Data Protection Policy

Reference	DP	Version	1.1
Staff affected	All Staff and Board members	Issue date	March 2025
Approved by	Director of Operations	Target Review Date	March 2027
Lead Officer	Data Services Manager	Actual Review Date	

1. Purpose

1.1 Arches Housing regards the lawful and correct processing of personal and sensitive data as an integral part of its purpose and vital for maintaining confidence between employees, customers and other stakeholders whom we process data about.

1.2 This Data Protection Policy explains how Arches Housing will meet its legal obligations concerning confidentiality and data security standards. The requirements within the policy are primarily based upon the key pieces of legislation covering data security and confidentiality of personal and sensitive personal data. These are the Data Protection Act

1998 (DPA) which will be effective until 25th May 2018 and the upcoming General Data Protection Regulation 2018 (GDPR) which will become effective thereafter.

2. Policy Statement

2.1 This policy will show how:

- Arches Housing will fully implement all aspects of the Data Protection Act 1998 and subsequently General Data Protection Regulation 2018.
- Arches Housing will ensure all employees and others handling personal data are aware of their obligations and rights under the Data Protection Act 1998 and General Data Protection Regulation 2018.
- Arches Housing will implement adequate and appropriate physical, technical and organisational measures to ensure the security of all data contained in or handled by those systems.

2.2 The main focus of this policy is to provide guidance about the protection, sharing and disclosure of employee and client data, but it is important to stress that maintaining confidentiality and adhering to data protection legislation applies to anyone handling personal data or personal sensitive data on behalf of Arches Housing.

3. Glossary of Terms

Data Subject
Means an individual who is the subject of personal data or sensitive personal data. This includes an employee, client, board member or any other identifiable individual.

Data Controller
Means a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data and sensitive personal data are, or are to be processed.

For example, Arches Housing is a data controller for employee, board member and customer data.

Data Processor
In relation to personal data or sensitive personal data, means any person who processes that data on behalf of the data controller but it is not employed by them. Repairs contractors are data processors in the sense that they are provided with personal information relating to customers which they use to carry out repairs.

Third Party
In relation to personal data or sensitive personal data, means any person other than the data subject, the data controller, or any data processor or other person authorised to process data for data controller or processor. For example, the police or HMRC.

Processing

Means recording or holding data or carrying out any operations on that data; including organising, altering or adapting it; disclosing the data or aligning, combining, blocking or erasing it. Essentially if you have it, you are processing it.

Data Breach
Is a failure leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data or sensitive personal data.

Subject Access Request
This is a written, signed request (which includes emails and other written formats) from an individual to see data held on them. The Data Controller must provide all such information in a readable form within one month of receipt of the request.

4. Roles and Responsibilities

4.1 Maintaining confidentiality and adhering to data protection legislation applies to everyone at Arches Housing. Arches Housing will take necessary steps to ensure that everyone managing and processing personal data understands that they are responsible for following good data protection practice. Employees will receive training and sign the policy every twelve months and as part of their induction.

4.2 Failure to adhere to any guidance in this policy could mean an individual being criminally liable for deliberate unlawful disclosure under the GDPR. This may result in criminal prosecution or disciplinary action.

4.3 ***The Information Commissioner Office (ICO)*** – The Information Commissioner's Office is responsible for overseeing compliance e.g. investigating complaints, issuing codes of practice and guidance, maintaining a register of data protection officers. Any failure to comply with GDPR may lead to investigation by the ICO which could result in serious financial or other consequences for Arches Housing and/or its members.

4.4 ***Responsibility of the Chief Executive*** - Arches Housing's Chief Executive has overall responsibility for Data Protection within Arches Housing. Arches Housing has a duty to ensure that the requirements of the GDPR are upheld.

4.5 ***Data Protection Officer*** – The Data Services Manager has been appointed to the post of Data Protection Officer. Responsibilities include:

- Ensuring compliance with legislation principles;
- Progressing the Data Protection Action Plan;
- Ensuring notification of processing of personal data and sensitive personal data to the Information Commissioner is up to date;
- Providing guidance and advice to employees in relation to compliance with legislative requirements;
- Reviewing data protection arrangements annually;
- Reporting on any breaches of Data Protection legislation;
- In the Data Protection Officer's absence, advice can be gained from http://www.ico.gov.uk/; and
- Ensuring those handling personal data are aware of their obligations by producing relevant policy, auditing the arrangements and ensuring relevant people receive training.

4.6 All Managers are responsible for:

- Determining if their operational area holds personal data and sensitive personal data and ensuring that the data is adequately secure, access is controlled and that the data is only used for the intended purposes(s);
- Provide clear messaging to those in their teams about data protection requirements and measures;
- Ensure personal and sensitive personal data is only held for the purpose intended;
- Ensure personal and sensitive personal data is not communicated or shared for non-authorised purposes; and
- Ensure personal and sensitive personal data is encrypted when transmitted or appropriate security measures are taken to protect when in transit or storage.

