



Clydesdale Housing Association

Policy name & number

**16A- Governance & Accountability
Data Protection Policy**

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Policy by

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Corporate Services Assistant**

Responsible Officer

Depute Chief Executive

Clydesdale Housing Association will provide this policy on request at no cost, in large print, in Braille, in audio or other non-written format, and in a variety of languages.

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1. Introduction and Policy Statement

- 1.1.1 This Policy describes how Clydesdale Housing Association (the Association) will meet its obligations under the Data Protection Act 1998 (DPA).
- 1.1.2 The DPA provides individuals with the right to know what personal information is held about them, and to be given access to their personal information, whether this is stored on computer or in paper systems.
- 1.1.3 The Association recognises that the DPA provides individuals with important rights. The Association has therefore registered with the Information Commissioner as a Data Controller under the DPA, and we will ensure that our practices in the handling of personal information comply with the Act. In addition, we will ensure that customers and employees are made aware of their rights.

2. Regulatory Requirements

- 2.1 In all aspects of its work, the Association is required to have regard to regulatory standards for social landlords and is obliged to respond openly to requests for information, unless there are justifiable reasons for withholding it.
- 2.2 Requests for information about organisational policies, performance and management are dealt with in our Policy on Openness and Confidentiality.
- 2.3 This Policy deals with access to personal information and compliance with the law on matters relating to data protection.

3. Legal Requirements

- 3.1 The Association has a number of obligations under the DPA. These include obligations to:
 - Register as a Data Controller with the Information Commissioner;
 - Respond in accordance with the requirements of the DPA to requests for access to personal information which we hold about living individuals.
- 3.2 All individuals about whom we hold information are entitled to request access to their personal information.
- 3.3 This includes our service users, people who are trying to use our services, our employees, our members and our Management Committee members.
- 3.4 The right to access personal data is subject to the limited exemptions specified in the DPA, and applies whether our records are on paper or in our computer systems.

- 3.5 The Association will adopt and operate procedures in accordance with the eight enforceable principles of the DPA. Accordingly, personal data and information held by the Association shall be:
- (i) obtained and processed fairly and lawfully;
 - (ii) obtained only for specified and lawful purposes, and not used for any other purpose;
 - (iii) adequate, relevant and not excessive;
 - (iv) accurate and up to date;
 - (v) held no longer than is necessary;
 - (vi) processed in accordance with the rights of data subjects under the DPA
 - (vii) kept securely;
 - (viii) not transferred to countries outside the European Economic Area unless the information is adequately protected.

- 3.6 The Association will ensure that it complies with the eight enforceable principles of the DPA in relation to access to personal information, data protection and related matters.

4. Responsibilities for Compliance

- 4.1 The Depute Chief Executive will act as the Association's data protection officer, and will have overall operational responsibility for data protection matters within the Association. In carrying out these responsibilities, the Depute Chief Executive will be accountable to the Association's Chief Executive and to the Management Committee

- 4.2 The Depute Chief Executive has specific responsibility for:

- Ensuring this policy is reviewed regularly and kept up to date;
- Ensuring all staff are trained in respect of their responsibilities under the Act;
- The secure keeping and processing of personal information held about all our customers;
- Ensuring that our notifications to the Information Commissioner and our entry in the Data Protection register is accurate and up to date.

- 4.3 Departmental managers are responsible for:

- Ensuring that personal data processed by their department is included in the Association's data protection register is kept up to date, and complies with the eight enforceable principles of the DPA in relation to access to personal information,
- Ensuring that the Association responds to requests from individuals to access personal information we hold about them.

- 4.4 All members of staff have a responsibility to comply fully with this Policy and the associated procedures (as per appendix 1).
- 4.5 In particular, when requesting information from customers, staff should seek to explain why the information is necessary, what it is to be used for, and who will have access to it.

5. Access Rights and Procedures

5.1 Individuals' rights of access to personal information

- 5.1.1 Tenants, employees and other individuals about whom the Association holds personal information will have the right to access the information, unless it is exempt under the DPA. The main exemptions specified in the Act are reflected in our procedures for dealing with access requests.

5.2 Publicising the right of access to personal information

- 5.2.1 The Association will publicise its policy on access to personal information on a periodic basis, through the production of an information leaflet for service users and staff, and by other appropriate means (e.g. tenant newsletters and the tenant's handbook). We will also display information about access to personal information in our reception area.

