

TITLE	Data Protection and Information Handling
Version:	Version No.1/20 th July 2009
Review Date:	July 2012
Lead officer(s) & Author:	Gaynor Reynolds
Customer Approved Date:	N/A
Approved by:	Approved at WM Housing Group Board 20 th July 2009

This Policy relates to the way that all employees of WM Housing Group and it's partner Associations will handle and protect their 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 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 it's 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 it's partner Associations.
- **Personal Data** – Information that is stored in a 'relevant filing system' and relates to a living individual who can be identified from the data.
- **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 it's partner Associations are all registered independently with the Information Commissioner's Office as required by law.
- **Customers** – Tenants, Leaseholders, Employees, 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 identified by the personal data.

2.0 Policy Purpose and Aims:

2.1 This policy 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.

2.2 This policy meets the requirements of:

- The Data Protection Act 1998
- The Freedom of Information Act 2000
- Our Regulators Code, sections 3.2, 3.2.2, 3.2.3
- The Human Rights Act 1998, Article 8
- Telecommunications Regulations 2000
- Information Commissioners Guidance

3.0 Our Policy

- 3.1 This policy recognises that people have a “right to respect for private and family life” under Article 8 of the Human Rights Act 1998 and will act appropriately to ensure that this right is respected.

Article 8 states “Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”.

- 3.2 WM Housing Group employees will act in line with the requirements of the Data Protection Act 1998 and it’s eight Data Protection Principles and they will receive training to allow them to do this.
- 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, the Head of Data Protection and Policy will conduct a thorough investigation and will present the findings to Human Resources who will take appropriate action under the Group’s Disciplinary Policy.
- 3.5 This policy meets our regulators code sections 3.2, 3.2.2, 3.2.3, which states 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 Technology 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 Association's) 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 customer's.
- 3.10 We will only share information in accordance with the requirements of the Data Protection Act 1998.
- 3.11 This policy identifies the nominated Data Protection Officer as Gaynor Reynolds (Information Standards Examination Board - ISEB qualified) on behalf of the West Mercia Group.

4.0 Equality Impact Assessment

- 4.1 An Equality Impact Assessment has been carried out in relation to this policy. The group of people that may be adversely affected are children who are of an age that is considered to be 'mature' enough to be able to deal with receiving information that is held about and is personal to them under the Subject Access Procedure. There will need to be sufficient evidence from a relevant professional person to understand their level of maturity before disclosure will be considered. Where a relevant professional person is not in contact with the child, WM Housing Group will consider each case separately and will make their own decision as to whether they consider that the child is mature enough to be able to deal with any information that may be disclosed.
- 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 by managers of teams on 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 Due to the very recent integration of the WM Housing Group, targets will be set in one years time with regard to the level of complaints and compensation payments.
 - 5.4 The level of Subject Access Requests will be monitored on an ongoing basis.
 - 5.5 Results of the monitoring exercises will be reported to the WM Housing Group Audit and Risk Management Committee 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 Director of Organisational Development and WM Housing Group Board.

8.0 Associated legislation/Documents/Policies

- 8.1 Data Protection Act 1998
Human Rights Act 1998
Freedom of Information Act 2000
Telecommunications Regulations 2000
Regulatory and Investigatory Powers Act 2000
S115 Crime and Disorder Act 1998
National Housing Federation Retention Guidance
Data Protection Act – Customer Leaflet
Data Protection and Information Handling Procedures
Subject Access Procedure and Process Map
Staff Guidance
Equality and Diversity Strategy
WM Housing Group ICT Strategy
A Charter for Housing Association Applicants and Residents
Tenants Handbook
Customer Care Policy and Procedures
Safeguarding Adults and Children Policy and Procedures
The Children’s Act 2004
Safeguarding Vulnerable Adults Act 2006