

Data Protection Policy

Policy reference number: BA1-POL- FH

Version number: V1.2

Date applies from: 01.03.2023

UNCONTROLLED IF PRINTED

Aim of policy

The policy specifies ForHousing's approach to data protection in order to ensure compliance with legislation, our approach to controlling information and the ways in which we promote a culture valuing and protecting information. The aims of this policy are:

- To ensure that all staff are data protection conscious and to create a culture of good data practice
- To ensure that data protection compliance and control measures are recognised by all staff, business partners and stakeholders.

Requirements

When processing customer information we need to ensure we do so securely and with honesty and respect. This applies to dealing with information requests, information sharing, the storing of information and protecting our customer's personal information. The organisation must comply with the Data Protection Act and work in partnership with customer's and the Information Commissioner's Office (ICO) when processing customer information.

Implications

The potential impact of non-compliance is high for customers and the organisation. In the case of failure to follow policy and good data protection practice the impact can be significant dependent on circumstances. The Information Commissioner's Office (ICO) have enforcement powers and monetary penalties at their disposal which provides a risk to the organisation. There is also a significant risk to customers with the potential for their data to be misused and the possibility for data to be used for criminal purposes

Scope

This policy applies to staff members including contractors and work placements. The policy applies to all personal data processed regardless of the nature of the relationship between the organisation and the data subject or the media in which it is held.

Policy

ForHousing supports the principles of all applicable data protection legislation and regulation and implements best practice based on our moral obligation as well as our legal obligations. The principles that guide our approach to data are outlined below:

- Fair and lawful processing of data
- Transparency
- Collected for specified, explicit and legitimate purposes and not processed in a manner that is incompatible with those purposes
- Adequate, relevant and limited to what is necessary
- Accurate and up-to-date;
- Not kept for longer than is necessary in a form which permits identification;
- Kept in a secure manner

We treat our obligations very seriously and ensure that information is treated as confidential and that unauthorised disclosure is a breach of contract and may be considered gross misconduct.

Lawful and fairness

ForHousing data will only be processed if it is lawful and the data will be processed fairly and

transparently. ForHousing will only process where there is a legal basis for doing so and where there is a specified purpose. The GDPR allows processing for the following legal basis:

- Consent
- Performance of contract
- Legal obligation
- Protection of vital interests
- Legitimate interest

ForHousing will maintain an Information Asset Register which will identify the legal basis for each processing activity.

ForHousing will predominantly process data due to performance of contract, legal obligation and legitimate interest. Where the organisation will rely on consent we will ensure that data subjects indicate agreement clearly through a positive action or agreement. Data subjects have the right to withdraw consent at any time and a clear record of consent will be recorded. Staff must not process any information based on consent without recording evidence of consent.

Transparency

ForHousing will provide data subjects with a concise, transparent and accessible privacy notice which will be clear and written in plain language so that processing activities can be easily understood. In most instances the privacy notice made available via our website will give sufficient detail.

Purpose Limitation

Data will only be collected and used for specified and legitimate purposes. The organisation will not use data for new, different or incompatible purposes to those disclosed when information was first collected unless consent is gained from data subjects or the change has been communicated.

Data Minimisation

Personal data must be adequate, relevant and limited to what is necessary for the purpose of collection. This means we will not collect excessive information about data subjects when it is not required and we will ensure that data is removed from systems.

Accuracy

Data must be accurate and kept up to date and it must be deleted or corrected without undue delay when it is found to be inaccurate. ForHousing will take reasonable steps to ensure the accuracy of data and provide opportunities for data subject to amend information held on systems.

Storage Limitation

Information will not be kept for longer than is necessary and the organisation will monitor compliance against retention schedules. ForHousing will broadly follow the NHF good practice data retention schedule.

Security

Measures will be taken to ensure the security of information held within the ForHousing network to prevent unauthorized and unlawful processing and to prevent accidental loss and destruction. ForHousing will design and implement proportionate safeguards appropriate to the business size and risk to the business.

Employees must follow all procedures in place to maintain the security of all data from the point of collection to the point of destruction. Personal data may only be transferred to third parties who have appropriate policies and safeguards in place. Employees must protect the confidentiality, integrity and availability as defined below:

- Confidentiality- Only people who have a need to know are authorized to access personal data
- Integrity – data is to be accurate and suitable for the purpose it is collected
- Availability- authorized users are able to access personal data when needed for legitimate purposes.

Much of the data held by ForHousing is stored electronically, where data is held in hard copy it must be disposed of using confidential waste bins and all hard copies of information must be secured in locked lockers provided. Staff must ensure desks are cleared of personal data at the end of each day.

Data Breaches

Staff must report data breaches to the Regulatory Compliance Manager as soon as they become aware of a suspected breach. The Regulatory Compliance Manager will assess the breach and report to the ICO as necessary. Each breach will be investigated internally, and internal controls reviewed to ensure that they are fit for purpose. All breaches must be logged within the ForHousing breach register.