5.3 Submitting a request for access to personal information

- 5.3.1 People requesting access to personal data will be asked to complete an Access Request Form (as per appendix 2), or to otherwise provide a written request for access to information, to demonstrate that they are entitled to receive the information they have asked for.

- 5.5 The Association's staff will provide assistance to any customer who needs help in completing an Access Request form.

5.6 Timescale for our response

- 5.6.1 The Association will respond to information requests as quickly as possible and in any event no later the statutory time limit of 40 calendar days specified in the DPA.

5.7 Circumstances in which we may refuse or restrict access to information

- 5.7.1 The Association does not envisage refusing access to personal data by individuals, if the data requested is covered by the DPA (i.e. it is personal information) and the information relates solely to them.

- 5.8 We may refuse or restrict access to data if this would involve breaching the confidentiality of a third party (e.g. another tenant), and the third party has not consented to the information being provided. This is particularly important in practical matters such as individual lettings decisions, or complaints about anti-social behaviour. In these circumstances, the Association has a duty to

protect customers' confidentiality, even if this means rejecting or restricting a request for access to personal data by another tenant.

- 5.9 The Association will monitor data requests received from individuals, to establish what resource is required to meet these data requests. The DPA allows us to decide not to provide copies of data requested if it involves disproportionate effort. In these exceptional circumstances, we would allow the requestor to view their personal data at our offices, but without providing copies.
- 5.10 If we refuse a request for access to information or do not provide a copy of information, we will provide the requestor with a written explanation. We will also advise them of their right to refer the matter to the Information Commissioner's Office, and will provide them with information about how to do this.

6. Charges for Providing Information

- 6.1 No charge will normally be made for requests for information covered by the DPA. However, the Association reserves the right to make a charge of up to £10.00 (as permitted by the Act), where it is felt necessary to do so.

7. Equal Opportunities

- 7.1 The Association is committed to ensuring equal opportunities and fair treatment for all people in its work. In implementing its policy on data protection, the Association will ensure that it provides a fair and equal service to all people, irrespective of factors such as gender or marital status, race, disability, age, sexual orientation, language or social origin, or other protected characteristic as defined by the Equality Act 2010.

8. Confidentiality

- 8.1 This policy complements the Association's Policy on openness and confidentiality.
- 8.2 Only information which can or must be legally disclosed under the DPA will be shared with a third party without the individual's consent.
- 8.3 Practical examples of where information could be made available to a third party without consent are therefore limited, and would include:
- Information needed for the administration of justice;
 - Circumstances where the organisation asking for the information is legally entitled to receive it to carry out a function for which it has statutory powers.
- 8.4 Staff will be provided with further guidance on disclosing data in such circumstances, and may also obtain advice from the Association's solicitors.

8.5 Examples of where data will not be disclosed without the subject's consent might include:

- information requested by other landlords to whom the subject has applied for housing (e.g. a tenancy report request);
- information requested by loan companies or credit agencies.

9. Policy Review

9.1 This policy will be reviewed every three years

Approved by the Committee of Management on:	
Signed:	Signed:
Secretary/Chairperson	Chief Executive/Senior Staff Member

Appendix 1

Data Protection Procedures

Access to your personal information

If you have any difficulty with sight or hearing, or if you need a translated copy of this leaflet, please let us know and we will provide the information in a form that suits your needs.

This leaflet explains how Clydesdale Housing Association is complying with the law on Data Protection. It also explains how you can obtain details of any personal information we hold about you.

We have tried to make the leaflet as clear as possible but, if you need more information, please call or write to our Depute Chief Executive who is also our data protection officer.

The law

The DPA is designed to protect personal information about living people. The law requires us to follow certain rules in handling personal information about you.

What is personal data?

Personal data is information about a living individual from which that person can be identified. The information might be in different forms – for example, on our computer system or in a paper filing system.

Why the Association collects personal data about people

We need to collect personal data to carry out our job in providing services – for example, letting houses, managing rent accounts, carrying out repairs – and in our role as an employer.

Can I find out what data the Association holds about me?

You have a number of rights under the law. On written request, you have a right:

- to be told whether we are processing information about you;
- to be provided with a description of the data, why we are processing it, and the sorts of people or organisations we might disclose the information to;
- to be provided with a copy of the data;
- to be told, if we know, where the information was obtained from.

