

SOUTH ROAD HOUSING CO-OPERATIVE

GDPR DATA PROTECTION POLICY

Aims of our data protection policy

We aim to ensure the following through our GDPR data protection policy:

- to protect the confidentiality, integrity and availability of all personal data that we hold
- to comply with all data protection & GDPR legislation in accordance with the highest standards of ethical conduct
- to require that partner organisations we work with comply with data protection & GDPR legislation in respect of personal data they hold on our behalf

1 Scope

- 1.1 This policy applies to all South Road Co-op members, Committee members and staff from organisations South Road Housing works with where a data subject's personal data is being processed. The policy applies to the processing of personal data in both electronic form (including emails, word processing documents and housing management system records) and in manual files.
- 1.2 The policy is intended to ensure compliance with the Data Protection Act 1998 and the General Data Protection Regulation 2018.

2 Definitions

- 2.1 The following terms are defined as follows:

Person	An identifiable natural living person who can be identified – directly or indirectly – by reference to their name or any other factor that would enable them to be identified
Personal data	Either non-sensitive or sensitive personal data which relates to a person. Personal data includes any expression of opinion about a person and any indication of the intentions of the data controller or any other person in respect of the person.
Data subject	The identified or identifiable natural living person to which the personal data refers
Data controller	An individual, public authority, agency or other body who determine the purposes for which personal data concerning the data subject is to be processed

Data processor	An individual, public authority, agency or other body who process personal data concerning the data subject on behalf of a data controller but who is not an employee of the data controller
Non-sensitive personal Data	Information which relates to a person who can be identified either from the data itself or from the data and other information which is in the possession of the data controller
Sensitive personal data	Sensitive data that can be classified as information that has the potential to be used for the purposes of discrimination, including information relating to: <ul style="list-style-type: none"> a) The racial or ethnic origins of the data subject b) Their political opinions c) Their religious beliefs or other beliefs of a similar nature d) Whether they are a member of a trade union e) Their physical or mental health or condition f) Their sexual life g) Any proceedings for any offence committed or alleged to have been committed by them, including the disposal of such proceedings or any court sentence that may arise from such proceedings
Data breach	The processing of personal data that results in accidental or unlawful loss, destruction, alteration, unauthorised disclosure of, or access to that personal data
Data subject request	The process by which a data subject obtains a copy of all of the personal data held about them by South Road Housing.
Privacy notice	A mandatory statement that discloses the means by which the data processor gathers, uses, discloses or otherwise processes personal data

3 Policy governance

- 3.1 South Road Housing Management committee shall have overall responsibility for implementing the GDPR data protection policy. South Road Housing secretary shall be considered to be the Data Protection Officer with overall oversight of the implementation of the policy, but the secretary shall work with the chair and the treasurer (or other South Road Housing committee members appointed by the committee) and in partnership with BCHS Accord in carrying out this role. The oversight role of the GDPR data protection policy shall include:

- assessing existing information security practices and recommending future security enhancements
- agreeing responses to confirmed information security threats such as ransomware and virus outbreaks
- ensuring that existing and new committee members and volunteers who process data for South Road Housing are aware of requirements under data protection law
- ensuring that BCHS Accord and third party organisations who process data on behalf of South Road Housing are aware of requirements under data protection law and South Road Housing's data protection policy
- ensuring that new systems introduced have built in data protection by design and that data protection implications are considered
- reviewing any data protection breaches
- ensuring that responses to information security incidents are timely and appropriate
- agreeing whether individual data protection breaches require reporting to the Information Commissioners Office.

Any significant data protection incidents shall be reported to the next meeting of South Road Housing's management committee.

- 3.2 The GDPR data protection policy will be periodically reviewed and will be reviewed if there is significant change in UK law. Changes to the policy may be approved by South Road Housing's management committee.
- 3.3 Any Committee member, BCHS Accord member of staff or third party shall be made aware of and shall be expected to comply with this data protection policy before they process personal data on behalf of South Road Housing.

