CRAIGOWEN
HOUSING ASSOCIATION
Data Protection Policy

POLICIES & PROCEDURES

Approved by Board: August 2024

Review Date By: August 2027

Version: V 5.2

1. Introduction

Craigowen Housing Association (the Association) is fully committed to compliance with the requirements of the General Data Protection Regulations 2018 (GDPR), which came into force on 25th May 2018. The Association will therefore follow procedures that aim to ensure that all employees, board members, contractors, agents, consultants, partners or other persons involved in the work of the Association and who have access to any personal data held by or on behalf of the Association, are fully aware of and abide by their duties and responsibilities under the Regulations. This applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

This will provide for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way Craigowen Housing Association will collect information about people.

This applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria. This could include chronologically ordered sets of manual records containing personal data.

Personal data that has been pseudonymised – e.g. key-coded – can fall within the scope depending on how difficult it is to attribute the pseudonym to a particular individual.

Sensitive Personal Data

This refers to sensitive personal data as "special categories of personal data". The special categories specifically include genetic data, and biometric data where processed to uniquely identify an individual.

2. Rationale

This policy is underpinned by the Data Protection Act 1998 to be superseded by the General Data Protection Regulations 2018 and places a duty on the Association to provide safe practices and procedures in data protection and records.

3. Policy Aim

To identify a lawful basis for the processing and recording of data that will have an effect on the Association in compliance with its legal obligations, duties, operations and business needs. To provide processes and practices for the individual rights of the Association's board members, staff, partners, communities, supply chain, consultants and associates within the course of the Association's business.

4. Policy statement

In order to operate efficiently, the Association has to collect and use information about people with whom we work in order to carry out our business and provide our services. These may include Craigowen Housing Association residents, other customers, members of the public, current, past and prospective employees, board members, and suppliers.
In addition, the Association may be required by law to collect and use certain types of information. This personal information must be handled and dealt with properly, irrespective of how it is collected, collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes; adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed; accurate and where necessary, kept up to date; so far as practicable every reasonable step shall be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
Data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
The Association regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between the Association and the communities in our work.
The Association will ensure that it treats and processes personal information lawfully, correctly, fairly and in a transparent manner in relation to individuals.

To this end the Association fully endorses and adheres to the Principles of General Data Protection Regulations (GDPR) as set out in the GDPR 2018.

PRIVACY NOTICE

A comprehensive privacy notice has been prepared and is included in the Association's General Data Protection Policy at Appendix A.

5. Related Legislation & Policies

Human Rights Act 1998
The Human Rights Act 1998 includes a series of sections that have the effect of codifying the protections in the European Convention of Human Rights into UK law. The Act sets out the fundamental rights and freedoms that individuals in the UK have access to, they include: the right to life; respect for your private and family life, home and correspondence, etc.
The Association will strive to comply fully with the Human Rights Act in our implementation of the General Data Protection Regulations 2018 specifically in our use of personal data particularly in relation to protecting the right to respect for private life enjoyed by our stakeholders.

Freedom of Information Act 2000
The Freedom of Information Act 2000 outlines that public authorities are obliged to publish certain information about their activities; and members of the public are entitled to request information from public authorities.

The provisions of the Freedom of Information Act 2000 do not apply to housing associations. The Association will aim to respond to requests for information in the spirit of legislation.

Other Legislation and Associated Policies
The Association will observe the provisions of the General Data Protection Regulations 2018 and this policy in relation to other legislation, good practice guidance and through other policies. This will be where we require to publish, exchange or process personal information associated with our work and our stakeholders, these include:

- Police Northern Ireland Act 2000
- Anti-Social Behaviour Northern Ireland Order 2004
- The Sexual Offenders Order Northern Ireland 2008
- Justice Act Northern Ireland 2016
- Equality Act 2010
- The Housing (Amendment) Act Northern Ireland 2011

This policy on data protection should be read in conjunction with policies and governing documents of the Association:

- CHA Terms and Conditions of Employment
- Social Media, Internet and Email Policy
- Risk Management Policy
- Disciplinary Policy and Procedures

<u>Glossary of Key Terms</u>
The following is a glossary of key terms in the regulations, which board members and staff should be familiar with to execute this policy, they include:

Information Commissioner's Office (ICO) – Responsible for enforcing the regulations.
Data Controller - The organisation that determines the purposes for which and manner in which personal data is used, in our case, the Association.
Data Subject – a living individual who is the subject of personal data e.g. resident, employee, board member, supplier, etc.
Personal data is defined as, data relating to a living individual who can be identified from:

- That data;
- That data and other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

Sensitive Personal Data is defined as personal data consisting of information as to:

- Racial or ethnic origin;
- Political opinion;

- Religious or other beliefs;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Criminal proceedings or convictions

Relevant Filing System - any set of information relating to individuals and structured, either by reference to the individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily available.
Processing – obtaining, recording or holding data or carrying out any operation on data, including disclosure and destruction.
Stakeholder – includes current and former residents, current and former board members, current and former staff including any temporary or work experience appointments, residents, other customers (owners, applicants for housing, and others) consultants, contractors, agents and partners.