How do I obtain information about me?

You should fill in an Access Request form, available from the office, or write to us with your request. Using the form will help us deal with your request more quickly. If you need any help filling in the form, let us know and we will complete the form for you. You can ask somebody else to complete the form on your behalf, if you give them permission to do this. Please be as clear as you can about what information you want us to provide.

How do we protect your personal information?

If you make a request for access to your information, we will ask you to provide a formal means of identification (for example, a birth certificate, driving licence, National Insurance or NHS card, or something else which is unique to you). This is to make sure we only supply personal information to the right people.

Can I always obtain information about myself?

Not always. The law has a number of exemptions. In particular, you only have a legal right to access information which is about **you as an individual**. If we think that the information you ask for is exempt under the DPA, we may refuse your request. If you disagree with our view, you can ask us to reconsider, or you can take the matter up with the Information Commissioner who oversees compliance with the law. The Commissioner's contact details are given below.

What if I think that information you hold about me is incorrect?

You can contact Jane Guthrie on 01555 665316 or email her on jane.guthrie@clydesdale-housing.org.uk explaining what you think is wrong, and ask for the information to be corrected. You can do this in person, by telephone or in writing. If you contact us in person or by telephone, we will make a note of your comments and ask you to sign this. We must tell you what we have done within 21 days. If we do not agree that the information we hold about you is incorrect, you can ask us to record this for future reference - or you can contact the Information Commissioner Office. The Information Commissioner enforces and oversees the DPA.

Can I claim compensation if information about me has been wrongly used?

If we have broken any of the rules or conditions established by the DPA and you have suffered substantial, unwarranted damage and or distress as a result of this, then you may be able to claim compensation through the Courts. Any such claim will need to show that we had not taken reasonable care to comply with the Act.

How to Contact the Information Commissioner's Office – Scotland

They can be contacted at:

