



POLICY DOCUMENT

Data Protection (GDPR)

POLICY TITLE:	Data Protection (GDPR) Policy
LEAD OFFICER:	Data Protection Officer
DATE APPROVED:	22/6/2021
APPROVED BY:	EMT
IMPLEMENTATION DATE:	September 2021
DATE FOR NEXT REVIEW:	September 2024
ADDITIONAL GUIDANCE:	Acceptable Use Policy (Information and ICT equipment) Data Sharing Agreements Electronic Mail Usage Policy Document Retention Policy Information Security Policy CCTV Policy Freedom of Information Policy Data Protection Privacy Impact Assessment Procedure Privacy Notices
ASSOCIATED CUSTOMER PUBLICATIONS:	General Data Protection Regulation (EU) Data Protection Act 2018 Human Rights Act Law Enforcement Directive Information Commissioner's Office: www.ico.org.uk
TEAMS AFFECTED:	All – customers, tenants, staff members
THIS POLICY REPLACES WITH IMMEDIATE EFFECT:	Data Protection Policy V6 2018

DOCUMENT CONTROL

Revision History

Date of this revision:	September 2021
Date of next review:	September 2024
Responsible Officer:	Data Protection Officer

Version Number	Version Date	Author/Group commenting	Summary of Changes
1.0	2005		New Policy
1.1	Jan 2006	A Crowder	Policy review
2.0	June 06	Board	Approved by Board
2.1	Sep 09	L Milan	Revised draft
3.0	Dec 09	Board	Approved by Board
3.1	June 10	S Taylor	Amendments to include ICT issues
4.0	July 10	Board	Approved by Board
4.1	January 12	Janet Walters	Amendments due to re-alignment of team responsibilities
4.2	February 14	Janet Walters / Louise Robson	Policy review
5.0	May 2014	Board	Approved
5.1	May 2018	Louise Robson Customer and Communications Service Manager (Data Protection Officer)	New policy based on major overhaul of Data Protection Legislation
6.0	26/09/2018	Board	Approved
7.0	22/06/2021	EMT	Approved

Policy Creation and Review Checklist

Action	Responsible Officer	Date Completed
Best practice researched (HouseMark, HQN, Audit Commission, general websites)	Data Protection Officer	No major changes in legislation and our policy mirrors Doncaster Council's
Review current practices from similar organisations	Data Protection Officer	As Above
Review customer satisfaction data from the area the policy relates to	N/A	N/A

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Review Customer complaints from the area the policy relates to	N/A	N/A
Undertake customer consultation if applicable	N/A	N/A – this is legislative.
Staff consultation if applicable	Data Protection Officer	June 2021 SIRO Board Approval
Trade Union consultation if applicable	N/A	N/A – This is legislative
Stakeholder consultation if applicable	Data Protection Officer	Doncaster Council Data Protection Officer
Equality analysis carried out	Data Protection Officer and Fairness and Insight Manager	June 2018 – no changes so no further analysis needed



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Policy

1. Introduction

- 1.1 The protection of a person's data is a fundamental right. Under the Human Rights Act 1998, everyone has the right to respect for their private and family life, their home and their correspondence. This includes respect for your private and confidential information, particularly when storing and sharing data.
- 1.2 This right can be limited in certain circumstances but any limitation must balance the competing interests of an individual and of the community as a whole.
- 1.3 In particular any limitation must be covered by law and necessary and proportionate for one or more of the following aims:
- public safety or the country's economic wellbeing
 - prevention of disorder or crime
 - protecting health or morals
 - protecting other people's rights and freedoms
 - national security
- 1.4 The right to privacy must often be balanced against the right to free expression. Public figures don't necessarily enjoy the same privacy as others. For example, sometimes the public interest might justify publishing information about senior officers that would otherwise interfere with their right to privacy.

