

# DATA PROTECTION POLICY

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## 1. REVISION/REVIEW SHEET

Issue	Brief Description of Reason for Change	Document Owner	Date Issued
1	New documents	Marie Wilde	March 2010
2	Expand contents of document and change its title from Confidentiality Policy	Geraint G Jones	December 2011

## 2. Purpose

- 2.1 Cartrefi Cymunedol Gwynedd Cyf (CCG) is a Registered Social Landlord which is regulated by the Welsh Government (WG). CCG was set up, amongst other things, to operate an intensive locally based and focused service breaking out of existing public service constraints to provide higher standards of investment and service in a locally and publicly accountable manner. All CCG customers are entitled to expect the highest standards of conduct from its employees and Board members.
- 2.2 This policy seeks to ensure that effective rules are adopted for the efficient management and administration of CCG, both now and in the future. This policy seeks to protect and promote the rights of individuals and CCG in relation to the holding of personal and confidential information. It identifies information that is to be treated as confidential, and the procedures for collecting, storing, handling and disclosing such information.

## 3. Scope

- 3.1 This policy applies to Board members and all CCG staff members, both on permanent and fixed term contracts, and to any consultants or other persons handling personal data on behalf of CCG.

## 4. Responsibilities

- 4.1 Responsibility for the review and update of this policy lies with CCG's Data Protection Officer. Responsibility for ensuring the policy is communicated and adhered to by staff or other persons rests with line managers.

## 5. Policy Detail

- 5.1 In order to operate effectively, CCG gathers, holds and processes personal and confidential information about its employees, Board members, tenants, housing applicants, employment applicants and suppliers. This information will be processed in accordance with the Data Protection Act 1998 (the Act) and in compliance with the Welsh Government's Regulatory Framework.
- 5.2 CCG, acting as a custodian of personal data, recognises its legal duty as a data controller to ensure that this data is handled properly and confidentially at all times, irrespective of whether it is held on paper or by electronic means. This covers the entire lifecycle of the data, including:
- The obtaining of personal data;
  - The storage and security of personal data;
  - The use of personal data; and

- The disposal/destruction of personal data.
- 5.3 CCG regards the lawful and correct treatment of personal information as vital to its successful operations and to maintaining confidence between CCG and those with whom it carries out business.
- 5.4 CCG will comply with the Act in processing personal data and will provide readily accessible, clear and accurate information and advice for residents.
- 5.5 CCG will ensure that any requests for access to personal data are handled courteously, promptly and within the timescales set out in the Act ensuring that either the data subject or their authorised representative has the legitimate right to access information under the Act, and that the information provided is clear and unambiguous.
- 5.6 CCG will ensure that data subjects have appropriate access, upon written request, to details regarding personal information relating to them. CCG will charge an administration fee as set out in paragraph 5.23 of this policy.
- 5.7 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.
- 5.8 Sensitive personal data is defined as personal data consisting of information of:
- Racial or ethnic origin;
  - Political opinion;
  - Religious or other beliefs;
  - Trade union membership;
  - Physical or mental health or condition;
  - Sexual life; and
  - Criminal proceedings or convictions.
- 5.9 All aspects of this policy are designed to remain within the eight principles for processing personal data contained in the Act, which are:
- 1) Data must be fairly and lawfully processed;

- 2) Data shall be obtained for specified and lawful purposes and shall not be further processed in a manner incompatible with those purposes;
- 3) The data processed must be adequate, relevant and not excessive;
- 4) Data must be accurate and kept up to date;
- 5) Data should not be kept longer than is necessary;
- 6) Data must be processed in line with the rights of the data subject;
- 7) Data must be kept secure; and
- 8) Data must not be transferred to a country outside the European Economic Area, which does not have adequate data protection laws.

5.10 This policy is designed to ensure that the data subject has:

- The right of access to their personal data processed by CCG;
- The right to prevent processing likely to cause unwarranted substantial damage or distress;
- The right to compensation for damage (physical or financial) suffered because of a contravention of the Act by CCG;
- The right to request rectification, blocking, erasure or destruction of inaccurate data; and
- Right to request the Information Commissioner to assess whether personal data is being processed lawfully by CCG.

### **Holding and handling information**

5.11 Confidential information relating to employees is held by the Human Resources department, the Finance department, Governance department and the IT department.

5.12 Confidential information relating to tenants, housing applicants, employment applicants and suppliers is held on CCG's computer systems, email system, and files in the relevant departments.