Transfer to Third Countries

Regulations restrict data transfers to countries outside of the EEA to ensure that the level of data protection afforded to individuals is not undermined. ForHousing will endeavor to ensure that providers use solutions with data stored within the EEA. However exceptional circumstances may mean that we apply one of the following conditions

- The EU has issued an adequacy decision that the country we transfer data to has an adequate level of protection
- Appropriate safeguards are in place such as binding corporate rules or standard contractual clauses
- Data subject has given explicit consent
- The transfer is necessary for one of the other reasons set out in GDPR such as public interest and the protection of vital interests.

Data Subjects rights and requests

Data subjects have rights when it comes to their personal data and how it is handled. ForHousing will meet its statutory obligations to meet such requests in the given timescales. These rights include:

- Withdrawal of consent where processing is based on consent
- Receiving information about processing activities
- Access to their personal data
- Prevent usage of data for direct marketing
- Erase data which is no longer necessary in relation to the purpose it was collected
- Restrict processing in certain circumstances
- Challenge processing which is justified on the basis of legitimate interest or public interest
- Object to decisions based solely on Automated Processing
- Prevent processing which is likely to cause damage or distress to the subject
- Be notified of a personal data breach which is likely to cause damage or distress
- Make a complaint to supervisory authority

- In certain circumstances ask for personal data to be transferred to a third party in a structured format

When making an individual request identification must be verified and photographic ID may be requested to proceed. Staff must inform the Regulatory Compliance Manager as soon as a request is made.

Staff must inform the Regulatory Compliance Manager and their manager of a data breach as soon as they become aware and within 24 hours of its discovery.

Accountability

ForHousing will implement appropriate measures in an effective manner to ensure compliance with data protection principles. This is done by:

- ForHousing will appoint a suitably qualified DPO
- ForHousing will ensure Privacy by Design is built into its decision making and projects
- Undertake data protection assessments of its processes
- Staff will be provided with training materials and will undertake E-learning every 18 months.

Record Keeping

ForHousing will keep full and accurate record of its data processing activities via an information asset register this will include the types of data held, the legal basis, where the information is stored and the retention period.

Direct Marketing

ForHousing has only limited direct marketing activities under data protection legislation and will follow all applicable laws. Consent is required for electronic direct marketing such as text and email. All data subjects have a right to object to direct marketing and any requests will be actions as soon as possible and within 30 days.

Data Sharing

Data will only be shared when appropriate safeguards are in place and contractual arrangements have been put in place. Personal data will not be sold or shared for commercial gain. Data will only be shared in circumstances which are job related and staff must ensure that third parties:

- Have a need to know the information shared
- Sharing the personal data complies with the privacy notice and is relevant to the task to be completed
- Contractual arrangements are in place

How the policy will be delivered

The policy will be delivered through the day to day roles of all staff who will ensure compliance with data protection legislation in all of the work that they carry out. The Regulatory Compliance Manager will carry out the duties of a DPO and will ensure that all staff can access advice as it is required.

ForHousing will provide training materials and guidance to staff to ensure consistent application of the policy.

ForHousing will monitor the application of the policy and ensure ongoing monitoring of compliance against this policy.

Related documents

- Mobile Device Acceptable Use Policy
- Removable Media Policy
- E-Mail and Internet Policy
- Staff Code of Conduct
- Data Breach Procedure
- Subject Access Request Procedure

Equality analysis

Date of approved equality analysis	04.01.2021
Actions taken forward to mitigate any potential negative impact	<ul style="list-style-type: none">• There are no actions to take forward

Consultation and business intelligence

No consultation has taken place for this policy given the legal requirements of data protection legislation

Monitoring arrangements

Compliance with the policy will be monitored through the appointed data protection officer predominantly through the use of data protection audits.

Compliance will also be monitored through key KPIs and the number of data protection breaches.

The Board and Audit and Risk Committee will be provided updates on compliance through performance reporting.

Policy summary for the intranet

The policy sets out our approach to data protection and the requirements for staff to ensure compliance.

Words linked to this policy for intranet searches

GDPR
DPO
Data Protection

Where this policy should be accessible

- Group Services
- ForHousing owned
- ForHousing managed
- Liberty Group
- forfutures
- ForLiving

Control data and approval history

Policy owner:	Head of Assurance
Next review date:	01/03/2024

Action	Approved by	Date
Approval	Relevant lead or director	04.01.2021
Approval	Group Executive Leadership Team representative(s)	25.01.2021
Approval	Relevant board	N/A
Equality Analysis review and advise	Risk and Assurance	04.01.2021
Health and safety review and advise	Health and Safety	N/A
Legal review and advise	Legal Services Executive	05.01.2021
Human Resources review and advise	Human Resources (Trade Union and staff consulted when required)	N/A

Document revision history

Date approved	Version number	Version history
25.01.2021	V1	First Version previously ForViva Policy
Date amended	Version number	Key changes
18.01.2022	V1.1	Document reviewed no amendments
01.03.2023	V1.2	Change to policy holder. As part of DP review policy will have in depth review during 2023