General Data Protection Regulations 2018.

The Data Protection Regulations controls how personal information is used by organisations. It sets out the rules on the use or storage of data relating to living people and gives rights to those people whose data has been collected. The law applies to data held on computers or any sort of storage system e.g. paper system.

Individual Rights

1. **The right to be informed**
    - The right to be informed encompasses your obligation to provide 'fair processing information', typically through a privacy notice.
    - It emphasises the need for transparency over how you use personal data.
2. **The right to access**
    - Individuals have the right to access their personal data and supplementary information.
    - The right of access allows individuals to be aware of and verify the lawfulness of the processing.
3. **The right to rectification**
    - The GDPR gives individuals the right to have personal data rectified.
    - Personal data can be rectified if it is inaccurate or incomplete.
4. **The right to erase**
    - The right to erasure is also known as 'the right to be forgotten'.
    - The broad principle underpinning this right is to enable an individual to request the deletion or removal of personal data where there is no compelling reason for its continued processing.
5. **The right to restrict processing**
    - Individuals have a right to 'block' or suppress processing of personal data.
    - When processing is restricted, you are permitted to store the personal data, but not further process it.
    - You can retain just enough information about the individual to ensure that the restriction is respected in future.

6. **The right to data portability**
    - The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services.
    - It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability.
    - Some organisations in the UK already offer data portability through the midata and similar initiatives which allow individuals to view, access and use their personal consumption and transaction data in a way that is portable and safe.
    - It enables consumers to take advantage of applications and services which can use this data to find them a better deal, or help them understand their spending habits.
7. **The right to object**

    Individuals have the right to object to:
    - processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling)
    - direct marketing (including profiling) and
    - processing for purposes of scientific/historical research and statistics

8. **Rights in relation to automated decision making and profiling.**
    - The GDPR provides safeguards for individuals against the risk that a potentially damaging decision is taken without human intervention.
    - Identify whether any of your processing operations constitute automated decision making and consider whether you need to update your procedures to deal with the requirements of the GDPR.

Principles of data protection

The Regulations stipulates that anyone processing personal data must comply with **Eight Principles** of good practice. These Principles are legally enforceable. The Principles require that personal information:

1. Shall be processed fairly and lawfully and, shall not be processed unless specific conditions contained within the regulations are met;
2. Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes;
3. Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed;
4. Shall be accurate and, where necessary, kept up to date;
5. Shall not be kept for longer than is necessary for that purpose or those purposes;
6. Shall be processed in accordance with the rights of data subjects under the regulations;
7. Shall be kept secure i.e. protected by an appropriate degree of security;
8. Shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

6. Responsibilities

Handling of personal/sensitive information
The Association will, through appropriate management and the use of strict criteria and controls: -

- Observe fully conditions regarding the fair collection and use of personal information.
- Meet its legal obligations to specify the purpose for which information is used.
- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements.
- Ensure the quality of information used.
- Apply strict checks to determine the length of time information is held.
- Take appropriate technical and organisational security measures to safeguard personal information.

The Association will also ensure that:

- There is someone with specific responsibility for data protection in the organisation.
- Everyone within the Association who is managing and handling personal information understands that the Association is legally responsible for following good data protection practice.
- Everyone managing and handling personal information within the Association is appropriately trained to do so.
- Everyone managing and handling personal information within the Association is appropriately supervised.
- Anyone wanting to make enquiries about handling personal information, whether a member of staff, resident, other customer or stakeholder, etc, knows what to do.
- Queries and complaints about handling personal information are promptly and courteously dealt with in accordance with our Complaints Procedure.
- Methods of handling personal information are regularly assessed and evaluated.
- Performance in relation to handling personal information is regularly assessed and evaluated.
- Data sharing is carried out under a written agreement, setting out the scope and limits of the sharing. Any disclosure of personal data will be in compliance with approved procedures.

All board members are to be made fully aware of this policy and of the Association's duties and responsibilities under the regulations.
All managers and staff within the Association will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that:

Paper files and other records or documents containing personal/sensitive data are kept in a secure environment.