2. Purpose

- 2.1 This policy sets out how St Leger Homes of Doncaster (SLHD) will comply with data protection legislation and protect the personal information of everyone who receives services from, or provides services to SLHD. It informs customers of their rights, and suppliers / partners of their responsibilities. It shows how we comply with the General Data Protection Regulation (GDPR), the Data Protection Act 2018, other regulations and good practice standards.

3. Scope

- 3.1 This policy applies to employees, contractors and agency staff. It covers personal data we collect and use on paper and electronically. It covers our in-house systems, databases, computer network and archive of paper

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records. It covers video and photographs, voice recordings, CCTV and mobile devices such as laptops, tablets and mobile phones.

4. Responsibilities

- 4.1 SLHD is both a data controller and processor meaning that it decides why and how personal data is processed. It is accountable for its handling of personal information.
- 4.2 As SLHD is an Arms Length Management organisation (ALMO), owned by Doncaster Council, SLHD is 'Controller' of the information of our staff members and 'Processor' for Doncaster Council for tenants' information, as laid out in the 2019 management agreement between the two organisations.
- 4.3 Our Chief Executive is the person accountable for providing the policies for employees to follow under the law. SLHD has official/delegated authority for managing homes on behalf of Doncaster Council.
- 4.4 The Data Protection Policy is part of our corporate governance framework, which contains important policies and procedures maintained and published by SLHD, that are key to good governance and effective decision making.
- 4.5 Our Senior Information Risk Officer (SIRO) is the Director for Corporate Services, who is accountable for protecting SLHD's information assets.
- 4.6 Our SIRO attends Doncaster Council's SIRO Board which is made up of directors and assistant directors and gives strategic guidance to the council's SIRO and council's Caldicott Guardian for the management of the council's (and associated parties) information assets. The SIRO Board then gives direction to Information Asset Owners.
- 4.7 SLHD also have our own SIRO Board which is made up of the SIRO, Head of Customer Services, Data Protection Officer and other senior members of staff from IT Business Assurance. and Customer Relations. The SLHD SIRO Board leads and gives strategic and operational guidance to other service teams across the organisation.
- 4.8 The Data Protection Officer (DPO) is a position required in law to ensure SLHD complies with data protection legislation and acts as a single point of contact for individuals who want to find out about their data. (See also section 5.16).
- 4.9 Each employee, contractor and agency worker is bound by a contractual duty of confidentiality.
- 4.10 SLHD is registered with the Information Commissioner, who is the independent regulator appointed by parliament to check compliance with data protection law.

SLHD maintains a register of processing activities of the personal information we are responsible for to ensure it is used according to the data protection principles.

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5. Policy Principles

5.1 Personal data

- 5.1.1 In this policy we use the terms “personal data” and “special categories of personal data” which are used in data protection legislation.
- 5.1.2 In this policy, personal data means any information relating to an identifiable living person. This means they can be identified from information such as a name, an address, an identification number (e.g. National Insurance number, NHS number or case reference number), location data etc. as defined by Article 4 of the GDPR regulations.
- 5.1.3 “Special categories of personal data” is personal sensitive data. This is data regarding an individual’s racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data and biometric data (fingerprints, eye scans etc.) for the purpose of uniquely identifying a person, data concerning health or data concerning a person’s sex life or sexual orientation.
- 5.1.4 There are extra safeguards for special categories of personal data to ensure no one is discriminated against when it comes to receiving a service. We generally refer to a person or individual in this policy, although the term in law is “data subject”.
- 5.1.5 The frequent reference in this policy to “processing” data means; Any operation or set operations, which are performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organising, structuring, storage, adaptation or alteration, retrieval, consultation use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

5.2 Data protection principles

- 5.2.1 SLHD applies data protection principles in its processing of personal data. These principles are set out in the General Data Protection Regulation and have been incorporated into the Data Protection Act 2018. The six principles are that personal data should be:
- Processed lawfully, fairly and in a transparent way
 - Collected for a specific purpose
 - Adequate, relevant and limited to what’s necessary
 - Kept up to date
 - Kept for only as long as necessary
 - Protected with appropriate security
- 5.2.2 There is a seventh principle in that organisations shall be responsible for and be able to demonstrate compliance with all the principles listed above (‘accountability’).

