



<b>TITLE</b>	Data Protection and Information Handling
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<b>Approved by:</b>	Approved at WM Housing Group Board 20 <sup>th</sup> July 2009

This Policy relates to the way that all employees of WM Housing Group and its partner Associations will handle and protect their employees, former employees and customers' personal information and advises on our position with regard to the Freedom Of Information Act 2000 (FOI).

## 1.0 Policy Statement

1.1 This policy ensures that WM Housing Group protects their employees, former employees and customers' information in accordance with the requirements of the Data Protection Act 1998. It recognises that people have a right to privacy and will respect this, only sharing information where the law allows for appropriate information exchange. It will maintain its registrations with the Information Commissioners Office, advising of what information is processed by the individual organisations that form the Group. It also advises of the way Freedom of Information requests will be handled.

### 1.2 Definitions:

- **WM Housing Group**, means the whole group including its partner Associations.
- **Personal Data** – Information that relates to a living individual who can be identified from the data and is held by the organisation.
- **Subject Access Requests** – A right of individuals to have access to the information that an organisation holds and is personal to them.
- **Registration** – WM Housing Group including its partner Associations are all registered independently with the Information Commissioner's Office as required by law.
- **Customers** – Tenants, Leaseholders, Employees (past and present), Board Members, Agency Staff, other third parties whom we may hold information about.
- **Freedom of Information** – People have rights under the Freedom of Information Act 2000 that allows them to have access to some recorded information (such as e-mails, meeting minutes, research or reports) held by **public authorities** in England, Northern Ireland and Wales.
- **Authority to Act** – Permission from the Data Subject to allow another person or organisation acting on their behalf to be given information.
- **Data Subject** – The person who is the subject of personal data.

## 2.0 Policy Purpose and Aims:

2.1 This policy is written to meet the requirements of the Data Protection Act 1998 and demonstrates that we will value our customers as individuals who have a right to private and family life and that we will act with integrity when handling their information.

### 3.0 Our Policy

3.1 WM Housing Group employees will act in line with the requirements of the Data Protection Act 1998 and its eight Data Protection Principles and they will receive training to allow them to do this.

These specify that personal data must be:

1. Processed fairly and lawfully.
2. Obtained for specified and lawful purposes.
3. Adequate, relevant and not excessive.
4. Accurate and up to date.
5. Not kept any longer than necessary.
6. Processed in accordance with the "data subject's" (the individual's) rights.
7. Securely kept.
8. Not transferred to any other country without adequate protection in situ.

3.3 WM Housing Group will take measures to protect information when passing it to contractors, voluntary workers, board members and other agents acting on behalf of the group. We will set out requirements with regards to our agreed standards of protection and will only share 'relevant' data for the performance of the required functions.

3.4 We will take seriously any reported breaches or alleged breaches of this policy and our associated procedures. If a breach or alleged breach is reported, a thorough investigation will be conducted and findings will be presented to Human Resources who will take appropriate action under the Group's Disciplinary Policy.

3.5 This policy was written to meet our regulators former code, sections 3.2, 3.2.2, 3.2.3, which at the time stated that Housing Associations must have management arrangements, resource, skills and systems that are appropriate to their circumstances, scale and scope of their operation. This must also ensure that they are undertaken efficiently and effectively and are backed up by proper systems of assurance for internal control.

3.6 This policy will take into account guidance issued by the Information Commissioners Office and will amend working practices as necessary to reflect new guidance issued.

3.7 This policy should be read together with our Information Security Policy to understand how information will be handled and protected taking into account legislation such as the Telecommunications Regulations 2000. WM Housing Group will use security measures as appropriate to safely store and use information relating to their customers taking into account Information Commissioner Guidance.

3.8 This policy allows access to personal data by customers and allows for amendments to be made to inaccurate information held.

3.9 This policy recognises that Public Authorities are required to provide certain information to

people under the Freedom of Information Act 2000. At the time of writing this policy WM Housing Group (or its partner Associations) are not deemed to be Public Authorities for all of its activity and are therefore not required to provide information under the FOI Act. However, WM Housing Group and its partner Associations will respond to requests where either law dictates or where they consider it appropriate to respond due to its openness with its customers.

- 3.10 We will only share information in accordance with the requirements of the Data Protection Act 1998.
- 3.11 All staff will receive regular, appropriate training on this policy and associated guidance notes and procedures. This will ensure that all staff are able to understand and comply with this policy
- 3.12 The policy will be managed by the Group's nominated lead for Data Protection, within the Corporate Services Directorate, overseen by the Group Head of Business Excellence
- 3.13 There are some exceptions and qualifications to this policy, for example some information may need to be disclosed for the purposes of prevention or detection of crime or as required by our regulators. Further information on these exceptions can be found in our data protection guidance notes on our staff intranet.

#### **4.0 Equality Analysis (formerly Equality Impact Assessment)**

- 4.1 An Equality Impact Assessment has been carried out in relation to this policy. This identified additional sensitivity should be considered in handling data requests from minors. Further details of this can be found in the WM housing data protection guidance notes on our staff intranet.
- 4.2 Where advocates are acting on behalf of Data Subjects in relation to Subject Access Requests, we will require the Data Subject to sign an Authority To Act, allowing the advocate to act on their behalf.
- 4.3 Where advocates are acting on behalf of Data Subjects in relation to general enquiries, we will require an Authority To Act, but discretion will be applied as to whether the Authority To Act needs to be in written form or whether we can accept this verbally.
- 4.4 Associated publicity material advising customers of their rights under principle 6 of the Data Protection Act 1998 will be communicated in an effective way and will be made available in different formats as required.

#### **5.0 Performance Measures and Targets**

- 5.1 Data Protection Audits will be undertaken a six monthly basis and the outcomes of these audits will be monitored and appropriate action taken if weaknesses are identified.
- 5.2 Complaints that are received with regard to Data Protection and any associated compensation payments will be monitored.
- 5.3 The level of Subject Access Requests, complaints and compensation payments will be monitored on an ongoing basis.
- 5.4 Results of the monitoring exercises will be reported to the WM Housing Group Audit and Risk Management Committee and WM Housing Senior Management team on an annual basis. In the event of serious breaches, these will reported at the next scheduled meeting.

## **6.0 Monitoring and Review**

- 6.1 The effectiveness of this policy will be reviewed on a three yearly frequency unless legislation, regulation, or monitoring exercises dictate otherwise.

## **7.0 Responsibility**

- 7.1 The effective implementation of this policy is the responsibility of the lead Executive Director and WM Housing Group Board.

## **8.0 Further guidance for staff on data protection**

- 8.1 Comprehensive guidance notes and specific procedures relating to handling the protection of data and subject access requests can be found on the WM housing staff intranet.