4 The relationship between South Road Housing and BCHS Accord

- 4.1 South Road Housing and BCHS Accord are considered to be joint data controllers and data processors in respect of existing and potential members of South Road Housing. The management agreement between South Road Housing and BCHS Accord specifies which services are the responsibilities of the respective parties and broadly that both South Road Housing and BCHS Accord shall fulfil their respective responsibilities in compliance with data protection law.
- 4.2 Parts of compliance with this policy will be through BCHS Accord and the services they provide for us on our behalf. South Road Housing will ensure through contract that BCHS Accord is compliant with this policy.

5 GDPR Data protection policy

- 5.1 South Road Housing Management Committee, BCHS Accord members of staff and third parties processing data on behalf of South Road Housing are expected to comply with the following data protection principles:

Principle 1 Personal data shall be processed fairly, lawfully and

transparently

Principle 2 Personal data shall only be obtained or processed for specific lawful purposes

Principle 3 Personal data must be adequate, relevant and not excessive

Principle 4 Personal data must be accurate and kept up to date

Principle 5 Personal data shall not be kept for longer than is necessary

Principle 6 Personal data shall be processed in accordance with the rights of the data subjects

Principle 7 Personal data shall be processed securely

Principle 8 Personal data shall not be transferred outside of the European Union unless there is an adequate level of protection.

5.2 South Road Housing will explicitly inform data subjects (ie. South Road members) of the processing of their personal data, including the contact details of the data controllers (ie. South Road Housing and BCHS Accord), the lawful purposes for which the personal data is collected, the details of any third party with whom personal data is shared and the rights of the data subjects to access the personal data or to have it modified or erased.

5.3 **Data subject rights** - personal data will be processed in accordance with the rights of data subjects, including the right for data subjects to access their personal data; the right to rectification; the right to erasure; and the right to be informed.

5.4 **Collecting data** - personal data shall only be collected from the data subject unless either the nature of the business purpose necessitates collection of personal data from other sources or the collection of data from other sources is necessary under emergency circumstances in order to protect the data subject or to prevent serious injury or loss to another person. Where data is collected from sources other than the data subject, the data subject shall be informed promptly (at least within one month) of the collection unless there are clear reasons not to inform them.

5.5 **Obtaining consent** - we will obtain clear and affirmative consent from data subjects when processing personal data. Consent may be obtained in various ways, including through written statements, electronic confirmation or oral statements. Methods of obtaining consent will be clear and easy to understand so that data subjects understand what they are consenting to. Obtaining consent will not be part of requirements for which personal data is not needed to provide services to the data subject.

5.6 Obtaining consent will be dependent on the age and capacity of the data subject. Where the data subject is a child, consent will usually be sought from

the parent or guardian. Where data subjects lack the capacity to consent, consent will be sought from those with a legal right to act on their behalf or through documented best interest processes.

- 5.7 **Withdrawal of consent** - a data subject has the right to withdraw consent where the personal data is no longer necessary for the purpose it was collected; where the data subject objects to the data being kept and there is no reason to continue processing it; where the data has been unlawfully processed or where the data should be erased for legal reasons.
- 5.8 Withdrawal of consent can be refused where personal data is processed to provide housing services; to comply with a legal obligation or to act in the public interest; for public health purposes; for archiving purposes in the public interest or statistical reasons; or for the exercise or defence of legal claims.
- 5.9 **Privacy notices** – we will provide data subjects with information regarding processing of their personal data through privacy notices given verbally, electronically or in writing. The privacy notice will be written clearly and concisely.
- 5.10 **Data use** – we collect data to provide housing and related services to our members and for the business administration of South Road Housing. We will process personal data in accordance with applicable laws and contractual obligations and only under one or more of the following conditions:
- Where the data subject has given consent for data to be used
 - Where processing data is necessary for us to comply with the tenancy agreement or another contract
 - Where processing is necessary for legal or other obligations
 - Where processing is necessary to protect the vital interests of the data subject or someone else
 - Where processing is necessary for the purposes of legitimate interests pursued by the data controller or by a third party.
- 5.11 **Sensitive data use** – we will use sensitive data in the same way as non-sensitive data provided this does not involve disclosing it to a third party.
- 5.12 **Data quality** – we will ensure that personal data kept is complete and accurate and will update data periodically as necessary.
- 5.13 **Data retention** - we will use National Housing Federation guidelines in relation to data retention in order to ensure we only keep personal data for the maximum legal retention period. Any personal data that is no longer required will be removed.
- 5.14 **Digital communications** – we will seek consent for any digital communications with our members. We will not normally send direct marketing to any of our members without obtaining the data subject's consent.
- 5.15 **Data subject requests** – we will have systems to manage requests to access

