

**Last Reviewed: October 2005**

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## **CONFIDENTIALITY, DATA PROTECTION AND FREEDOM OF INFORMATION**

### **1.0 POLICY STATEMENT**

In order to operate efficiently, South Lakes Housing has to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, clients and customers, and suppliers. In addition, it may be required by law to collect and use information in order to comply with the requirements of central government. This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means, and there are safeguards within the Act to ensure this.

SLH regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between SLH and those with whom it carries out business. SLH will ensure that it treats personal information lawfully and correctly.

To this end SLH fully endorses and adheres to the Principles of Data Protection as set out in the Data Protection Act 1998.

### **2.0 STRATEGIC LINKS**

#### Legal Framework

- The Data Protection Act 1998

#### Guiding Principles

- Communication Strategy
- Equality and Diversity Policy

### **3.0 INTRODUCTION**

SLH is fully committed to compliance with the requirements of the Data Protection Act 1998 ("the Act"), which came into force on the 1<sup>st</sup> March 2000. SLH will therefore follow procedures that aim to ensure that all employees, directors, contractors, agents, consultants, partners or other servants of SLH who have access to any personal data held by or on behalf of SLH, are fully aware of and abide by their duties and responsibilities under the Act.

### **4.0 THE PRINCIPLES OF DATA PROTECTION**

The Act stipulates that anyone processing personal data must comply with **Eight Principles** of good practice. These Principles are legally enforceable.

The Principles require that personal information:

1. Shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met;

2. Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes;
3. Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed;
4. Shall be accurate and where necessary, kept up to date;
5. Shall not be kept for longer than is necessary for that purpose or those purposes;
6. Shall be processed in accordance with the rights of data subjects under the Act;
7. Shall be kept secure i.e. protected by an appropriate degree of security;
8. Shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

The Act provides conditions for the processing of any personal data. It also makes a distinction between **personal data** and **"sensitive" personal data**.

Personal data is defined as, data relating to a living individual who can be identified from:

- That data and other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

Sensitive personal data is defined as personal data consisting of information as to:

- Racial or ethnic origin;
- Political opinion;
- Religious or other beliefs;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Criminal proceedings or convictions.

#### 4.1 Handling of personal/sensitive information

SLH will, through appropriate management and the use of strict criteria and controls:-

- Observe fully conditions regarding the fair collection and use of personal information;
- Meet its legal obligations to specify the purpose for which information is used;
- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;
- Ensure the quality of information used;
- Apply strict checks to determine the length of time information is held;
- Take appropriate technical and organisational security measures to safeguard personal information;
- Ensure that personal information is not transferred abroad without suitable safeguards;
- Ensure that the rights of people about whom the information is held can be fully exercised under the Act.

These include:

- The right to be informed that processing is being undertaken;
- The right of access to one's personal information within the statutory 40 days;
- The right to prevent processing in certain circumstances;

- The right to correct, rectify, block or erase information regarded as wrong information.

In addition, SLH will ensure that:

- There is someone with specific responsibility for data protection in the organisation;
- Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice;
- Everyone managing and handling personal information is appropriately trained to do so;
- Everyone managing and handling personal information is appropriately supervised;
- Anyone wanting to make enquiries about handling personal information, whether a member of staff or a member of the public, knows what to do;
- Queries about handling personal information are promptly and courteously dealt with;
- Methods of handling personal information are regularly assessed and evaluated;
- Performance with handling personal information is regularly assessed and evaluated;
- Data sharing is carried out under a written agreement, setting out the scope and limits of the sharing. Any disclosure of personal data will be in compliance with approved procedures.

All Board Directors are to be made fully aware of this policy and of their duties and responsibilities under the Act.

All managers and staff within SLH will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that:

- Paper files and other records or documents containing personal/sensitive data are kept in a secure environment;
- Personal data held on computers and computer systems is protected by the use of secure passwords, which where possible have forced changes periodically;
- Individual passwords should be such that they are not easily compromised.

All contractors, consultants, partners or other servants or agents of SLH must:

- Ensure that they and all of their staff who have access to personal data held or processed for or on behalf of SLH, are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act. Any breach of any provision of the Act will be deemed as being a breach of any contract between SLH and that individual, company, partner or firm;
- Allow data protection audits by SLH of data held on its behalf (if requested);
- Indemnify SLH against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation.

All contractors who are users of personal information supplied by SLH will be required to confirm that they will abide by the requirements of the Act with regard to information supplied by SLH.

#### 4.2 Implementation

SLH has appointed a designated officer who is responsible for ensuring that the Policy is implemented. Implementation will be led and monitored by the Business Support Manager. The Business Support Manager will also have overall responsibility for:

- The provision of cascade data protection training, for staff within SLH.
- For the development of best practice guidelines.
- For carrying out compliance checks to ensure adherence, throughout SLH, with the Data Protection Act.

