

Data Protection Policy

1 Background

Coastline Housing (CHL) is registered by notification under the Data Protection Act 1998. It keeps information in respect of its customers, applications for housing, employees, non-executive directors and contractors, current and former.

Coastline Services (CSL), Coastline Design and Build (Devco) and Coastline Care Limited (CCL) are registered separately by notification under the Data Protection Act 1998 and also keep information in respect of their customers, employees, non-executive directors and contractors, current and former.

These policy, guidelines and procedures apply to all companies within the Coastline Group.

As a Data Controller, Coastline Housing needs to collect and process information including personal information about the people that it deals with in order to operate effectively and efficiently.

The information processed may relate to present, past and prospective data subjects. In addition, we may be required by law to collect and/or process certain types of data to comply with requirements of Government departments and regulatory agencies.

This document details the Data Access, Protection and Maintenance Policies and Procedures for the Company.

2 Scope of the Policy Statement

The Board intends that these Data Protection Policies be the rules and procedures by which the Company's data are accessed, used and maintained.

3 Definitions

There are five main definitions contained in this policy detailed below.

- Personal data – means any personal information, which is processed automatically, and any personal information which, although held in non-automated form, is readily accessible because the information is stored in a relevant filing system (RFS). In addition, to be “personal data”, the data must relate either directly or indirectly, to a living, identifiable individual, e.g. an e-mail containing the name, address, age, telephone number and so on of a consumer.
- Sensitive personal data – means information about racial or ethnic origin, political opinions, religious beliefs, membership of a trades union, physical or mental health or condition, sexual life, offences or alleged offences or proceedings for any offence committed or alleged to have been committed.
- Processing – relates to any activity performed on the personal data. It therefore includes any use, disclosure, storage or collection of personal data.

- Data Controller – is the name for an organisation which is ultimately responsible for the processing and the person who controls and benefits from the processing activity.
- Data Processor – is any service provider who, in order to deliver services to the Data Controller, processes personal data on behalf of that Controller.
- Data Subject – is the individual about whom the personal data relates. Thus individuals who are customers, contacts or clients of a Data Controller are also Data Subjects.

4 The Data Protection Principles

The Act requires that all Data Controllers responsible for the processing of personal data comply with eight Data Protection Principles, which are summarised below:

- processed fairly and lawfully and under certain specified conditions;
- processed only for specified lawful purposes and not processed in any way incompatible with those purposes;
- adequate, relevant and not excessive in relation to the purpose for which personal data are processed;
- accurate and kept up-to-date;
- personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes;
- processed in accordance with the rights of the data subject under the Data Protection Act;
- appropriate technical and organisation measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data;
- not to be transferred to any country outside the European Economic Area (EEA) unless that country or territory ensures, in relation to processing of personal data, an adequate level of protection for rights and freedoms of data subjects acceptable to the EU in relation to the processing of personal data.

Coastline Housing will ensure that it follows these principles in the processing of all personal data.

5 Consent

Coastline Housing will not process personal data without firstly receiving the consent of the data subject. This consent will be in written form.

In the case of sensitive data the subject must give their explicit consent and processing must be necessary for the purposes of performing any right or obligation conferred or imposed by law on the data controller.

6 Individuals' Rights

All staff, customers and other users are entitled to:

- know what information Coastline Housing holds and processes about them and why;
- know how to gain access to it;
- know how to keep it up to date; and
- know what Coastline Housing is doing to comply with its obligations under the 1998 Act.

Coastline Housing acknowledges the individuals' rights in connection with personal data conferred by the Act, which are listed below:

- Right of subject access – upon making a request whether in writing or by electronic means, to be given a description of the personal data, the purposes for which they are being processed and to whom they are or may be disclosed.
- A subject access request will be processed within forty days.
- Right to prevent processing likely to cause damage or distress – upon receipt of a written notice to cease or not to begin processing personal data of which that individual is the data subject, where such processing is causing or likely to cause substantial damage or distress. This right is, however, unavailable where any one of the first four conditions for processing is complied with. Right to prevent processing for purposes of direct marketing – upon receipt of a written notice to cease or not to begin processing personal data relating to that individual for the purposes of direct marketing.
- Right in relation to automated decision taking – upon receipt of a written notice an individual is entitled to require Coastline Housing to ensure that no decision which significantly affects them is based solely on the processing by automatic means of personal data of which that individual is the data subject.
- Right to compensation – an individual who suffers damage or damage and distress as the result of any contravention of the requirements of the Act by Coastline Housing is entitled to compensation where Coastline Housing is unable to prove that it had taken such care as was reasonable in all the circumstances to comply with the relevant requirement.
- Rectification, blocking, erasure and destruction – a data subject may apply to the Court for an order requiring Coastline Housing to rectify, block, erase or destroy such data relating to them as is inaccurate as well as any other personal data which contain an expression of opinion which the court finds is based on the inaccurate data.