4.7 All Employees have a responsibility to:

- Observe all guidance and codes of conduct in relation to obtaining, using and disclosing personal data and sensitive personal data;
- Obtain and process personal data and sensitive personal data only for specified purposes;
- Only access personal data and sensitive personal data that is specifically required to carry out their activity or work;
- Record data correctly in both manual and electronic records;
- Ensure any personal data and sensitive personal data is held is kept secure;
- Ensure that personal data and sensitive personal data is not disclosed in any form to any unauthorised third party;
- Ensure personal data and sensitive personal data is sent securely; and
- Read and sign the policy, raising any questions to check understanding.

5. Registration with the Information Commissioner

5.1 The GDPR requires certain data controllers (e.g. organisations) to register with the Information Commissioner (ICO) the categories of data they hold about people, and what they do with it.

5.2 Arches Housing is registered with the ICO. This must be continually reviewed by the Data Protection Officer and any requirement to amend our registration must be actioned promptly.

6. Definitions of Personal Data and Sensitive Personal Data

6.1 The following kinds of data are defined as personal data

- All identifiable data of an individual
- All identifiable employee data
- All identifiable customer data
- All identifiable contractor data
- All other data that could be used to identify an individual, directly or indirectly, that is processed by Arches Housing

6.2 Examples of personal identifiable data Arches Housing processes include:

- Names, addresses, emails, phone numbers;
- Financial information;

- National insurance numbers and payroll data;
- Information about someone's health;
- Photographs, video and audio recordings.

6.3 Certain types of data is regarded as sensitive and attracts additional legal protection. Sensitive personal data is considered to be any data that could identify a person such as:

- The racial or ethnic origin of the data subject;
- Political opinions;
- Religious beliefs or other beliefs of a similar nature;
- Membership of a trade union;
- Physical or mental health or condition;
- Sexual life;
- Commission or alleged commission of any offence;
- Any proceeding for any offence committed or alleged to have been committed or disposal of such proceedings or the sentence of court in such proceedings;
- Details of bank account, national insurance number, any ID details such as passport or driving license, etc.
- Biometric or genetic data

6.4 All data collected from young people under the age of 16 is to be treated as sensitive personal data. This should be extended in cases where there is concern about an individual's mental capacity.

7. Data Protection Principles

7.1 The six Data Protection principles that lie at the heart of the GDPR give the GDPR its strength and purpose. To this end, Arches Housing fully endorses and abides by the principles of data protection. Specifically, the six principles require that:

Principle 1: Personal data shall be processed lawfully, fairly and in a transparent manner in relation to individuals. See the 'Conditions of Processing' guidance.

Principle 2: Personal data shall be 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.

Principle 3: Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

Principle 4: Personal data shall be accurate and, where necessary, kept up to date; every reasonable step must 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.

Principle 5: Personal 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; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical

purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.

Principle 6: Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

7.2 Personal data and sensitive personal data must not be used other than for specific purposes required to deliver a product or service. The data subject should always know that their data is being processed. When that data is sensitive, for example health information, consent is required before the data can be processed by Arches Housing.

7.3 A data record can be in computerised and/or manual form. It may include such documentation as:

- Manually stored paper data e.g. employee records
- Hand written notes.
- Letters to and from Arches Housing.
- Electronic records.
- Printouts.
- Photographs (physical or electronic).
- Videos and audio recordings (physical or electronic).

7.4 Backup data (i.e. archived data or disaster recovery records) also falls under GDPR; however, a search within them should only be conducted if specifically asked for by the data subject.

8. Rights of Individuals

8.1 GDPR sets out a number of rights that individuals can expect to be respected when their personal data is processed. Arches Housing observes these rights and will comply when an individual wishes to exercise them on the condition that the request would comply with our legal obligations.

8.2 ***Right to be informed*** – in accordance with the first principle of GDPR, individuals have the right to be informed, in a clear, concise way, of the purposes of processing their data, the lawful basis used to legitimise the processing of their data and the period for which their data will be retained. This information will be provided in our Fair Processing Information (Privacy Note).

8.3 ***Right of Access*** - GDPR gives every living person (or their authorised representative) the right to apply for access to the personal data which organisations (data controllers) hold about them, irrespective of when and how the records were compiled. This is called a Subject Access Request. GDPR treats personnel data relating to employees and clients alike. It is very important that if we process data on the behalf of a third party, a subject access request must be made to that third party, rather than directly to us.

8.4 ***Right to Rectification*** – As specified in GDPR principle 4, personal data should be accurate and kept up to date. GDPR gives data subjects the right to have their personal data rectified if it is incorrect, or completed if it is incomplete.

8.5 ***Right to Erasure*** – Also known as 'the right to be forgotten', individuals have the right to have their personal information erased in specific circumstances.

8.6 ***Right to Restrict Processing*** – Individuals have the right to stop their personal data being used, although processors can continue to store their data. This right can be called into effect in situations where the accuracy of data is contested, the processing is unlawful or the subject has objected to the processing and consideration is being given to whether the objection can be overridden by the grounds for processing.