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5.3 Lawful basis of processing personal data

5.3.1 There are different lawful reasons for processing personal data and special categories of personal data. SLHD always uses at least one lawful basis for processing personal information and at least one lawful basis for processing special categories of personal data.

5.3.2 The six lawful reasons for processing personal data are:

- a) An individual has given consent for the processing of his or her personal data, and it is freely given, specific, informed, and there must be an indication signifying agreement.
- b) SLHD has a contract with a person and need to process their personal data to comply with our obligations under the contract; or we haven't yet got a contract with the person, but they have asked us to do something as a first step (e.g. provide a quote) and we need to process their personal data to do what they ask.
- c) SLHD is obliged to process personal data to comply with the law. We will always refer to the specific legal provision or source of advice that explains generally applicable legal obligations.
- d) The processing of personal data is necessary to protect someone's life ("vital interests").
- e) The processing of personal data is necessary under public functions and powers set out in law; or SLHD needs to perform a specific task in the public interest that is set out in law.
- f) The processing of personal data is in the legitimate interests of SLHD, where we use data in ways that people would reasonably expect and that have a minimal privacy impact. However, public authorities are more limited than private organisations in their ability to rely on this basis for processing personal data.

5.3.3 The lawful bases for processing 'special categories of data' are:

- (a) an individual has given explicit consent to the processing of personal data for one or more specified purposes, except where limited by law;
- (b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of SLHD or a person under employment, social security and social protection law or a collective agreement under law;
- (c) processing is necessary to protect the vital interests of a person or where the person is physically or legally incapable of giving consent;
- (d) processing by non-for-profit bodies for legitimate activities with appropriate safeguards;
- (e) processing relates to personal data which have been made public by a person;
- (f) processing is necessary for the establishment, exercise or defense of legal claims or whenever courts are acting in their judicial capacity;
- (g) processing is necessary for reasons of substantial public interest under law;

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- (h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of law or pursuant to contract with a health professional and subject to the duty of confidentiality;
- (i) processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, subject to the duty of confidentiality.
- (j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

5.3.4 SLHD must always demonstrate it processes information with safeguards in place to protect the fundamental rights and interests of the individual.

5.4 Consent

5.4.1 In rare occasions, SLHD may need consent (such as obtaining a photograph of a tenant or staff member for our newsletters). Where SLHD relies on consent or explicit consent as the lawful basis for processing, we will do this to by offering individuals real choice and control.

- We will avoid making consent to processing a precondition of a service.
- We will be clear and concise.
- We keep our requests for consent separate from other terms and conditions.
- We will be specific and ‘granular’ so that we get separate consent for separate things.
- We will name any third parties (i.e. other groups or organisations) who will rely on the consent.
- We will make it easy for people to withdraw consent and tell them how.
- We will keep evidence of consent (who, when, how, and what we told people).
- We will keep consent under review, and update it if anything changes.

For explicit consent, we will ensure the individual provides a very clear and specific statement of consent.

5.5 Duty of confidentiality

5.5.1 All our staff abides by a common law duty of confidentiality. This means that personal information that has been given to a member of staff by an individual should not be used or disclosed further, except as originally understood by that individual, or with their permission.

5.5.2 Our staff are subject to a Staff Code of Conduct relating to confidentiality. Staff have confidentiality clauses in their contracts and receive tailored and fit for purpose training on an annual basis on data protection legislation.

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5.6 Surveillance

- 5.6.1 In some offices, SLHD operates CCTV for public safety and security reasons. We operate under a Code of Practice prescribed by the Information Commissioner's Office (ICO) and have separate Privacy Notices, policies and procedures in place.
- 5.6.2 Any request for CCTV to be installed on our estates or flats is managed and controlled by Doncaster Council.