- Access to personal data is only provided on a "need to know" basis to those staff who require access for the purposes of fulfilling the requirements of their role within the Association.
- Appropriate technical measures, including internet security, anti-virus software and firewalls, are installed.
- Personal data held on computers and computer systems is protected by the use of secure passwords, which have forced changes periodically.
- Individual passwords should be such that they are not easily compromised.

All contractors, consultants, partners or other associates or agents of the Association must:

- Ensure that they and all of their staff who have access to personal data held or processed for or on behalf of the Association, are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the regulations. Any breach of any provision of the regulations will be deemed as being a breach of any contract between the Association and that individual, company, partner or firm.
- Allow data protection audits by the Association of data held on its behalf (if requested).
- Indemnify the Association against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation.

All contractors who are users of personal information supplied by the Association will be required to confirm that they will abide by the requirements of the regulations with regard to information supplied.

Disclosure of Information

The Association in our role as a housing landlord and employer will need to share information with other organisations, where we do this we will usually ask for the individual's consent. However, in the following situations we need not request prior consent:

- As part of a fraud investigation.
- In order to comply with the law.
- In connect to legal proceedings.
- Where it would be essential for the Association to carry out or fulfil our regulatory or statutory duties; and Anonymously for statistical or research purposes.

The Association has Information Sharing Protocols with a number of partner organisations. This allows us to transfer information between agencies for the benefit of individuals and the Communities. This information is not shared with organisations where there is no protocol. Where reasonable, the individual will be informed that information about them will be subject to disclosure pursuant to an Information Sharing Protocol.

The Freedom of Information Act 2000 states it is not applicable to housing associations. However, the Association will aim to abide by the spirit of the legislation and endeavour to respond positively to written requests for information, from whatever source and for whatever reason, unless

• The request is vexatious.

• The Association has already complied with the request.
• The request is identical or substantially similar to a request previously received from the same individual or organisation.
• The information is covered by an exemption from the requirements set out in the Freedom of Information Act 2000

Implementation of Policy
It is essential the Association complies with the regulations and does not obtain, process and store information for the purposes other than those they have been registered for with the Information Commissioner's Office (ICO). To ensure compliance with the regulations, staff must be aware that this relates to information held on current, former or prospective: tenants; Committee members; customers; residents, applicants for housing, applications for employment, employees, pension administration, payroll and supplier administration.
This section of the Policy defines the responsibilities for data protection within the Association:
The board has overall responsibility for data protection within the Association, and for ensuring that notification to the Information Commissioner, and entry in the Data Protection register is accurate and up to date. Contact details for the Information Commissioner's Office and CHA's registration reference have been provided at appendix B.

The Association has appointed a Data Protection Officer and a Deputy Data Protection Officer. Contact details have been provided at appendix B.

The Data Protection Officer (DPO) will have overall responsibility for:

- The provision of data protection training, advice and support for staff within the Association to ensure full compliance with the regulations.
- The development of best practice guidelines;
- For carrying out compliance checks to ensure adherence with the Data Protection regulations.
- Managing any complaints in relation to alleged breach of the Data Protection regulations and Policy in the use of personal data and responding to requests from individuals to access personal information the Association holds on them.

The Association has specific responsibility for personal information held on its staff. Staff will be informed about data protection issues and their rights to access their own personal data through the induction process and a staff handbook.
Association members and staff will ensure that personal data processed by them is included in the Association's data protection register and is kept up to date and complies with the principles of Data Protection as outlined in of this policy.
All staff have a responsibility to fully comply with the requirements of the regulations and this policy. When involved in requesting information, staff will explain why the information is necessary, what it is used for, and who will have access to it.

A copy of this policy will be given to all new members of staff, board members, contractors, other stakeholders or interested third parties. Existing staff and any relevant stakeholder

will be advised of this policy. All staff and stakeholders are to be familiar with and comply with this policy at all times.

Notification to the Information Commissioner
The Information Commissioner maintains a public register of data controllers. Craigowen Housing Association is included within the register of data controllers. Contact details for the Information Commissioner's Office and CHA's registration reference have been provided at appendix B.
The General Data Protection Regulations 2018 requires every data controller who is processing personal data renew their registration on an annual basis. Failure to do so is a criminal offence.

Subject Access Request (SAR)
The General Data Protection Regulation gives data subjects the right to access their personal data from data controllers that are processing it. The Association will respond to such requested within one month of receipt. The process for responding is as follows:

- Once received the SAR will be forwarded to the Data Protection Officer who will ensure that the requested data is collected within the specified time frame. This will entail collecting the data specified by the data subject or searching all databases and relevant filing systems, including all back up and archive files and all email folders and archives
- The DPO will review all documents to identify whether any third parties are present, and either remove the identifying third party information from the documentation or obtain written consent from the third party for their identity to be revealed
- The Association will provide the requested information to the data subject within one month from the date of receipt of the SAR.

