV images

In the course of business, Soha needs to collect and use certain types of information about people who we deal with. These include:

- Tenants, former tenants and housing applicants,
- Leaseholders and shared owners
- Employees and applicants for employment
- Board members
- Complainants
- Contractors and suppliers
- People who don't fall in to any of the above categories but Soha provides or receives services eg lifeline clients, individuals who contract to Soha.

Data protection only applies to individuals. It does not include information held about limited companies or corporate bodies.

2. Aim

Soha recognises that we must process all personal information gathered about individuals lawfully and correctly under the principles laid down under the DPA. Soha will comply with the legal requirements in an open and visible manner.

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 Housing Limited must always be registered with the Information Commissioner as a Data Controller under the DPA.

Soha will process all personal information in accordance with the eight data protection principles laid down by the DPA. These require that all personal data be:

- 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;

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- Kept no longer than is necessary ;
 - Processed in line with the individual's rights;
 - Secure; and
 - Not transferred to a country outside of the European Economic Area without adequate protection.

Information held purely for statistical purposes that does not identify individuals is not considered to be personal information and is not subject to this policy.

4. Implementation

4.1 Processing Information

Soha will take all necessary steps to ensure that the personal information used in the course of business complies with the data protection principles. We will put in place procedures to ensure that personal information is retained for the appropriate period and in accordance with relevant legislation and the guidance on document retention issued by the National Housing Federation.

4.1.2 Information about Customers

Personal information about tenants, leaseholders, shared owners and applicants for housing/home ownership (hereafter collectively referred to as "Residents") will include (but is not limited to) information about:

- family circumstances and family history
- support needs
- medical needs
- rent/service charge payment records
- Income, outgoings and financial position
- past behaviour

We will process the information only as far as is necessary to operate the individual's tenancy or application.

4.1.3 Information about Employees and Board Members

Through its personnel function, Soha will hold and use personal information about employees (permanent and temporary), applicants for employment and Board Members (hereafter collectively referred to as "Employees").

The type of information held will include (but not limited to):

- Names addresses, telephone numbers;
- Contract terms and conditions;
- salary, pension, benefits details
- bank details
- health information
- performance management , including disciplinary grievance and competency information
- appraisal and performance assessment information; and
- annual leave and other absence records.

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- disclosure to prospective employers
 - training records

By signing a contract of employment Employees consent to the Association processing their personal information as far as it is necessary for the conduct of their employment with Soha.

4.1.4 Information about Other Groups

Soha will from time to time hold personal information about other groups such as contractors or complainants and this will only be processed so far as is strictly appropriate to the scope of the relationship with those individuals.

4.2 Security

4.2.1 Soha will put in place and maintain security measures to ensure that only those Soha employees who have a legitimate reason for accessing and processing the data access personal information. The Association's approach is fully set out in the Confidentiality and Information Security Policies PO12 & PO09.

All Employees are responsible for ensuring that they keep secure any personal data they hold and do not disclose it to third parties unless in accordance with this policy. Residents who are authorised to use certain personal data through Soha's resident involvement activities must comply with this policy.

We will hold securely Computer information and keep paper files in secure filing systems. Documents containing personal information should not be left on desks open to public view.

4.2.2 Remote working

No portable digital media (including laptops, tapes, disks, USB storage devices) containing personal information is to be removed from Soha's office without the express consent of the Director of Finance and Resources.

We will not send out information electronically from Soha computers unless the process complies with Soha's procedures on the transfer of data to third parties.

No personal data is to be kept on computers or other media that do not belong to Soha Housing without the express consent of the Director of Finance & Resources.

All portable computer equipment containing personal data, paper files and records being used by remote workers outside of Soha's offices will be kept securely and not left on view in any place where they could be viewed or removed by unauthorised persons.

4.2.3 Contractors

Soha will ensure that all contracts that it enters into with third parties contain provisions that require robust measures to be in place to protect the personal information processed by virtue of that contract.

4.3 Access to Personal Information

Soha will maintain an Access to Information Policy and Procedures giving the right to all persons about whom Soha holds information the right to access that information unless it is exempt under the DPA. .

Soha will amend or delete (as appropriate) data that is discovered to be incorrect.

Where any document is withheld as it is exempt information, we will inform the person. .

The Data Protection Officer will maintain a list of subject access requests.

4.4 Disclosure of Information

Personal information may only be disclosed to third parties in accordance with the principles of the DPA. Soha may disclose information to third parties only as far as strictly necessary for the conduct of the tenancy, employment, contract or other relationship with an individual.

By signing a contract of employment or signing a lease or tenancy agreement the individual is deemed to have given consent to the processing of personal data unless the information is sensitive personal data.

Sensitive Personal data includes information about racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, health, sex life, criminal proceedings or conviction. Soha will normally obtain the explicit consent of the individual in advance of disclosure.

Soha may disclose personal information (including sensitive personal data when absolutely necessary) to third parties without consent of the individual only in the following circumstances:

- in connection with the assessment or collection of tax or duty e.g. Council Tax;
- for the detection or prevention of crime e.g. a police investigation;
- where disclosure is necessary to protect the vital interests of the individual e.g. medical emergency
- to comply with prevailing health and safety legislation
- where a court orders the disclosure

4.5 CCTV

Soha may use CCTV monitoring on its office premises and/or (in consultation with the appropriate stakeholders) residential areas to:

- protect the personal safety of residents, employees and visitors; and
- investigation, detection and/or prevention of crime and to apprehend/prosecute offenders

Soha will comply with the CCTV Code of Practice 2008 issued by The Office of the Information Commissioner.

5. Training

We will train all staff (permanent and temporary) on data protection appropriate to their role in Soha.

6. Responsibility

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

All individuals are personally responsible for ensuring that the data they are processing is not unlawfully disclosed.

Failure to comply with this policy is a disciplinary offence and will be dealt with in accordance with Soha's Disciplinary Procedure.

7. Context

Data Protection Act 1998 (as amended)

Human Rights Act 1998

Access to Personal Information Policy PO11

Information Security Policy PO09

Confidentiality Policy PO12

Document Retention for Registered Social Landlords- National Housing Federation

CCTV Code of Practice 2008- Office of the Information Commissioner

This policy complements and should be read in conjunction with the Access to Information Policy, Information Security Policy, Confidentiality Policy and the Email and Internet Policy.