



DATA PROTECTION POLICY

January 2003

Table of Contents

1.0 Introduction

2.0 Data Protection Policy

3.0 Review & Reporting

1.0 Introduction

1.1 As part of its normal work the Association holds information or data about a wide range of people and organisations. By law we are allowed to hold this data only if we register with the Data Protection Commissioner and only if we follow some basic rules. The main piece of legislation which is important here is the:

- Data Protection Act 1998.

The Data Protection Act 1998 replaces the Data Protection Act 1994 of the same name. The Act gives individuals the right of access to information held about themselves.

1.2 The 1998 Data Protection Act enhances the rights of individuals. From 24 October 2001 the Act applies to manual records held by organisations. All computerised records are also covered by the Act. The Act extends to databases, word-processing documents, spreadsheets and all other data stores. There are also implications for organisations who record CCTV footage.

1.3 Under the Act every organisation who processes personal data and who is not exempt must notify or register with the Data Protection Commissioner. The organisation must notify the Commissioner of the purpose or purposes it uses personal data.

1.4 Linstone Housing Association is registered with the Data Protection Commissioner.

1.5 The Act differentiates between;

- Personal Data – this is information held on a filing system which identifies living individuals. It includes audio video and any manual records; and
- Sensitive Personal Data – this is personal data which relates to an individuals race, ethnic origin, political opinions, religious beliefs, health, trade union membership, sexual life or criminal activity.

The Act requires greater safeguards to be placed on sensitive personal data. Special conditions apply to the processing of sensitive personal data.

1.6 The Act is built around eight key principles. Any organisation who processes personal or sensitive personal data must abide by these principles.

1.7 The principles are as follows;

| Principle No. | Principle | Implications |
|---------------|---|--|
| 1. | Personal data shall be processed fairly and lawfully and shall not be processed unless certain conditions are met. | <p>We cannot hold data unless either:</p> <ul style="list-style-type: none"> • Processing is necessary for the purposes of a contract or • The individual has given active consent; or • Processing is necessary to comply with the Association's legal obligations; or we cannot hold sensitive data unless additionally either; • The processing relates to equal opportunities monitoring; or • The individual has given their "explicit" consent; or • The processing is necessary in connection with employment obligations; or • The processing is necessary for legal proceedings. |
| 2. | Personal data shall only be obtained for specified purposes. | This principle means we must notify the Data Protection Commissioner and specify what uses we are making of data. It also means that we cannot provide personal data to other organisations without the consent of the individual. |
| 3. | Personal data shall be adequate relevant and not excessive in relation to the purpose or purposes for which they are processed. | The Association can only collect data that is relevant to the individual's tenancy/application/repair request. Organisations do not have the right to collect data that is not relevant. |
| 4. | Personal data shall be accurate and, where necessary, kept up to date. | The Association must take reasonable steps to ensure the accuracy of data. |
| 5. | Personal data processed for any purpose shall not be kept longer than is necessary for that purpose; | The Association must "weed out" from data files any personal information that is no longer necessary. |
| 6. | Personal data shall be processed in accordance with the rights of the individual. | Individuals have certain rights to view data held on them. The Association must, allow access to data held on individuals. |
| 7. | Measures shall be taken against unauthorised or unlawful processing of personal data. | The Association must take steps to secure data and ensure that we "back-up" data. |
| 8. | Personal data shall not be transferred to a country or territory outside the European Union etc. | Not generally applicable to Linstone. |

- 1.8 The aim of this document is to outline Linstone Housing Association's policy in relation to the processing of data.

2.0 Policy Statement

2.1 Linstone Housing Association's policy is to comply fully with the requirements of legislation. Personal data held by the Association shall: -

- (i) Be obtained and processed fairly and lawfully.
- (ii) Be obtained only for one or more specified and lawful purposes and shall not be processed in any manner incompatible with the purpose.
- (iii) Be adequate, relevant, and not excessive in relation to the purposes for which it is processed.
- (iv) Be accurate and up to date.
- (v) Be held no longer than is necessary for the purpose(s).
- (vi) Be processed in accordance with the rights of the data subjects under the Act.
- (vii) Be kept securely.
- (viii) Shall not be transferred outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of the data subject.

2.2 The Association will register as a Data Controller and a Data Processor and will notify the Data Protection Commissioner of: -

- (i) The personal data being or to be processed.
- (ii) The category or categories of data subject to which they relate.
- (iii) The purposes for which the data are being or are to be processed.
- (iv) The people to whom the Association may wish to disclose the information.
- (v) The names, or a description of any countries or territories outside the European Economic Area to which the Association may wish to transfer the personal data.
- (vi) A general description of security measures taken to protect the data.

2.3 It will be the Association's policy to develop procedures that will help staff and committee to protect data.

2.4 It will be the policy of Linstone Housing Association to notify data subjects of the data held about them and to inform them of their rights to inspect this data. The charge levied for data access will be set at £5.

2.5 Responsibilities for ensuring the Association's full compliance with the Act are as follows:

- The Director has direct responsibility for data protection within the Association. The Management Committee has responsibility for agreeing the Data Protection Policy and ensuring its correct operation.
- Individual Sections will nominate a representative to:
 - Liaise with the Director as appropriate for guidance on notification.
 - Ensure that personal data processed by the Section is registered and kept up to date.
- All staff have a responsibility to comply fully with the requirements of the Data Protection Act.

3.0 Review and Reporting Timetable

3.1 The Data Protection Policy will be reviewed every two years.

3.2 The Management Committee will receive an annual report outlining:

- The Association's performance under the Policy.
- Requests made by tenants, staff, owners etc for data access under the Data Protection Act or other relevant legislation.
- Suggestions for improvements to be made under the Policy.