The Information Commissioner's Office –Scotland, 45 Melville Street

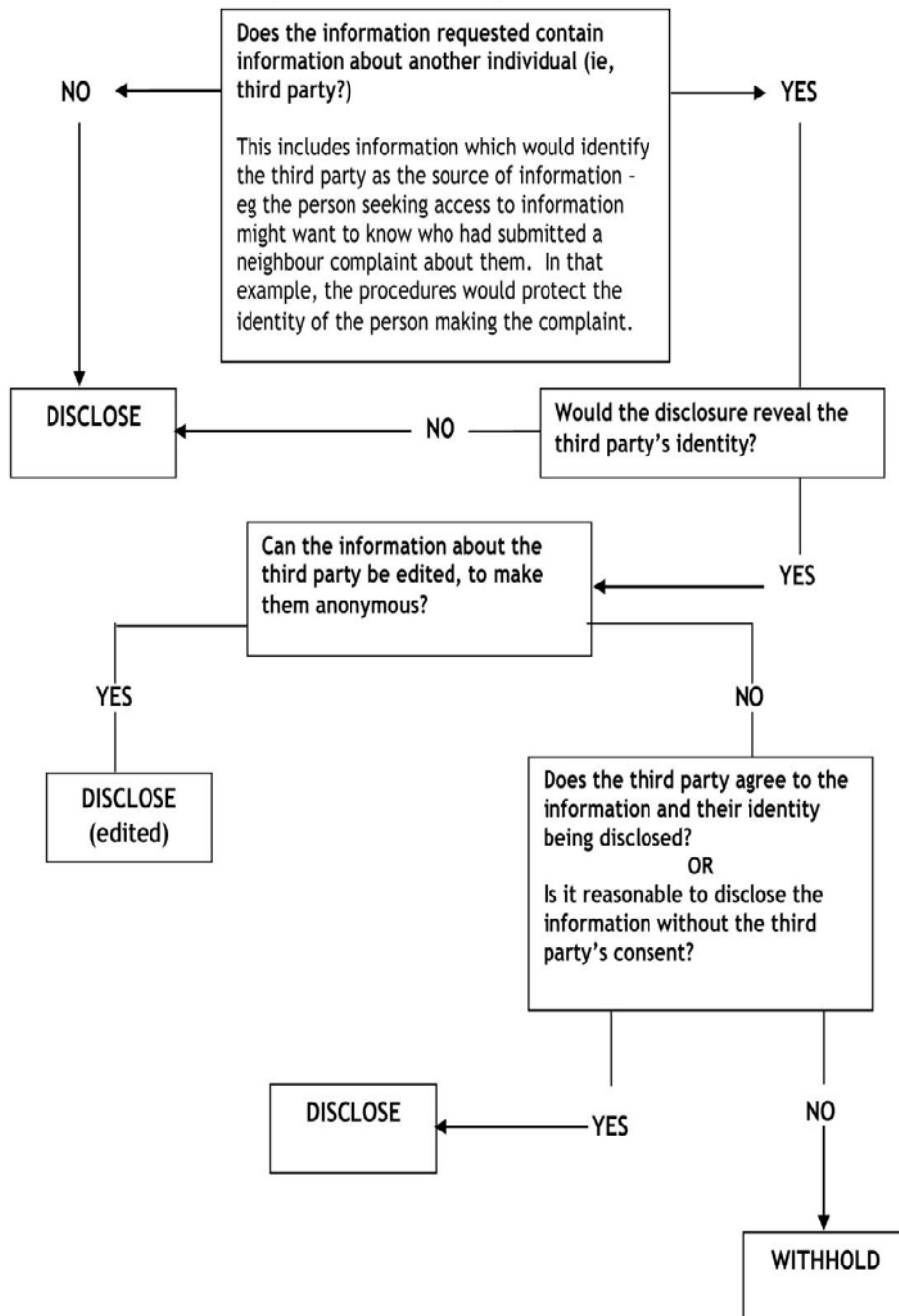
Edinburgh EH3 7HL

Telephone: 0131 244 9001

Email: scotland@ico.org.uk

Website: scotland@ico.org.uk

**DATA REQUESTS WHICH INCLUDE INFORMATION ABOUT A THIRD PARTY
DECISION FLOWCHART**



Subject Access Request Form

The Data Protection Act 1998 entitles you to ask for a copy of any personal information we hold about you. In addition to the information itself, you are entitled to be told why we have the information, to whom we disclose it and where we obtained it from.

This form will assist you in making a request for that information. You do not have to use it, but it will help us to help you if you do so. If you choose not to use the form, any request for information must still be in writing.

If you need any help completing the form, The Association can help you do this – we can fill out the form on your behalf and read it back to you before asking you to sign it.

1. Details of the person requesting the information
Name:
Address:
Telephone number:

2. Are you the data subject? (This means are you the person about whom the information is being requested). Please tick YES or No below. Remember to enclose the documents requested. Please do not send original documents by post unless you use registered post. If you bring the originals documents to our office we will make a copy and return the originals to you.
<input type="checkbox"/> YES: I am the data subject and I enclose a form of identification (acceptable forms are originals or photocopies of a birth certificate, driving licence, National Insurance or NHS card) Please go to question 4
<input type="checkbox"/> NO: I am not the data subject but I am acting on behalf of him/her with written authority to do so (please enclose original copy of written authority and a form of identification for the data subject i.e. birth certificate, driving licence, National Insurance or NHS card) Please go to question 3

3. Details of the data subject (i.e. the person whose personal information you are requesting, if different from question 1)

Name:

Address:

Telephone number:

Please say briefly in the space below why you are seeking information on behalf of somebody else:

4. Please describe the information you want as clearly as possible in the space below. For example, do you want to see a specific piece of information, or do you want to know what information we hold about you?

5. Declaration (to be completed by all applicants)

I certify that the information given on this form is accurate and true. I understand that it is necessary for Clydesdale Housing Association Ltd. to confirm my identity and that of the data subject (if different from myself) and that it may be necessary to obtain more detailed information in order to comply with this application.

Signed _____ Date _____

The Association are allowed to charge for each application, up to £10. We will advise you no later than 10 working days after receiving your request whether any charge will be made. If you do not hear from us within 10 working days, you can assume no charge will be made.

We must respond to your request within 40 days, but we will aim to respond as soon as possible. The 40 day period will not begin until we have received satisfactory proof about your identity and that of the data subject (if different).

Please send your signed, completed form to Jane Guthrie, Clydesdale Housing Association, 99 High Street, Lanark ML11 7LN.

Alternatively you can email your signed and completed form to mail@clydesdale-housing.org.uk and mark it for the attention of Jane Guthrie.