

Railway Housing Association

Policy Statement

Data Protection, Access to Information & Document Retention

1. Statement of Intent

This policy aims to protect and promote the rights of individuals and the Association, by identifying information that is to be treated as confidential, and outlining the procedures for collection, storage, handling and disclosure of such information.

The Association holds personal and confidential information about its prospective, current and former employees, board members, tenants, leaseholders, suppliers and contractors. This policy covers all records and information held by the Association in respect of these 'data subjects'.

This policy should be read in conjunction with the Association's Information Security Policy and E-mail policy, which relate to computer held information.

2. Implementation

2.1 Definitions

The Association will adhere to the eight principles of the Data Protection Act 1998, which require that –

- Personal information shall be processed fairly and lawfully
- Personal information shall be obtained only for one or more specified and lawful purposes and shall not be processed in any manner incompatible with that purpose(s)
- Personal information shall be adequate, relevant and not excessive in relation to the purpose(s) for which it is processed
- Personal information shall be accurate, and where necessary, kept up to date
- Personal information shall not be kept for longer than is necessary for that purpose(s)
- Personal information shall be processed in accordance with the rights of data subjects under the Act. This includes the rights of access to information, to prevent processing, to compensation for substantial damage or distress, to have data amended or deleted, and relating to automated decision taking.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data
- Personal information shall not be transferred to a country or territory outside of the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data

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2.1 Definitions

Confidential information is defined as information which is of a personal and sensitive nature. Personal information relates to a living individual who can be identified either by the information alone or together with other information and includes expressions of opinions about an individual. Sensitive personal data is data relating to ethnic or racial origin, political opinion, religious beliefs or beliefs of a similar nature, trade union membership, physical or mental health, sexual life, offences, alleged offences, proceedings and sentencing arising from an offence.

The Association will not ask for information that is not necessary for business purposes.

2.2 Storage of Information

Confidential information relating to prospective, current and former tenants, leaseholders, contractors and suppliers is held on the housing database, the main file server, the e-mail system and manual files in the relevant departments. (Refer to the Information Security policy and E-Mail policy for information on computer held records).

Confidential information will only be accessible to staff who 'need to know' such information in order to carry out their duties.

Confidential information will be kept discreetly at all times, out of view of visitors to the office or other staff and contractors who do not need access to the information in order to carry out their duties. Files will be suitably stored and will not be removed from the office unless absolutely necessary. If files are removed from the office then they will remain in the control of that member of staff, kept secure and not visible to other persons.

Members of staff, applicants for housing, tenants, leaseholders and any other visitors will be offered a private place to discuss matters of a confidential nature.

Where there is a requirement to discuss confidential information internally, this will be done in private and only between members of staff who have a legitimate right to access that information in order to carry out their duties

At the end of the working day, all confidential information will be moved out of view and wherever possible put away in desks and filing cabinets.

When dealing with customers by telephone the Association will take steps to ensure the identity of the individual before disclosing personal information.

Employees will not discuss confidential information with third parties who have no particular right to know about the internal business of the Association.

The Association will give anonymity to tenants and leaseholders wherever practicable in reports to the Board of Trustees.

Confidential information relating to all prospective, current and former employees and Board members is held securely by the Chief Executive. Relevant confidential information will also be held securely by the Director of Finance and Finance Manager in order to administer the payroll and pension scheme.

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2.3 Use of Information

Personal information relating to tenants and leaseholders will be used to: -

- assess and prioritise applications for housing
- enable the Association to fulfil its responsibilities as a landlord, for example, passing names and telephone numbers on to contractors so that arrangements can be made to carry out repairs
- tailor service delivery to meet individual's needs
- arrange care and support services for residents
- arrange other services such as concessionary TV licences
- comply with the Association's legal and regulatory obligations
- help prevent crime and deal with anti social behaviour
- enable audit of services
- ensure that the Association's Equality and Diversity policy is being effectively implemented

Information about ethnic origin or religion will be used to provide statistical information to organisations that regulate the Association. The information will be presented in a way that does not identify individuals.

Medical or health information will be used to assess applications for housing and adaptations, to assist residents in receiving appropriate care, support and assistance in an emergency, and to ensure that the Association makes reasonable adjustments for employees and Board members in accordance with the Disability Discrimination Act.