5.7 Automated processing

- 5.7.1 Currently SLHD do not carry out processing, which relies on automated decision-making (making a decision solely by automated means without any human involvement) which affects an individual. If in the future we do, we will inform the individual; introduce simple ways for them to request human intervention or challenge a decision; and carry out regular checks to make sure that our systems are working as intended.

5.8 How we handle personal information - Privacy notices

- 5.8.1 SLHD provides privacy notices, which are statements to individuals about the collection and use of their personal data. The information includes our purposes for processing their personal data, retention periods for that personal data, and who it will be shared with.
- 5.8.2 This information is on SLHD's website, and individuals are referred to it at the time we collect their personal data from them.
- 5.8.3 Where we obtain personal data from other sources, we provide individuals with privacy information within a reasonable period of obtaining the data and no later than one month.

5.9 Individual Rights Principles

- 5.9.1 Individuals whose data is processed by SLHD have a number of rights in law.
- (a) SLHD will respond to a request by an individual for access to the information we hold about them (referred to as a Subject Access Request). We will respond as soon as possible but within a maximum of one month. We may take longer than one month and up to three months if the request is complicated, and we will inform the individual of this. There is no charge for this service. We will provide the information in secure electronic format unless requested otherwise. We will explain why we process the data, the lawful basis for doing so, who sees it and how long we keep it for.
 - (b) SLHD will respond as soon as possible but within a maximum of one month to a request from an individual to have inaccurate personal data rectified (corrected), or completed if it is incomplete. Where SLHD can lawfully refuse to rectify the data, we will explain why.

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- (c) SLHD will respond as soon as possible but within a maximum of one month to a request from an individual to have personal data erased. Where SLHD can lawfully refuse to erase the data, we will explain why.
- (d) SLHD will respond as soon as possible but within a maximum of one month to a request from an individual to move, copy or transfer personal data easily from the Council's computer network to another in a safe and secure way. We will do this in a structured, commonly used and machine readable form and free of charge.
- (e) SLHD will consider a request from an individual objecting to the processing of their personal data in relation 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.

5.9.2 We shall ensure that individuals know about their right to object when we first tell them about the processing and in our privacy notice.

5.10 Information / Data sharing

5.10.1 SLHD believes that the duty to share information can be as important as the duty to protect information.

5.10.2 We have signed Data Sharing Agreements setting out the principles of information sharing with partners, such as Doncaster Council, the police, contractors, Department of Work and Pensions, and the Ministry of Housing, Communities and Local Government. These set out what data is being shared, how it is transferred and the retention period and are reviewed on a regular basis.

5.11 Transfers to other countries

5.11.1 Most of our processing occurs in the UK or European Union. This means that there are common standards and security in place for the processing of personal data. However, if personal data is needed to be transferred to countries outside the EU, SLHD will assure itself that there is a level of adequacy in the data protection arrangements of that country before transferring.

5.12 Privacy by design

5.12.1 SLHD is committed to a privacy by design or privacy by default approach to building new systems and updating procedures for processing personal data. We use the best technology and human processes we can in order to limit the risks to privacy.

5.13 Data Protection Impact Assessments

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5.13.1 SLHD requires all its services to carry out Data Protection Impact Assessments (DPIAs) when they introduce new technology or changes to the processing of personal data. The assessment identifies the risk to privacy from the customer's perspective and what steps can be taken to reduce this wherever possible whilst providing a service to the customer. We will consult users. We will publish DPIAs on our website. We will treat them as living documents to be revised and updated whenever necessary.

5.14 Information Security

5.14.1 SLHD has an Information Security policy. The purpose of this policy is to take appropriate technical and organisational measures to protect personal data.

5.14.2 SLHD obtains independent assurance of its information security and complies with the information security standards of the Public Service Network.