8.7 ***Right to Data Portability*** – GDPR grants individuals the right to obtain and reuse their personal data for their own purposes, allowing them to move data from one IT system to another.

8.8 ***Right to Object*** – An individual can object to their personal data being processed where the processing is based on legitimate interest or public interest, for direct marketing or for purposes of research or statistics. Arches Housing will comply with the objection unless there are compelling grounds for processing the data which override the interests and rights of the individual or the processing is for legal claims.

8.9 ***Rights Relating to Automated Decision Making*** – GDPR grants rights to individuals relating to decisions made without human involvement (automated decision making) and also evaluations made of individuals based on the automated processing of data (profiling). Information relating to any profiling or automated decision making should be clear in Fair Processing Information. Automated decision making that has legal or significant effects on the subject should only be carried out where it is necessary for the entry into (or performance of) a contract, where the controller is authorised to do so by law or where the subject has consented.

9. Practical Implications

9.1 Understanding and complying with the principles is the key to understanding and complying with our responsibilities as a data controller. Therefore, Arches Housing will, through appropriate management, and strict application of criteria and controls:

- Ensure that there is a lawful ground for using the personal data.
- Ensure that the use of the data is fair and that will meet one of the specified conditions.
- Only use sensitive personal data where Arches Housing has obtained the individual's explicit consent; unless an exemption applies.
- Only use sensitive personal data if it is absolutely necessary to do so.
- Explain to individuals, at the time their personal data is collected, how that information will be used and the legal basis for us processing this information.
- Only obtain and use personal data for those purposes which are known to the individual.
- Personal data should only be used for the purpose it was given. If we need to use the data for other purposes, further consent may be needed.
- Only keep personal data that is relevant to Arches Housing.
- Keep personal data accurate and up to date.
- Only keep personal data for as long as is necessary.
- Always adhere to our Subject Access Request and Erasure Request Procedures and be receptive to any queries from subjects in connection with their personal data.
- Provide an "opt in" option for receiving bulk information with exception of core administrative information. Arches Housing will always suppress the details of individuals who have opted out of receiving information (e.g. marketing).
- Always give an option to "opt in" when consent is needed to share personal data unless there is a statutory or legal reason to do so.

- Take appropriate technical and organisational security measures to safeguard personal data.
- Assess the need to carry out a privacy impact assessment at the beginning of every new project and carry one out if necessary

9.2 In addition, Arches Housing will ensure that:

- There is an employee appointed as the Data Protection Officer with specific responsibility for Data Protection in Arches Housing (see below for roles and responsibilities).
- Everyone managing and handling personal data and sensitive personal data understands that they are legally responsible for following good data protection practice and has read and signed the data protection policy.
- Everyone managing and handling personal data and sensitive personal data is appropriately supervised by their line manager.
- Enquiries about handling personal data and sensitive personal data are promptly and courteously dealt with.
- Methods of handling personal data and sensitive personal data are clearly described in polices and guidance;
- A review of data protection arrangements is undertaken annually
- Methods of handling personal data and sensitive personal data are regularly assessed and evaluated by the Data Protection Officer and relevant directors.
- Performance with personal data and sensitive personal data handling is regularly assessed and evaluated by the Data Protection Officer and relevant directors.
- Formal written Data Processing Agreements are in place before any personal data and sensitive personal data is transferred to a third party.

10. Breach of Policy

10.1 In the event that an employee fails to comply with this policy, the matter may be considered as misconduct and dealt with in accordance with Arches Housing Disciplinary Policy and procedure.

10.2 ***Suspected Data Breach*** - If a data breach is suspected, the person who identified the breach should immediately:

- Notify the relevant department manager
- Notify the Data Protection Officer
- Complete and return a breach report available from the Data Protection Officer.

10.3 ***Following a Confirmed Data Breach*** - Following notification of a breach, the Data Protection Officer will take the following actions as a matter of urgency:

- Implement a recovery plan, including damage limitation;
- Assess the risks associated with the breach;
- Inform the appropriate people and organisations that the breach has occurred;
- Notify any individuals whose data has been breached
- Review our response and update any policies or procedures.

11. Review

11.1 This policy will be reviewed every two years, or on any significant change to data protection legislation. The policy will also be reviewed in the event of a suspected or confirmed data protection breach.

12. Governance and Assurance

12.1 Any data protection breaches, suspected breaches or near misses will be reported to board.

12.2 Assurance will be sought on adherence to this policy and its effectiveness in meeting Arches Housing's obligations on at least a triannual basis.

13. Equality and Diversity

13.1 All involved in the implementation and monitoring of this policy will recognise their ethical and a legal duty to advance equality of opportunity and prevent discrimination on the grounds of; age, sex, sexual orientation, disability, race, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership.

14. Publication

14.1 This policy will be publicised on the Arches Housing website, along with a general privacy statement explaining the kinds of data that we hold, the legal basis by which we retain it and how it is shared.