



Ab Bronhill Housing Association

PRIVACY POLICY

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The information in this document is available in other languages or on tape/CD, in large print and also in Braille.

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1. Introduction

Abronhill Housing Association is committed to ensuring the secure and safe management of data it holds in relation to customers, staff and other individuals. Abronhill Housing Association's staff members have a responsibility to ensure compliance with the terms of this policy, and to manage individuals' data in accordance with the procedures outlined in this policy and documentation referred to herein.

Abronhill Housing Association needs to gather and use certain information about individuals. These can include customers (tenants, factored owners, etc.), employees and other individuals that Abronhill Housing Association has a relationship with. Abronhill Housing Association manages a significant amount of information, from a variety of sources. This information contains 'Personal Data' and 'Sensitive Personal Data' (known as "Special Category" personal data under the GDPR).

This policy sets out Abronhill Housing Association's duties in processing that data, and the purpose of this policy is to set out the procedures for the management of such data.

1.1 Appendix 1 details Abronhill Housing Association's related policies.

2. Legislation

It is a legal requirement that Abronhill Housing Association process data correctly; Abronhill Housing Association must collect, handle and store personal information in accordance with the relevant legislation.

The relevant legislation in relation to the processing of data is:

- (a) the General Data Protection Regulation ("the GDPR");
- (b) the Privacy and Electronic Communications Regulations 2003 ("the PECRs" (as may be amended by the proposed Regulation on Privacy and Electronic Communications); and
- (c) The Data Protection Act 2018

3. Data

Abronhill Housing Association holds a variety of information relating to individuals, including customers and employees (also referred to as data subjects) which is known as "personal data". The personal data held and processed by Abronhill Housing Association is detailed within the Privacy Notice at Appendix 2.

Separate Privacy Notices are provided to Staff, Committee Members and a version is also published on our website.

- 3.1 “Personal data” is that from which a living individual can be identified either by that data alone or in conjunction with other data held by Abronhill Housing Association.
- 3.2 Abronhill Housing Association also holds personal data that is sensitive in nature (i.e. relates to or reveals a data subject’s racial or ethnic origin, religious beliefs, political opinions, relates to health or sexual orientation). This is “Special Category Personal Data” or “Sensitive Personal Data”.

4. Processing of personal data

- 4.1 Abronhill Housing Association is permitted to process personal data on behalf of data subjects provided it is doing so on one of the following grounds:
 - Processing with the **consent** of the data subject (see section 4.4);
 - Processing is necessary for the performance of a **contract** between Abronhill Housing Association and the data subject or for entering into a contract with the data subject;
 - Processing is necessary for Abronhill Housing Association’s compliance with a **legal obligation**;
 - Processing is necessary to protect the **vital interests** of the data subject or another person;
 - Processing is necessary for the performance of a task carried out in the **public interest** or in the exercise of Abronhill Housing Association’s official authority; or
 - Processing is necessary in the support of the **legitimate interests** of the data controller or other third party.

4.2 Privacy Notice

Abronhill Housing Association has produced a Privacy Notice which it is required to provide to all people whose personal data is held by Abronhill Housing Association. The Privacy Notice must be provided to the person from the outset of processing their personal data and they should be advised of the terms of the Privacy Notice when it is provided to them.

The Privacy Notice (at Appendix 2) sets out the personal data processed by Abronhill Housing Association and the basis for that processing. This document is provided to all of Abronhill Housing Association’s customers at the outset of processing their data.

4.3 Employees

Employee personal data and, where applicable, Special Category Personal Data or Sensitive Personal Data, is held and processed by Abronhill Housing Association.

Details of the data held, and processing of that data is contained within the Employee Privacy Notice which is provided to Employees at the same time as their Contract of Employment.

A copy of any employee's personal data held by Abronhill Housing Association is available upon request by that employee from the Director.

4.4 Consent

Consent as a ground for processing might be required to be used from time to time by Abronhill Housing Association when processing personal data. It should be used by Abronhill Housing Association where no other alternative ground for processing is available. In the event that Abronhill Housing Association requires to obtain consent to process a data subject's personal data, it will obtain that consent in writing.

The consent provided by the data subject must be freely given and the data subject will be required to sign a relevant consent form if willing to consent. Any consent to be obtained by Abronhill Housing Association must be for a *specific and defined purpose* (i.e. general consent cannot be sought).

