

# Data Protection Policy

## 1 Key Objectives

- 1.1 Merlin Housing Society Ltd as a housing and housing related services provider and an employer has need to obtain and store individuals' personal data for various reasons. This Policy in line with the Data Protection Act 1998 is designed to provide for the collection, processing, storage and disclosure of residents, staff, suppliers and Board members' personal data.
- 1.2 Reasonable care must be taken to ensure that disclosures to 3<sup>rd</sup> parties are made for lawful, justifiable reasons. All out of date information will be destroyed through secure mechanism provided by the Society.
- 1.3 This policy applies to individuals' personal data as well as sensitive information held by the Society either on manual files or electronically.

## 2 Purpose

- 2.1 The Policy aims to provide mechanism for safeguarding individuals' right with regard to personal data held by the Society on them and to provide for steps in the collection of relevant information. It ensures that staff and Board members understand the need to maintain customers' confidentiality at all times. It shall be the responsibility of customers to provide the Society with accurate and up-to-date information at all times, however the Society shall ensure that customers' data are reviewed and updated regularly.
- 2.2 In line with the principles enshrined in the DPA, the Society will ensure an individual's personal data are:
  - a) obtained and processed fairly and lawfully;
  - b) obtained for one or more specified lawful purposes and personal data held for a purpose shall not be processed in any manner incompatible with that purpose;
  - c) personal data held are adequate, relevant and not excessive to the purpose for which it is held;
  - d) personal data shall be accurate and where necessary kept up to date;
  - e) personal data should not be kept for longer than required for a specified purpose;
  - f) processed in accordance with an individuals rights, for example an individual is entitled to be informed by the Society of information held, and upon request be supplied with a copy of such information and have any inaccuracies corrected;

- g) appropriate security measures shall be taken against unauthorised or unlawful processing of personal data, and against accidental loss, destruction or damage to personal data;
  - h) personal data shall not be transferred to a country or territory outside the European Economic Area unless they ensure an adequate level of protection for the rights and freedoms of individuals in relation to the processing of personal data.
- 2.3 MHS will allow individuals to access their personal records in accordance with the Data Protection Act. Requests will be dealt with promptly and within 40 days of receipt of evidence of identity, a description of the information requested (a standard form is available) and the fee. The fee is currently £5 per application.
- 2.4 In order for data held by the Society to come within the scope of the Act, manual and electronic records must:-
- Identify the individual - such as by name, image, or other criteria such as postcode or National Insurance number and
  - Be structured either by reference to data subjects or by reference to criteria relating to them in such a way as to identify the data subject.
  - Processing of personal data means the organisation, alignment, alteration, retrieval, consultation or use of the information, disclosure, dissemination, blocking, erasure and its destruction.

### **3 Responsibility**

- 3.1 Primarily all staff, Board members and agents of the Society are responsible for compliance with this policy. It shall be the responsibility of every staff member to ensure that personal data transferred to the Society by a third party is checked for accuracy where possible before such data is processed and retained by the Society.

### **4 Criminal offence**

- 4.1 In line with the provisions of Data Protection Act, it is a criminal offence to:-
- Knowingly and recklessly obtain, disclose, or procure a disclosure of personal data to another person without the consent of the data controller (that is Merlin Housing Society Ltd).
  - Unlawfully sell and or offer to sell personal data held by the Society.
  - deliberately contravene the provisions Data Protection Principles (to be introduced when the relevant section of the Criminal Justice and Immigration Act 2008 is fully implemented).
- 4.2 Disciplinary action, including dismissal, may be taken against any member of staff who contravenes any instruction contained in, or following from, this Data Protection Policy and Access to Information Procedures. Upon discovering that this Policy is not being complied with, or if an intentional contravention of the Data Protection Principles has taken place, the Data Protection Officer in

consultation with senior management shall have full authority to take such immediate steps as considered necessary.

## **5 Legislation**

5.1 This policy covers compliance with the Data Protection Act 1998 and other associated legislation:-

- Computer Misuse Act 1990
- Regulation of Investigatory Powers Act 2000
- Telecommunications (Interception of Communications) (Lawful Business Practice) Regulations 2000

5.2 Managers shall ensure their staff are aware of this policy, procedures and any subsequent guidance that is issued by the Society.

5.3 The requirement to comply with the Data Protection Act will be included in all contractual agreements, where personal data are disclosed to service providers or anyone else acting for the Society or on its behalf.