7. Monitoring and Review

Complaints
Where any member of the board, staff, supply chain or communities feels that the Association has either: misused their personal information; refused to allow access to information; or refused to amend alleged inaccuracies they can complain to the Association. All complaints will be handled in line with the Association's Complaints Policy and Procedure.

Breaches of the Data Protection Policy
The procedure for managing a data breach is as follows:

Where a breach occurs, the Association will first establish:

- the facts of what happened
- what personal data was involved
- the number of people likely to be affected

- the likelihood and severity of impact on the people affected

The Association will assess the likelihood and severity of risks in deciding whether to report the breach. Any breach deemed likely to involve a **'risk to people's rights and freedoms'** must be reported to the ICO. If the Association is satisfied that there is no risk such then the breach does not need reported. In coming to this conclusion the Association will make clear and record the reasons for this decision.

The Association will act without undue delay and, where feasible, not later than 72 hours after having become aware of the breach. Where the notification to the ICO is not made within 72 hours, it shall be accompanied by reasons for the delay.

The Association will report to the ICO by phone during working hours, or through the online facility at other times, and provide details of the incident.

Once a data breach had been identified, the Board of Trustees will be advised as they may need to report a serious incident to the Charity Commission.

The Association will communicate any breach deemed likely to involve a **'risk to people's rights and freedoms'** to the people involved stating:

- what happened
- what personal information was involved
- what risks are likely or possible
- measures the Association has taken or proposing to address the breach
- contact details where they can get more information

The Association will keep a clear record of every breach incident whether reported to the ICO or not.

The Association may have to investigate the actions of any person/s in a breach of data protection, which would be managed as outlined in sections above.

Any allegations against a member of staff will be investigated thoroughly by the DPO in their capacity as the Designated Officer. If the allegation is made against a board member it will be reported to the board for them to decide how it will be investigated. The board will normally establish a panel of members to oversee the investigation, thereafter they will report the findings to the board. The board may request that the Association's solicitor or another appointed consultant undertake the investigation.

Before any investigation begins, the Association will seek advice from the Information Commissioner's Office or its Employment solicitors, in relation to the alleged breach of data protection.

In the event of an allegation recipient/s should be advised of the allegations and informed of what action the Association is planning to take by way of investigation. The person/s should be advised of their right to be accompanied as outlined in the Terms and Conditions of Employment or Code of Conduct, respectively.

A breach of the Data Protection Policy may be regarded as misconduct and may lead to disciplinary action through the Terms and Conditions of Employment for employees and the Code of Conduct for board members. In these situations, it may lead to dismissal from the Association.
The Association will follow the disciplinary procedures as outlined in the Terms and Conditions of Employment or Breach of the Code of Conduct for staff and Board members respectively.
In breaches of this policy by consultants, contractors, agents or partners, the Association will consider the level of breach and any recurrence to inform its decision on whether to terminate the contract.
In situations where a board member or Senior Staff member is alleged to have breached this policy, this would constitute a notifiable event as outlined by the NI Housing Regulator. The notifiable event would be reported to the Regulator.

Training
Data protection training and awareness is essential to ensure our board members and staff are fully aware of their responsibilities in the management and processing of personal information, which will ensure compliance with the Policy**.**

Risk Management and Audit
There are potential financial penalties and compensation payments through failure to adhere to the relevant parts of the Data Protection legislation.

Risk arises from the Association's Data Protection Policy in a number of respects:

- Failure to comply with the provisions of the data protection legislation
- Complaints from individuals about how the Association uses their personal information
- Investigation and possible action taken by the Information Commissioner
- Damage to the Association's reputation resulting from the above three factors

The Association aims to mitigate the above risk through the provision of training to staff on data protection issues. The Association will review this policy and the associated procedures on a regular basis to ensure that they meet all legislative and regulatory requirements and best practice guidance. In addition, an annual review of personal information held by the Association will be carried out to ensure ongoing compliance with the provisions of the data protection legislation.
Internal audit procedures will form an important part of establishing and sustaining good data protection practices. The Association will review the data it processes and collects and assess this against eight principles as listed in the regulations and this policy. This will inform the review of our action plan to ensure compliance with the policy.

