



## DATA PROTECTION POLICY

Policy Valid From	25 <sup>th</sup> May 2018
Last Review date	
Next Review Date	1 <sup>st</sup> May 2021



HAPPY TO TRANSLATE



**Creating thriving rural communities**  
[www.berwickshirehousing.org.uk](http://www.berwickshirehousing.org.uk)

Berwickshire Housing Association is a Registered Society. Registration No.: SP2482RS  
Scottish Charity No.: SC042342 Registered Office: 55 Newtown Street, Duns, TD11 3AU

## 1 AIMS

- 1.1 Berwickshire Housing Association (“the Association”) recognises the General Data Protection Regulation (“the GDPR”) as an essential piece of legislation to safeguard the rights of individuals in relation to data held about them. The Association retains and processes personal data as necessary to fulfil its obligations under the agreements it has with its tenants and other agencies and the contracts it has with its suppliers.
- 1.2 The aim of this policy is to set out how the Association will fulfil its legal obligation by:
  - i) Confirming the principles of the GDPR.
  - ii) Confirming the standards the Association will observe in keeping data secure and relevant.
  - iii) Clarifying the expectations it has of its staff in fulfilling its statutory duties.
  - iv) Confirming the principles to be followed in dealing with subject access requests and in providing personnel references.

## 2 KEY OPERATIONS

- 2.1 The Association will maintain an entry in the Public Register of Data Controllers, which will fully cover its personal data handling requirements and will review it at regular intervals (not longer than annually) to ensure it is always relevant to current requirements.
- 2.2 The Association will process personal data, including the sharing of personal data within the organisation and with partner organisations on one of the following basis,
  - 2.2.1 Necessary for performance of a contract between the Association and data subject or entering into a contract (e.g. name, date of birth, contact details);
  - 2.2.2 Necessary for compliance with a legal obligation (e.g. employment related requirements, such as the need to disclose salary details to HMRC);
  - 2.2.3 Necessary to protect the vital interests of the data subject or another person (e.g. ASB complaints);
  - 2.2.4 Necessary for the purposes of legitimate interests (e.g. NI number);
- 2.3 The Association requires its staff to comply with the principles of the GDPR. Staff will undergo annual training in GDPR and Cyber Risk Awareness to minimise the risk of data loss or breaches. In addition it defines specific roles for certain staff with a view to ensuring ongoing compliance.



HAPPY TO TRANSLATE



**Creating thriving rural communities**  
[www.berwickshirehousing.org.uk](http://www.berwickshirehousing.org.uk)

Berwickshire Housing Association is a Registered Society. Registration No.: SP2482RS  
Scottish Charity No.: SC042342 Registered Office: 55 Newtown Street, Duns, TD11 3AU

- 2.4 The Association will not keep data for longer than is necessary. Full details of the Associations retention policy can be found on our website at [berwickshirehousing.org.uk/gdpr](http://berwickshirehousing.org.uk/gdpr).
- 2.5 The Association will hold data in a secure environment with access restricted to those members of staff with a legitimate business requirement.
- 2.6 The Association will ensure that secure cabinets are available for paper files.
- 2.7 Files or documents containing personal data will not be removed from the Association's offices other than where this practice is recognised as being required for an approved operational purpose and guidelines on document handling are in place and followed.
- 2.8 Personal data may be destroyed only if its destruction is in accordance with the retention policy and where the Data Protection Officer gives consent to data destruction. In particular it will be a requirement that any employee leaving the Association must obtain permission from the immediate line manager prior to destroying any information, whether held on paper or electronically.
- 2.9 The Association will accept subject access requests that are made in writing or by email. On receipt of the subject access request, the Data protection Officer will release data to the subject following the subject access request procedure and guidelines within 1 month of the request.
- 2.10 When tenancy or employment references are requested from the Association these will always be provided on a confidential basis to the person requesting the reference.
- 2.11 The Association will endeavour to maintain security of its electronic data by the installation of industry standard security procedures for external connections and the use of passwords and network access facilities to minimise the scope for inappropriate distribution of personal data within the organisation.