All applications for employment or accommodation will contain details of how the personal data will be used. Consent to disclose information to a third party will be obtained from each individual, who will be informed of the implications of giving consent.

Information will not be shared with third parties without the individual's written consent other than in the exceptional circumstances detailed in the Data Protection Act 1998: –

- Where there is clear evidence of fraud
- To comply with the law
- In connection with legal proceedings
- To protect the health and safety of the individual, where the individual would be at risk if the information were not disclosed, or where there is a legal requirement to do so
- Anonymously for statistical purposes

The Association may use tracing agents for the collection of former tenant's arrears and other debts. Information will be passed to them as part of the debt recovery process.

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2.4 Close Circuit Television (CCTV)

The Association may wish to carry out surveillance of its offices and properties using CCTV apparatus, for the prevention, detection and investigation of crime. It may be used to gather evidence to apprehend and prosecute people who break the law, including those who are involved in anti-social behaviour such as harassment or graffiti.

All overt surveillance measures will comply with the Data Protection Act 1998, and in particular with the Information Commissioner's guide 'CCTV Data Protection Code of Practice'. This will include the use of appropriately sized signs informing of the presence of CCTV, the purpose (i.e. to prevent and detect crime) and contact details. Covert surveillance will comply with the Regulation of Investigatory Powers Act 2000 and will be authorised by an appropriate body such as the Police.

2.5 Disposal of Information

Confidential items and papers that are no longer required will be disposed of by shredding or by an approved contractor who will supply a certificate of destruction of the items. Document retention time scales and disposal methods are detailed in the Association's 'Document Retention Schedule'.

Anonymous information may be kept for statistical use, for example, equal opportunities.

2.6 Access to Information

All individuals have the right to see the personal information about them that is held by the Association in electronic or 'structured' manual form (i.e. part of a file system).

Any request from a prospective, current or former tenant, leaseholder, supplier or contractor will be processed by the Director of Housing Services or Director of Asset Management within the provisions of the Data Protection Act 1998 and the Information Commissioner's guidance. A charge of £10 will be made per request.

Any request from a prospective, current or former employee will be dealt with by the Chief Executive within the provisions of the Data Protection Act 1998 and the Information Commissioner's guidance. No charge will be made.

In accordance with the Data Protection Act, any request for access to information may be refused for the following reasons –

- The information requested does not constitute 'personal data' as defined in *Durant v Financial Services Authority 2003*
- The information requested does not fall within a 'relevant filing system' as defined in *Durant v Financial Services Authority 2003*.
- The request was not made in writing
- The required fee has not been paid
- The identity of the person requesting the information has not been confirmed
- A similar request was recently complied with
- The information relates to the person's physical and/or mental health

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2.6 Access to Information

- The information relates to another person who has reasonably refused consent to their data being disclosed
- The information is subject to legal professional privilege, e.g. correspondence between a solicitor and their client

2.7 Incorrect Information

If an individual notifies the Association that information held about them is incorrect and can provide factual evidence to support this, the information will be corrected, deleted or destroyed as appropriate. Where there is a disagreement, the individual's views will be recorded on file and attached to the disputed record.

2.8 Staff Training

All employees will be informed of this policy and it will form part of their Terms and Conditions of Employment together with the Information Security policy and E-Mail policy. All staff with responsibility for handling confidential information will receive training on the requirements of the Data Protection Act and it will be included as part of their induction training programme.

2.9 Notification

The Association will complete an annual notification to the 'Information Commissioner' to advise what and how personal data is processed. Staff will advise the Chief Executive of any personal information that is processed by any means other than that stated on the notification.

3. Responsibility

The Chief Executive is the 'data controller' for the Association and is responsible for the effective implementation of this policy.

Each member of staff is responsible for informing their Functional Manager or the Chief Executive if they are aware of a breach of confidentiality. A breach of confidentiality is a serious offence and may result in disciplinary action.

4. Review

This policy will be reviewed biennially, or sooner should there be any change in statutory requirements.

This policy applies to the beneficiaries of Joseph Hornby Stockdale Almshouses

November 2009

This policy can be made available on request in other languages, large type, Braille or in audio format.