- Requests for assessment – a data subject can request the Commissioner for an assessment to be made as to whether any provision of the Act has been contravened.

7 Data Protection

The Company will comply fully with the Data Protection Act 1998.

The Company will ensure that the information it holds such as information on its customers, applicants for housing, employees, current and former are not misused.

All personal data held by the Company must be held for a purpose, shall be accurate and, where necessary, kept up to date. All such data shall not be held longer than it is necessary.

8 Management Controls

The Company will ensure that management controls are in place to:

- maintain an accurate and up to date Notification for processing purposes;
- comply with the fair processing code regarding the collection and use of the data collected;
- maintain the quality and accuracy of data held and processed;
- review the retention periods for which data is reasonably retained;
- fully meet the rights of the data subject regarding data held and processed;
- take appropriate technical and organisational measures to protect personal data from unauthorised or unlawful processing and accidental loss, destruction or damage; and
- protect personal data from transfer outside of the EEA or, where such transfer is necessary, provide for adequate security of the information.

To ensure the effective application of the principles of the Act, the Company will ensure that:

- there is a nominated Data Co-ordinator with specific responsibility for data protection;
- all persons processing personal data on its behalf receive adequate and periodic awareness training to ensure that they understand:
- their contractual and legal responsibility towards the personal information processed by the Company;
- the procedure for responding to a request for data subject access or enquiries about the responsible handling of personal information; and
- the procedure for responding to a request for personal information held by the Company, made by third parties/persons who are not the data subject.
- adequate management supervision is in place for the processing of personal information; and

- the methods for handling and managing personal information collected and processed are periodically reviewed.

Coastline Housing and all staff or others who process or use any personal information must ensure that they follow these principles at all times. In order to ensure that this happens, Coastline Housing has developed the Data Protection Policy.

9 Data Access

All personal information held by the Company is confidential and can only be accessed for a specific purpose and with the relevant authority.

Personal data will not be used for direct marketing.

Access is defined as either having physical access to the information or having a copy of the information.

The subject on whom the Company keeps a record is entitled to have a copy within forty days of such information provided:

- adequate notice has been given; and
- information emanating from or concerning other people has been excluded from his/her record, e.g. Medical or Social Workers' reports and so on.

A fee of £10 per person (the statutory limit) will be charged for the provision of information held in the Company's files.

Other individuals and organisations will only be given access to personal information where the subject of the information has given written consent, except where the inquiring person or organisation can demonstrate that to withhold information could put another individual at risk or is a criminal offence.

In such a case, the Director of Corporate Services will take responsibility for the decision to give or withhold the information requested.

10 The Data Controller and the Designated Data Co-ordinators

Coastline Housing as a body corporate is the data controller under the Act, and the Board is therefore ultimately responsible for implementation. However, the designated data controllers who will deal with day-to-day matters are the Director of Corporate Services or the Governance Administrator.

11 Data Maintenance

It is the responsibility of the Director of Corporate Services to ensure that adequate procedures are in place, which will enable other relevant departments maintain the accuracy of the personal data held under their control.

Appropriate technical and organisational measures have been put in place to guard against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Disputes between the Company and customers regarding the accuracy of information held on them shall be resolved through the Complaints Procedure.

Disputes between the Company and employees regarding the accuracy of information held on them shall be resolved through the Grievance Procedure.

All documents used for data gathering shall clearly state the right of access to information held within the Company's information system.

12 Status of the Policy

This policy does not form part of the formal contract of employment, but it is a condition of employment that employees will abide by the rules and policies made by Coastline Housing from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

Any member of staff, who considers that the policy has not been followed in respect of personal data about themselves, should raise the matter with the designated data controller initially. If the matter is not resolved it should be raised as a formal grievance.

13 Responsibilities of Staff

All staff are responsible for:

- Checking that any information that they provide to Coastline Housing in connection with their employment is accurate and up to date.
- Informing Coastline Housing of any changes to information, which they have provided, e.g. changes of address, etc.
- Checking the information that Coastline Housing will send out from time to time, giving details of information kept and processed about staff.
- Informing Coastline Housing of any errors or changes to their personal data.