We will undertake self-assessment to periodically check our compliance with the regulations, our Data Protection Policy, regulatory and good practice guidance, our registration with the Information Commissioner's Office, our working practices in the collection and processing and storage of personal information. The results of the self-

assessment will be made available to the board, who will be responsible for monitoring the achievement of any recommendation.
Data protection issues will continue to be considered as part of the Association's Risk Management Strategy, and if assessed as a priority risk area in the Governance risk map or Corporate Risk Register, the commitment of resources will be considered to attend to the controls to mitigate these risks.

Policy Review
As a strategic document, the Association's Data Protection Policy will be reviewed every three years. The next review will therefore take place in September 2023 or earlier to take account of:

- Legislative, regulatory and good practice requirements;
- Association performance or the views of any stakeholder in the use of personal information.

Policy Reference:	CHA: -General Data Protection Policy
For Use In:	Main Office & CHA Properties
For Use By:	All Staff
Document Owner:	W A McCreight
Assessed By:	Internal Auditors
Board Approval Date:	August 2024
Document Version:	V5.2
Chairman's Signature:	

Appendix A

PRIVACY NOTICE

Nature of work- Provision of housing for those with learning disabilities

Description of processing

The following is a broad description of the way this organisation/data controller processes personal information. To understand how your own personal information is processed you may need to refer to any personal communications you have received, check any privacy notices the organisation has provided or contact the organisation to ask about your personal circumstances.

Reasons/purposes for processing information:

We process personal information to enable us to provide social housing accommodation and services which include:

- letting, renting and leasing properties
- administering waiting lists
- carrying out research
- administering housing and property grants
- providing associated welfare services, advice and support
- maintaining our accounts and records
- supporting and managing our employees, agents, and contractors
- managing all tenancies
- receiving rent and service charges
- providing repairs and maintenance service
- administering housing and property grants
- the provision of additional services/assistance e.g. employability/digital inclusion
- resolving ASB disputes
- investigating complaints
- engaging with customers to get feedback on our services
- processing the monthly payroll
- managing employee benefits with 3rd parties

Type/classes of information processed:

We process information relevant to the above reasons/purposes. This information may include:

- personal details
- goods and services
- supplier details
- financial details

- lifestyle and social circumstances
- complaints
- education and employment details
- health, safety and security details
- visual images, personal appearance and behaviour

We also process sensitive classes of information that may include:

- physical or mental health details
- sexual life
- trade union membership
- offences and alleged offences
- criminal proceedings, outcomes and sentences
- racial or ethnic origin
- religious or other beliefs of a similar nature

Who the information is processed about:

- We process personal information about:
- tenants
- applicants for accommodation which include their families and households
- asylum seekers
- business associates
- landlords
- local authority employees
- probation officers
- social workers
- spiritual and welfare advisers
- consultants and professional advisers
- survey respondents
- employees including self-employed contractors
- offenders and suspected offenders
- complainants and enquirers
- suppliers and service providers

Who the information may be shared with:

We sometimes need to share the personal information we process with the individual them self and also with other organisations. Where this is necessary we are required to comply with all aspects of the Data Protection Act (DPA). What follows is a description of the types of organisations we may need to share some of the personal information we process with for one or more reasons.

Where necessary or required we share information with:

- current, past or prospective employers
- family, associates and representatives of the person whose personal data we are processing
- educators and examining bodies
- suppliers and service providers
- financial organisations
- central government
- auditors
- survey and research organisations
- other housing associations or trusts
- trade unions and associations
- health authorities
- enquirers and complainants
- security organisations
- health and social welfare organisations
- professional advisers and consultants
- the housing corporation
- probation services
- charities and voluntary organisations
- police forces
- courts and tribunals
- professional bodies
- employment and recruitment agencies
- credit reference agencies
- debt collection agencies
- landlords
- press and the media
- contractors
- local authorities
- NIHE
- Govt departments & Elected representatives
- Health and Social Welfare services

Transfers

It may sometimes be necessary to transfer personal information overseas. When this is needed information is only shared within the European Economic Area (EEA). Any transfers made will be in full compliance with all aspects of the data protection act.

Statement of exempt processing:
This data controller also processes personal data which is exempt from notification

Appendix B

Contact Information

Data Protection Officer
Mr William McCreight
Strand Studios
150 Holywood Road
BELFAST
BT4 1NY

Phone: 02890 657040
Email: billy@craigowenha.org.uk

Deputy Data Protection Officer
Mrs Kim Harper
Strand Studios
150 Holywood Road
BELFAST
BT4 1NY

Phone: 02890 657040
Email: office@craigowenha.org.uk

Information Commissioner's office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 AF

Phone: 0303 123 1113

Registration Reference: ZA497122