#### 4.3 Notification to the Information Commissioner

The Information Commissioner maintains a public register of data controllers. SLH is registered as such.

The Data Protection Act 1998 requires every data controller who is processing personal data, to notify and renew their notification, on an annual basis. Failure to do so is a criminal offence.

To this end Section Managers will be responsible for notifying and updating the Business Support Manager of the processing of personal data, within their section.

The Business Support Manager will review the Data Protection Register with designated officers annually, prior to notification to the Information Commissioner.

Any changes to the register must be notified to the Information Commissioner, within 28 days.

To this end, any changes made between reviews will be brought to the attention of the Business Support Manager immediately.

### 5.0 FREEDOM OF INFORMATION

5.1 The Freedom of Information Act (FOIA) 2000, which became law on 30 November 2000, gives a general right of access to all types of recorded information held by public authorities. Under the Act, an applicant has the right to be told whether the authority holds the information requested and, if so, to receive it unless there are any legal exemptions as defined in the Act. All public authorities will have to respond to individual requests from 1 January 2005 when the General Right of Access to Information held by public authorities comes into force.

South Lakes Housing will identify a Freedom of Information Gatekeeper to ensure compliance, and to advise on any Freedom of Information issues.

The FOIA extends rights under the Data Protection Act 1998 to allow access to all types of information public bodies hold, whether personal or non-personal. South Lakes Housing must

- respond to written requests for information from individuals;
- make some information available for the public without a specific request being made (the Publication Scheme).

#### 5.2 Publication Scheme

- The Scheme describes the type of information South Lakes Housing regularly publishes, or is going to publish;
- It outlines where this information is available, e.g. the web site or printed material;

South Lakes Housing, in partnership with South Lakeland District Council, has a Publication Scheme that is available on the website.

### 6.0 KEY TARGETS AND PERFORMANCE INDICATORS

- % of Data Protection Requests responded to within agreed timescales
- % of Freedom of Information Requests responded to within agreed timescales

## **7.0 MONITORING AND CONSULTATION**

Reports will be made to the Board, South Lakeland District Council and the Tenants' Committee identifying performance against targets on a quarterly basis.

An annual report will be made to tenants and regular reports made to tenants groups.

Consultation will take place with tenants and tenant groups.

## **8.0 RESPONSIBILITY**

7.1 It is the responsibility of the Chief Executive and senior officers to ensure that:

- staff are aware of South Lakes Housing policies;
- staff are trained on the policies;
- monitoring of records is maintained;
- customers are adequately informed of the policies;
- appropriate action is taken against employees whose actions are inconsistent with this policy

7.2 It is the responsibility of the Business Support Manager to ensure that:

- all relevant staff are aware of the Data Protection Policy
- all relevant staff are trained on the Data Protection Policy
- customers are aware of the Data Protection Policy

7.3 South Lakes Housing will develop procedures to ensure effective implementation of this policy and provide training for staff to ensure they understand the wider issues surrounding legislative framework and procedures.

7.4 The Business Support Manager will be responsible for ensuring that managers oversee or co-ordinate the process and that they formally communicate with other relevant internal sections and personnel to ensure those involved in delivery are aware of their responsibility.

7.5 The Business Support Manger will ensure that officers involved in the implementation of this policy are suitably skilled to deliver the required procedures to any agreed timescales.

7.6 It is the responsibility of all staff to ensure that this policy is applied.

7.7 The Business Support Manager will be responsible for ensuring that reviews of this policy are carried out.

## **9.0 EQUALITY AND DIVERSITY**

South Lakes Housing recognises that there is a broad range of visible and non-visible differences that characterise its tenants. Some of these qualities include race, religion, culture, nationality, ethnic background, colour, disability, sex, sexual orientation, age, literacy and income level. By understanding and respecting this diversity it is able to set a policy which ensures that all tenants are able to access services provided by South Lakes Housing in an equitable manner.

South Lakes Housing is committed to providing information and services equally and without discrimination so that they meet the needs of all sections of the community. These include our tenants, leaseholders and those living nearby or seeking access to or information on

housing services in the South Lakeland area. In carrying out all housing management policies, South Lakes Housing's Equality and Diversity Policy will be adhered to.

## **10.0 SERVICE DEVELOPMENT AND REVIEW PRIORITIES**

Changes to the service may take place as the result of the work of relevant tenant orientated Service Improvement Groups. The policy will be reviewed at least once every three years to ensure that it is meeting the current needs of the community, and to ensure that it takes into consideration any changes to legislation at any given time.

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