### 3 STAFF ROLES AND RESPONSIBILITIES

- 3.1 **STAFF** All staff have a responsibility to comply with the principles of the Act and maintain data confidentiality and to ensure that at all times they understand the principles and practices they must follow. For this purpose the Association will set out formal procedures and guidelines and will nominate a Data Protection Adviser, to whom other staff may make reference in cases of doubt.
- 3.2 **DATA PROTECTION ADVICE** The Association has appointed the Corporate Services Manager as its Data Protection Officer who will:
  - i) Provide advice and support to all departments on all compliance issues
  - ii) Disseminate information relating to statutory requirements



HAPPY TO TRANSLATE



Berwickshire Housing Association is a Registered Society. Registration No.: SP2482RS  
Scottish Charity No.: SC042342 Registered Office: 55 Newtown Street, Duns, TD11 3AU

**Creating thriving rural communities**  
[www.berwickshirehousing.org.uk](http://www.berwickshirehousing.org.uk)

- iii) Act as the co-ordinator of a response by the Association to a subject access request.
- iv) Lodge the Association's data controller registration with the information commissioner, ensure registration is reviewed on a regular basis and co-ordinate any amendments to the registration.
- v) Recommend to the Leadership Team audit procedures for monitoring compliance to the Association's policy and procedures and to co-ordinate compliance reports to the Leadership Team on all aspects of statutory compliance.
- vi) Assist managers in identifying training requirements and in arranging appropriate training.
- vii) Co-ordinate a review of the Data Protection Policy at the designated times or earlier if legislation or regulations should change such as to warrant an earlier review.
- viii) Liaise with the office of the Information Commissioner as required.
- ix) Report any breaches or losses to the office of the Information Commissioner as required by the GDPR
- x) Complete Privacy Impact Assessments (PIA's) for all sensitive data required by the Association prior to processing taking place.

**3.3 DIRECTORS AND MANAGERS** Directors and Managers have a general responsibility to ensure that all policies and procedures relating to the protection of data are applied by the staff for which they are responsible. Their detailed responsibilities include the following:

- i) a specific responsibility for personal and sensitive information held on data subjects by staff for whom they are responsible.
- ii) monitoring compliance by their staff with the requirements of the GDPR and with the policies and procedures of the Association, including auditing data, checking data for quality, consistency and duplication of personal data and ensuring the security of personal data.
- iii) promoting the principles of data protection with the staff for whom they are responsible and ensuring personal data is only collected and processed under one of the recognised basis in GDPR.

## 4 TRAINING

4.1 The Association is committed to ensuring that it's staff understands properly the principles of the GDPR and the practical effects of its requirements. It will therefore provide every member of staff with training on their responsibilities under GDPR and will ensure that all



HAPPY TO TRANSLATE



Berwickshire Housing Association is a Registered Society. Registration No.: SP2482RS  
 Scottish Charity No.: SC042342 Registered Office: 55 Newtown Street, Duns, TD11 3AU

**Creating thriving rural communities**  
[www.berwickshirehousing.org.uk](http://www.berwickshirehousing.org.uk)

new members of staff receive this training as part of their induction process and before any systems access is granted.

- 4.2 The effectiveness of the training will be monitored by the compliance and data monitoring of Line Managers. Should individual training requirements be identified these will be discussed between the Line Manager and the individual member of staff and appropriate arrangements put in place in consultation with the Data Protection Officer, if required.

## 5 COMPLIANCE

- 5.1 The Data Protection Officer will monitor compliance and take any remedial action as required.
- 5.2 The Association will prepare procedures for staff to follow and these will be maintained on Intranet. It is the responsibility of the Data Protection Officer to keep under review, the relevance of these procedures and guidelines to current circumstances.

## 6 POLICY REVIEW

- 6.1 This policy will be reviewed every 3 years or sooner if required



HAPPY TO TRANSLATE



**Creating thriving rural communities**  
[www.berwickshirehousing.org.uk](http://www.berwickshirehousing.org.uk)

Berwickshire Housing Association is a Registered Society. Registration No.: SP2482RS  
Scottish Charity No.: SC042342 Registered Office: 55 Newtown Street, Duns, TD11 3AU