

BELGRAVE NEIGHBOURHOOD CO-OPERATIVE HOUSING ASSOCIATION

DATA PROTECTION POLICY

Aims of the data protection policy

The following are aims of the data protection policy:

- To ensure that all personal data or personally identifiable information is processed in accordance with the privacy expectations of the individuals whose data the co-op holds
- To ensure that personal data is processed lawfully and the legal basis for processing it is identified
- To ensure that the data held is accurate and where necessary kept up to date
- To ensure that we do not store personal data for any longer than is necessary for the purpose it was collected
- To ensure that personal data is stored using appropriate security and that individuals can access their rights in respect of the information held about them, including the right of access, right to be forgotten, right to object and right of restriction
- To process information fairly and transparently by telling those individuals whose data the co-op holds how the information is used
- To ensure compliance with relevant data protection legislation

Delegated Authority

- 1 The co-op delegates its Chief Executive Officer to act as its Data Protection Officer and authorises them to:
 - Ensure that all staff and committee members who may come into contact with personal data are informed of their legal obligations
 - Co-operate with the Information Commissioner's Office if necessary and as required
 - Monitoring compliance with the regulation including training and awareness-raising.

Use and protection of personal data

- 2 The policy sets out how the co-op will comply with the Data Protection Act 2018 and associated legislation including the UK General Data Protection Regulations.

- 3 It applies to all personal data processed by the co-op, its volunteer committee members and staff. It extends to data that is held on paper or electronically.
- 4 The co-op holds information about members and other individuals who may contact the organisation. The co-op will strike a balance between the fundamental right to privacy and a private life and legitimate interests in delivering services which rely on using personal data. Various staff members and committee members require access to the personal data in order to effectively fulfil their roles.
- 5 The co-op is committed to protecting the information rights of those it holds personal data for. This policy sets out the principles the co-op adheres to regarding personal data, as well as demonstrating its commitment to comply with the relevant legislation.
- 6 The co-op is registered with the Information Commissioner's Office (ICO) as required by law.

Definitions

- 7 Key terms referred to in the policy are explained below. A detailed glossary of terms contained in the Data Protection Act are available at the ICO website.

Term	Definition
Confidentiality	One of the key components of information security so that information is only shared with authorised individuals
Data breach	An incident in which personal, sensitive or confidential data has potentially been viewed, stolen or used by an individual without authorisation
Data Protection Officer	Nominated person with responsibility for monitoring compliance with the Data Protection Act and associated legislation

Term	Definition
Data inventory	A recording system for identifying, mapping and documenting key information held in the co-op which contain personal data, and sets out the ownership, security, classification, location and data sharing elements. Used to assess risk in relation to information and ensure adequate controls are in place
Privacy Notice	When personal data is collected from an individual, they must receive an explanation as to what personal data is to be collected, why and the reasons for its retention
Information Commissioners Office (ICO)	The UK's regulator for Data Protection. They handle the registration of organisations, queries, investigation and can administer fines
Integrity	One of the key components of data security, ensuring that data remains accurate and trustworthy and provides assurance that it has not been altered or otherwise tampered with
Personal data	Any information which directly or indirectly identifies a living individual, including any identifier such as National Insurance Number, email address, NHS number. Can also fall into special categories/sensitive personal data (e.g. ethnicity, disability, sexual orientation), which requires additional protections when processed such as explicit consent to collect.
Sensitive data/ special category data	Personal data consisting of information such as: racial or ethnic origin, political opinions, religious beliefs, trade union activities, physical or mental health, sexual life. GDPR extends this to include genetic and biometric data for uniquely identifying a natural person. Criminal Data is covered under Article 10 of the GDPR.
Processing of data	Any action involving data including collection, using, disclosure, creation, retention, sharing, disposal or storage of personal data