## **6 Security/storage of information**

### **6.1 Paper records**

6.1.1 Sensitive information such as rent account/debts, medical details, ethnic origin, domestic violence etc. will be kept secure at all times, and access to files will be restricted to officers of MHS only, on a need to know basis. This will be achieved through a combination of restricted access to offices and locked file storage systems.

### **6.2 Computerised records**

6.2.1 Sensitive Information such as rent account/ debts, medical details etc. will be held securely within our IT systems, and access to data will only be given to those who need it for the proper performance of their duties. All systems will be password protected to minimise the risk of information being accessed by unauthorised users.

6.2.2 Staff must not disclose any/their passwords to others, or use another member of staff's access permission to access any of the Society's application(s). Such actions would be serious disciplinary offences. It shall be the responsibility of the ICT Infrastructure manager to monitor and review access to IT applications.

6.3 All employees must keep secure all records of a confidential nature. The disclosure of information to third parties as part of a collaborative process, which is intended to enable a contractor to submit a successful bid, will be a disciplinary offence.

## **7 Exemptions**

- 7.1 In some circumstances, it may be appropriate to divulge a request for information to specific third parties for example to prevent a criminal offence from being committed, or to prevent the continuation of a criminal offence. In many such cases the disclosure could be forced through an application for subpoena. In such circumstances, MHS will disclose the information.
- 7.2 MHS will co-operate with the Police, where there is reasonable evidence of a crime being committed by a tenant of MHS, or where the information is to be provided under the provisions of the Crime and Disorder Act 1998.
- 7.3 MHS will co-operate with South Gloucestershire Council, where there is reasonable evidence of a benefit fraud being committed by a tenant of MHS.
- 7.4 Officers may also need to discuss individuals' circumstances with the Council's Benefit Section or the Benefits Agency or with agencies such as the Citizens' Advice Bureau. In such cases MHS will seek a signed form authorising the disclosure for each enquiry and this will be held on file.
- 7.5 In addition, MHS may use tracing agents for the collection of former tenants' arrears and other debts owed to MHS, and information will be passed to such agents as part of the debt recovery process.
- 7.6 Where a crime has been committed against the Society's employee/s, residents or property, the Society may disclose information to the police and where relevant, insurers.
- 7.7 MHS may give information to third parties where a protocol has been drawn up and agreed between the parties and agreed by the Board and where the protocol forms part of the proper operation of MHS activities. However only anonymised information would be shared, unless there is an overriding interest to disclose an individual's personal data.
- 7.8 Where the Society considers a child is at risk in any situation or if there is a high risk of serious harm to the resident or anyone else, information may be shared with other relevant agencies such as the police, Social Services, Probation or another housing agency or support provider.
- 7.9 It is difficult to cover all eventualities where a disclosure may be necessary and any disclosure outside this policy may therefore be authorised by the Data Protection Officer in liaison with the Corporate Services Director.

## **8 EQUALITY AND DIVERSITY**

- 8.1 We will ensure that this policy is applied fairly and consistently to all our customers, staff, Board members and agents. We will not directly or indirectly discriminate against any person or group of people because of their race, religion, gender, marital status, sexual orientation, disability or any other grounds set out in our Equality and Diversity policy. We will treat these 6 strands of information as highly sensitive and take particular care about its disclosure.

- 8.2 When applying this policy we will act sensitively towards the diverse needs of individuals and communities.
- 8.3 When applying this policy we will take positive action to reduce discrimination and harassment in local communities.
- 8.4 This policy and any other related publications of MHS are available on request in other formats (e.g. in an alternative language, in Braille, on tape, in large type).
- 8.5 This Policy will be reviewed on a regular basis and compliance monitoring will take place to assess its effectiveness and levels of staff awareness.

#### **VERSION CONTROL AND APPROVAL DATES**

| <b>Version no.</b> | <b>Name and date</b>          |
|--------------------|-------------------------------|
| 1                  | Chris Knight - June 2006      |
| 2                  | Chris Knight – December 2006  |
| 3                  | Ekom Ezeigwe _ September 2008 |
| 4                  | Ekom Ezeigwe __ February 2009 |
| 5.                 | Derek Hart – May 2009         |

| <b>Approval stage</b>    | <b>Date completed</b>  |
|--------------------------|------------------------|
| ITA review               | 07.08.06               |
| Tenant Panel             | 07.08.06               |
| Unison consultation      | 02.08.06               |
| Staff consultation       | September-October 2008 |
| Management Team approval | February 2009          |
| Board approval           | March 2009             |
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