In order to ensure the accuracy of staff data, Coastline Housing will provide all staff with a standard form of notification for completion and return, which will be done at least annually.

If and when, as part of their responsibilities, staff collect information about other people, they must comply with the guidelines for staff, which are at Appendix 1 of the Policy.

14 Data Security

All staff are responsible for ensuring that:

- Any personal data, which they hold, is kept securely;
- Personal information is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised third party; and
- Any suspected breaches of security are notified to an appropriate data co-ordinator.

Staff must note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Personal information must be:

- kept in a locked filing cabinet; or
- in a locked drawer; or
- if it is computerised, be password protected;
- kept only on a portable storage device that is itself kept securely;
- Any data on a portable storage device has to be encrypted in compliance with the IT Policy.

15 What Happens If A Data Protection Breach Occurs?

Guidance on what to do in the event of a Data Protection Breach are detailed in the separate *Guidance on Data Security Breach Management Procedure*

16 Customer Obligations

Customers must ensure that all personal data provided to Coastline Housing is accurate and up to date. They must ensure that changes to personal circumstances are notified to the Company as appropriate.

17 Publication of Coastline Housing information

Information that is already in the public domain is exempt from the 1998 Act. It is Coastline Housing policy to make as much information public as possible and, in particular, the following information will be available for inspection:

- Name and contact address of Coastline Housing Board Members;
- List of key staff; and
- Annual Report and accounts.

Coastline Housing's internal phone list will not be public documents.

Any individual who has good reason for wishing details in these lists or categories to remain confidential should contact the designated data controller.

18 Subject Consent

In many cases, Coastline Housing can only process personal data with the consent of the individual. In some cases, if the data is sensitive, express consent must be obtained. Agreement to Coastline Housing processing some specified classes of personal data is a condition of acceptance of a customer, and a condition of employment for staff. This includes information about previous criminal convictions.

Coastline Housing has a duty of care to all staff and customers and must therefore take reasonable steps to ensure that employees and those who use the Company's facilities do not pose a threat or danger to other users.

Coastline Housing will also ask for information about particular health needs, such as allergies to particular forms of medication, or any conditions such as asthma or diabetes. Coastline Housing will only use the information in the protection of the health and safety of the individual, but will need consent to process in the event of a medical emergency, for example.

Therefore, all prospective staff and customers will be asked to sign a Consent To Process form, regarding particular types of information when an offer of employment or a tenancy is made. A refusal to sign such a form can result in the offer being withdrawn.

19 Processing Sensitive Information

Sometimes it is necessary to process information about a person's health, criminal convictions, race and gender and family details. This may be to ensure Coastline Housing is a safe place for everyone, or to operate other Company policies, such as the sick pay policy or equal opportunities policy. Because this information is considered sensitive, and it is recognised that the processing of it may cause particular concern or distress to individuals, staff and customers will be asked to give express consent for Coastline Housing to do this. Offers of employment or tenancies may be withdrawn if an individual refuses to consent to this, without good reason. More information about this is available from line managers.

20 Retention of Data

Please see the separate *Document Retention Policy*

21 Data Disposal

Personal data must be held in a secure storage and disposals undertaken in a timely manner in line with the separate *Document Archive & Disposal Procedure*.

22 Data Sharing

If a request is received to share data with an external company or individual there are two Data Sharing Checklists available which provide a handy step-by-step guide through the process of deciding whether to share personal data. One is for systematic data sharing and the other is for one-off requests.

The checklists are designed to be used alongside the full code and highlight the relevant considerations to ensure that the sharing complies with the law and meets individuals' expectations.

Data Sharing agreements must be reviewed and approved by the responsible Executive Director before any information is shared.

23 Conclusion

Compliance with the 1998 Act is the responsibility of all staff and non-executive directors of Coastline Housing. Any deliberate breach of the data protection policy may lead to disciplinary action being taken, or access to Coastline Housing facilities being

withdrawn, or even a criminal prosecution. Any questions or concerns about the interpretation or operation of this policy should be taken up with the designated data co-ordinator.

24 Related Policies and Procedures

- Guidance On Data Security Breach Management
- Document Retention Policy
- Data Archive & Disposal Procedure
- Data Sharing checklists (for systematic and one-off requests)