Approach to data protection

- 8 The co-op has completed a data inventory, held by the Data Protection Officer, to establish what personal data is held, where it is held, how it will be used and the legal basis for holding it.
- 9 The co-op will ensure:
 - that Privacy Notices are issued explaining in plain English how it intends to use information at the time of collection, or as soon as possible thereafter
 - that any staff or committee member with access to personal data attends data protection training
 - that personal data is stored in appropriate, suitably secure access-controlled locations
 - confidentiality of any folders and files, both hard copies and electronic, that they are using when working from home both in transit and at rest are secure
 - private areas are used where data cannot be overlooked when working on sensitive material
 - sensitive or personal data is locked away during breaks and that personal data is not left unattended
 - files are sent securely when sending personal data outside the co-op
 - information is disposed of in a secure manner once it is no longer required
 - records are kept for the length of time advised by the National Housing Federation.

Individual data protection rights

10 Individuals have the following rights under the Data Protection Act and GDPR:

- **Right to be informed** - the right to be informed at the time the data is collected of how the data will be used
- **Right of Access by Data Subject** - the right to receive a copy of the information held by the co-op
- **Right of Rectification** - the right to correct any inaccurate information, including by means of a supplementary statement
- **Right to Erasure (right to be forgotten)** - the right to have personal data deleted where one of the following conditions applies:
 - a) Information is no longer necessary in relation to the purposes for which it was collected
 - b) Consent is withdrawn (where consent was legal basis for processing) and where withdrawal of consent will not prejudice the services the co-op is able to provide the member
 - c) An objection has been received and there are no legitimate grounds to continue processing
 - d) Processing is unlawful
 - e) Data has to be erased for compliance with other legal obligation
- **Right to Restriction** – the right to have processing of personal data restricted in certain circumstances
- **Right to Data Portability** – the right to receive information in a machine-readable format and transmit it to another data controller
- **Right to Object** – the right to object to processing based on the individual's circumstances at the time of processing
- **Automated processing** - right to not be the subject to a decision based solely on automated processing without human intervention

Third party contracts and data sharing

11 The co-op shall ensure that any third party and data sharing contracts, data sharing agreements and other information sharing protocols with agents, contractors, Local Authorities, user-referral agencies or other agencies (such as the police or probation authorities) that require the

sharing of personal data must include suitable clauses with regards to confidentiality, non-disclosure and information being used for the purpose it has been collected and include reference to the Data Protection Act and GDPR.

- 12 All data sharing agreements must be signed off by the Data Protection Officer and all contracts must include standard data protection clauses.

Data breach and breach of this policy

- 13 The Data Protection Officer will ensure that the ICO is informed of any Data Breach where there is a significant risk to the privacy of the data subject(s) within 72 hours of the co-op becoming aware that personal data has been compromised.
- 14 If any committee member or member of staff considers that this policy has been breached, they should report the matter to the Data Protection Officer who will consider what action should be taken, which may include reporting the matter to the ICO within 72 hours. In such circumstances the Data Protection Officer will discuss the matter at the earliest possible occasion with the Chief Executive Officer and will report at the earliest possible occasion to the management committee.

Complaints

- 15 Where an individual is unhappy with the processing of their personal data, they have the right to complain to the Data Protection Officer and to the Information Commissioner's Office. Complaints to the Data Protection Officer will be dealt with in accordance with Complaints Procedure, with relevant input from the Data Protection Officer. Any complaints from the Information Commissioner will be dealt with directly by the Data Protection Officer and the co-op will fully cooperate with any investigation proceedings.

Website privacy

- 16 The co-op includes a website privacy notice on our website regarding use of personal information on our website, the use of cookies and how they can be disabled.

Risks to be avoided:

- Failure to comply with data protection legislative and regulatory requirements can result in the co-op being fined
- Inadequate safeguards are in place to protect personal data in the co-op
- Those with access to personal data are inadequately trained in their data protection responsibilities
- A data protection breach takes place with potentially significant impact on the data subject and the breach is not reported to the Information Commissioners Office