5.14.3 SLHD has government Cyber Essentials accreditation and SLHD meets the standards of PCI-DSS, which is the standard for protecting credit and debit card payments.

5.15 Breaches Principles

5.15.1 SLHD tries hard to prevent information breaches, but when these occur, there is an incident reporting procedure. Breaches are reported to the relevant Director, Head of Service our SIRO and Chief Executive. Volumes and themes are also presented to our executive management team and Board and Doncaster Council's SIRO Board.

5.15.2 Where a breach is a serious risk to the rights and freedoms of anyone, it will be reported to the Information Commissioner and the affected individual(s) within 72 hours.

5.16 Data Protection Officer

5.16.1 SLHD has appointed a Data Protection Officer as required by law. Their role will be to ensure the compliance of SLHD with data protection law.

5.16.2 The Data Protection Officer can be contacted at: DPO@Stlegerhomes.co.uk

5.17 How to exercise your rights

5.17.1 If, as a staff member you think you have breached, or as a customer you think we have breached data protection, you can let us know. You can also contact us to exercise any of your rights listed previously in this policy. This will be coordinated by knowledgeable staff in our Customer Relations Team and investigated by a Head of Service.

The Customer Relations Team,
St Leger Homes of Doncaster,
St Leger House,

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White Rose Way,
Doncaster
DN4 5AA

Or you can contact them by telephone on 01302 862726 or by emailing CustomerCare@stlegerhomes.co.uk. Or DPO@stlegerhomes.co.uk

- 5.17.2 We will respond as soon as possible but within a maximum of one month.
- 5.17.3 For further information and advice, please contact the Information Commissioners Office (ICO). You can visit www.ico.org.uk or email: casework@ico.org.uk

5.18 Service and benefit

- 5.18.1 Data protection is a big challenge when digital technology can collect and transmit huge volumes of personal data. For all our staff we are positive about the benefits, and serious about our responsibilities. We are transparent and accountable, and we believe that we can both serve, and protect, the information of our customers, staff and service users.

6. Consultation

- 6.1 We have worked closely with Doncaster Council to ensure our policy is aligned to theirs and have consulted with members of the SLHD SIRO Board.

7. Monitoring and Review

- 7.1 All requests for information under the DPA are recorded on our housing management system.
- 7.2 A full suite of management information is provided to our executive team, Performance and Improvement Committee and Board on a quarterly basis.
- 7.3 All employees will undertake regular reviews on their Data Protection awareness in staff communications and refresher training.
- 7.4 The policy and procedure on Data Protection will be reviewed on a scheduled agreed basis or when new legislation is released.
- 7.5 Risk assessments will be carried out on all SLHD offices on a regular basis, to ensure there is compliance with the DPA and to proactively identify any potential risks to the security of the information held.

8. Performance Standards

- 8.1 Requests for information under the DPA must be dealt with within one month and all requests will be managed by the Customer Relations Team.
- 8.1 Failure to comply with this Data Protection Policy or legislation will be reported to SLHD Board.

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8.2 Where a breach is a serious risk to the rights and freedoms of anyone, it will be reported to the Information Commissioner and the affected individual(s) within 72 hours.

9. Training

9.1 Line managers are responsible for ensuring that all new starters receive basic information on their responsibilities regarding Data Protection during their induction to the company and that they have undertaken the GDPR E-Learning module.

9.2 Team Leaders and Managers are responsible for ensuring that training is appropriate to an individual's role is provided and refreshed on an annual basis in conjunction with the People Development team.

9.3 Regular reminders regarding the individual and company's responsibilities will be included in the staff magazine.

9.4 Board members will receive training that is appropriate to their role.

10. Partnership working

10.1 Where SLHD has a contractual relationship with another organisation or individual, we will ensure a contract is place and we are clear about the contractor's role, responsibilities and accountability in relation to personal information with a clear data sharing arrangement in place where appropriate.

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