personal data; restrictions to processing; objections to processing; objections to automated decision-making and profiling; data rectification; information sharing with third parties; and data erasure. These systems will comply with data protection laws. No administration fees will be demanded for compliance with requests unless the request is determined to be excessive or a repeat of a recent data subject request. We have the right to refuse a request if is considered excessive, unnecessary or a reoccurrence of a recent request but will inform the data subject of the reasons for such a decision.

5.16 Data subjects have the right to request and obtain copies of personal data that South Road Housing holds about them including:

- the purposes of collection, processing, use, storage of personal data
- the source of personal data if not collected from the data subject
- who the personal data has been given to
- the retention period for the personal data
- the use of any automated decision-making, including profiling
- the right of a data subject to object to processing of the personal data; request rectification; request erasure that it not related to the purpose for which is was collected and is not needed for tenancy agreement compliance; request restriction of processing of personal data; register a complaint with the Information Commissioners Office.

5.17 The secretary will ensure that any personal data requests are filed at BCHS Accord and are responded to within the time period required by law (within 30 days). Personal data requests will require verification of the data subject's identity or their authorised legal representative.

5.18 If we are unable to respond to a personal date request within 30 days, the reasons for delays will be explained; information located so far will be provided; and an estimation of when the data will be available.

5.19 Where disclosing personal data would also disclose the personal data of another individual, information will be withheld or amended in such a way that the uninvolved individual's personal data is removed from responses.

5.20 **Law enforcement requests and disclosures** – personal data can be disclosed without the knowledge of the data subject for legal or judicial reasons such as to detect or prevent crime; by order of a court or any rule of law; to assist with the apprehension or prosecution of offenders; or in relation to the assessment or collection of tax.

5.21 **Training and awareness** – any person/s handling personal data on behalf of South Road Housing will be expected to read and understand this policy. South Road Housing will also expect BCHS Accord staff handling personal data on behalf of South Road Housing to have undergone data protection & GDPR training through Accord Housing. All those handling personal data on behalf of South Road Housing will be expected to understand:

- Data protection principles

- The correct use of personal data by authorised persons and for authorised purposes only
- The need for procedures to support this policy
- The need to limit access to personal data
- Security regarding personal data
- Proper disposal of personal data

5.22 **Information sharing with third parties** – South Road Housing will ensure that any personal data shared with third parties will be processed legitimately and appropriately by the third party and in accordance with written agreements.

5.23 **Information sharing with other countries** – South Road Housing will only share personal data to member states within the European Union or to countries outside the European Union whose own data protection laws are recognised as providing adequate legal protection for the relevant data subjects.

6 Complaints handling

Data subjects who wish to complain about South Road Housing's processing of personal data should submit their complaint in writing to South Road Housing's registered office. Complaints will be handled in accordance with our complaints policy & procedure. As per UK law, if the data subject considers that the matter has not been resolved satisfactorily, they have the option to seek resolution through mediation, arbitration, litigation or via complaint to the Information Commissioners Office.