4.5 Processing of Special Category Personal Data or Sensitive Personal Data

In the event that Abronhill Housing Association processes Special Category Personal Data or Sensitive Personal Data, it must do so in accordance with one of the following grounds of processing:

- The data subject has given **explicit consent** to the processing of this data for a specified purpose;
- Processing is necessary for carrying out obligations or exercising rights related to **employment or social security**;
- Processing is necessary to protect the **vital interest** of the data subject or, if the data subject is incapable of giving consent, the vital interests of another person;
- Processing is necessary for the establishment, exercise or defence of **legal claims**, or whenever court are acting in their judicial capacity; and
- Processing is necessary for reasons of **substantial public interest**.

5. Data sharing

Abronhill Housing Association shares its data with various third parties for numerous reasons in order that its day-to-day activities are carried out in accordance with Abronhill Housing Association's relevant policies and procedures.

- 5.1 In order that Abronhill Housing Association can monitor compliance by these third parties with Data Protection laws, Abronhill Housing Association will require the third party organisations to enter into an Agreement with Abronhill Housing Association governing the processing of data, security measures to be implemented and responsibility for breaches. This is achieved via Data Processing Agreements.
- 5.2 Personal data is from time to time shared amongst Abronhill Housing Association and third parties who require to process personal data that Abronhill Housing Association is also having to process. Both Abronhill Housing Association and the third party will be processing that data in their individual capacities as data controllers.
- 5.3 Where Abronhill Housing Association shares in the processing of personal data with a third party organisation (for example, for processing of the employees' pension), it will require the third party organisation to enter into a Data Sharing Agreement with Abronhill Housing Association in accordance with the terms of the model Data Sharing Agreement set out in Appendix 3 to this policy.

5.4 Data processors

A data processor is a third party entity that processes personal data on behalf of Abronhill Housing Association and is frequently engaged in areas where Abronhill Housing Association's work is outsourced (for example, payroll, maintenance and repair works).

A data processor must comply with Data Protection laws. Abronhill Housing Association's data processors must ensure they have appropriate technical security measures in place, maintain records of processing activities and notify Abronhill Housing Association if a data breach is suffered.

If a data processor wishes to sub-contract their processing, prior written consent of Abronhill Housing Association must be obtained. Upon a sub-contracting of processing, the data processor will be liable in full for the data protection breaches of their sub-contractors. Where Abronhill Housing Association contracts with a third party to process personal data held by Abronhill Housing Association, it will require the third party to enter into a Data Protection Addendum with Abronhill Housing

Association in accordance with the terms of the model Data Protection Addendum set out in Appendix 4 to this Policy.

6. Data storage and security

All personal data held by Abronhill Housing Association must be stored securely, whether electronically or in paper format.

6.1 Paper storage

If personal data is stored on paper it should be kept in a secure place where unauthorised personnel cannot access it. Employees should make sure that no personal data is left where unauthorised personnel can access it. When the personal data is no longer required it must be disposed of by the employee so as to ensure its destruction.

If the personal data is required to be retained on a physical file, the employee should ensure that it is affixed to the file which is then stored in accordance with Abronhill Housing Association's storage provisions.

6.2 Electronic storage

Personal data stored electronically must also be protected from unauthorised use and access. Personal data should be password protected when being sent internally or externally to Abronhill Housing Association's data processors or those with whom Abronhill Housing Association has entered into a Data Sharing Agreement.

If personal data is stored on removable media (CD, DVD, USB memory stick) then that removable media must be both encrypted and stored securely at all times when not being used. Personal data should not be saved directly to mobile devices and should be stored on designated drives and servers.

7. Breaches

A data breach can occur at any point when handling personal data and Abronhill Housing Association has reporting duties in the event of a data breach or potential breach occurring. Breaches which pose a risk to the rights and freedoms of the data subjects are required to be reported externally to the Information Commissioner's Office (ICO) in accordance with section 7.2.

7.1 Internal reporting

Abronhill Housing Association takes the security of data very seriously and in the unlikely event of a breach will take the following steps:

- As soon as the breach or potential breach has occurred, and in any event no later than six hours after it has occurred, the DPO must be notified of:
 - (i) the breach;
 - (ii) how it occurred;
 - (iii) what the likely impact of that breach is on any data subject(s);
- Abronhill Housing Association must seek to contain the breach by whatever means available;
- The DPO must consider whether the breach is one which requires to be reported to the ICO and data subjects affected and do so in accordance with this section 7;
- Notify third parties in accordance with the terms of any applicable Data Sharing Agreements

7.2 Reporting to the ICO

The DPO will report any breaches which pose a risk to the rights and freedoms of the data subjects who are subject of the breach to the ICO within 72 hours of being aware of the breach occurring. The DPO must also consider whether it is appropriate to notify those data subjects affected by the breach.