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- 5.13 Individuals will be made aware of the purposes for which CCG is processing their personal information and the parties to whom CCG is likely to disclose it.
- 5.14 CCG will 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 of one's personal information in certain circumstances; and
  - The right to correct, rectify, block or erase one's personal information regarded as wrong information.
- 5.15 CCG will not retain information for longer than is necessary.
- 5.16 All managers and staff within CCG's Directorates will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful access, 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 computer systems is protected by the use of secure passwords; and
  - Individual passwords should be such that they are not easily compromised.
- 5.17 Where applicable, all contractors, consultants, partners or individuals or organisations working on behalf of CCG and handling personal data provided to them by CCG must:
- Ensure that they and all of their staff who have access to personal data processed on behalf of CCG are aware of this policy, and are aware of their duties and responsibilities under the Act. Breach of any provision of the Act in relation to 'CCG data' is likely to be deemed as being a potential breach of contract between CCG and that individual, company, partner or firm;
  - Allow data protection audits by CCG of data held on its behalf (if requested); and

- Indemnify CCG against any prosecutions, claims, proceedings, actions or payments of compensation or costs which was caused by their mishandling of CCG's personal data.

5.18 Staff handling personal information and in particular sensitive personal data will ensure that this information remains confidential.

5.19 Information relating to applications made by prospective employees will be held for a period of time not exceeding one year from the date of the closing date set out in the advertisement. After this period, the application forms of candidates not selected for employment will be destroyed. Anonymous information may be retained, including equal opportunities statistics of candidates for each position advertised.

5.20 Information relating to tenants and housing applicants (specific reference to the common housing register will be included in the final policy) will be held as long as necessary in order to perform the functions of CCG.

5.21 Employment application forms will contain a paragraph outlining how the personal information provided on the application form will be used and seeking consent from the applicant. Tenants and housing applicants will be informed in writing of the uses and purposes of processing the data provided on the application forms to CCG .

5.22 Personal data should only be stored on portable handheld devices where this is absolutely necessary. Where it is necessary to store information on handheld devices the following conditions must apply:

- Devices must be owned by CCG;
- Password authentication must be applied;
- Where possible personal data should be encrypted;
- Only the minimum amount of personal data necessary for the current purpose should be stored on handheld devices and should be deleted when no longer required ; and
- Measures must be taken to maximise the physical security of the handheld device.

## **Disclosure of information**

5.23 CCG will levy an administration fee to data subjects who apply in writing to access the personal data processed by CCG, the current charge is £10.00.



5.24 CCG collects personal information to process applications for housing and to manage activities related to tenancies including the provision of services to our tenants. The information provided to CCG may be shared with third parties, who act on CCG's behalf for the purposes of providing property management and tenancy services, or for other purposes approved by the data subject or permitted by the Act. Personal information may be shared with statutory bodies such as Gwynedd Council housing benefit officers and North Wales Police for the purposes of crime prevention. Unless required or permitted to do so by law, CCG will not otherwise share, personal information without the consent of the individual data subject.

### **Disposal of information**

5.25 Where personal and confidential information is no longer required, it will be destroyed in accordance with the requirements of the Act.

### **Training and responsibility**

5.26 CCG will ensure that there is someone with specific responsibility for gathering and disseminating information about issues relating to information security, the Act, and other related legislation. This person will be known as CCG's Data Protection officer.

5.27 It is the responsibility of all staff and Board members to maintain confidentiality when dealing with personal data.

5.28 Breaches of the Act and this policy will be treated seriously.

5.29 All staff will be made aware of this policy by way of awareness events, and for new staff, included in their induction.

5.30 It is the responsibility of all staff to inform a senior manager when they are made aware of a breach of the Act. The senior manager is responsible for reporting the breach to the Data Protection Officer and taking appropriate action when made aware of a breach.

5.31 The Chief Executive is responsible for ensuring that Board members comply with this policy.

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## Complaints

- 5.32 If a person has cause to believe that CCG has breached the Act or has failed to meet its commitments within this policy, they should complain using CCG's Complaints Policy.

## Appeals

- 5.33 Any applicant dissatisfied with any decision taken in respect of this policy has recourse to CCG's Complaints Policy .

## 6. Equality and Diversity

- 6.1 CCG is aware of its obligations as an employer under the Equality Act and there are no diversity implications to this policy.

## 7. Review

- 7.1 Relevant files and records will be monitored on an ongoing basis, to ensure that they comply with this policy.
- 7.2 This policy will be reviewed every two years to ensure that it is effective and complies with current good practice. A review will be carried out sooner should there be any changes to statutory requirements or serious breach of the policy or the Act.