8. Data Protection Officer (DPO)

A Data Protection Officer is an individual who has an over-arching responsibility and oversight over compliance by Abronhill Housing Association with Data Protection laws. Abronhill Housing Association has elected RGDP LLP (www.rgdp.co.uk) to act as our Data Protection Officer. To contact them, please email info@rgdp.co.uk Please also copy us in at: admin@abronhillha.org.uk

The DPO will be responsible for:

- monitoring Abronhill Housing Association's compliance with Data Protection laws and this policy
- co-operating with and serving as Abronhill Housing Association's contact for discussions with the ICO
- reporting breaches or suspected breaches to the ICO and data subjects in accordance with **Section 7** above

9. Data subject rights

Certain rights are provided to data subjects under the GDPR. Data subjects are entitled to view the personal data held about them by Abronhill Housing Association, whether in written or electronic form. Data subjects have a right to request a restriction of processing their data, a right to be forgotten and a right to object to Abronhill Housing Association's processing of their data. These rights are notified to Abronhill Housing Association's tenants and other customers in Abronhill Housing Association's Privacy Notice.

9.1 Subject Access Requests

Data subjects are permitted to view their data held by Abronhill Housing Association upon making a request to do so (a Subject Access Request). Upon receipt of a request by a data subject, Abronhill Housing Association must respond to the Subject Access Request within one calendar month of the date of receipt of the request. Abronhill Housing Association:

- must provide the data subject with an electronic or hard copy of the personal data requested, unless any exemption to the provision of that data applies in law
- where the personal data comprises data relating to other data subjects, must take reasonable steps to obtain consent from those data subjects to the disclosure of that personal data to the data subject who has made the Subject Access Request, or
- where Abronhill Housing Association does not hold the personal data sought by the data subject, must confirm that it does not hold any personal data sought to the data subject as soon as practicably possible, and in any event, not later than one month from the date on which the request was made.

9.2 The right to be forgotten

In certain circumstances, a data subject can exercise their right to be forgotten by submitting a request in writing to Abronhill Housing Association seeking that Abronhill Housing Association erase the data subject's personal data in its entirety.

Each request received by Abronhill Housing Association will require to be considered on its own merits and legal advice will require to be obtained in relation to such requests from time to time. The DPO will have responsibility for accepting or refusing the data subject's request in accordance with this section and will respond in writing to the request.

9.3 The right to restrict or object to processing

A data subject may request that Abronhill Housing Association restrict its processing of the data subject's personal data, or object to the processing of that data.

In the event that any direct marketing is undertaken from time to time by Abronhill Housing Association, a data subject has an absolute right to object to processing of this nature by Abronhill Housing Association, and if Abronhill Housing Association receives a written request to cease processing for this purpose, then it must do so immediately.

Each request received by Abronhill Housing Association will require to be considered on its own merits. The DPO will have responsibility for accepting or refusing the data subject's request in accordance with clause 9.3 and will respond in writing to the request.

10. Data Protection Impact Assessments (DPIAs)

These are a means of assisting Abronhill Housing Association in identifying and reducing the risks that our operations have on personal privacy of data subjects. Abronhill Housing Association will:

- Carry out a DPIA before undertaking a project or processing activity which poses a "high risk" to an individual's privacy. High risk can include, but is not limited to, activities using information relating to health or race, or the implementation of a new ICT system for storing and accessing personal data; and
- In carrying out a DPIA, include a description of the processing activity, its purpose, an assessment of the need for the processing, a summary of the risks identified and the measures that it will take to reduce those risks, and details of any security measures that require to be taken to protect the personal data

10.1 Abronhill Housing Association will require to consult the ICO in the event that a DPIA identifies a high level of risk which cannot be reduced. The Data Protection Officer will be responsible for such reporting, and where a high level of risk is identified by those carrying out the DPIA they will be required to notify the DPO within five working days.

11. Archiving, retention and destruction of data

Abronhill Housing Association cannot store and retain personal data indefinitely. It must ensure that personal data is only retained for the period necessary. Abronhill Housing Association shall ensure that all personal data is archived and destroyed in

accordance with the periods specified within the published Data Retention Policy and Schedule.