

Data Protection Policy



Reference:	HS_POL_BIT_DAP_3.1	Author:	Head of Digital & Information Services
Scope:	Housing Solutions	Approved by:	Executive Team
Legislation:	Data Protection Act 2018 UK General Data Protection Regulation (UKGDPR)2021 Human Rights Act 1998 Freedom of Information Act 2000 Limitation Act 1980 Computer Misuse Act 1990 NHF Document Retention for Housing Associations Guidelines 2018 CCTV Code of Practice 2014 SP35 Social Media SP33 Information Security, Email and Internet	Date of approval:	18 May 2021
Related Policies:	Complaints Policy Whistleblowing Policy Disciplinary Policy Capability Policy Data Retention Policy	Date of next review:	May 2024

1. Policy Statement

- 1.1 This policy sets out Housing Solutions approach to Data Protection in relation to the current Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation 2021 (UKGDPR).
- 1.2 Housing Solutions recognises the need to process personal information legally under the principles set out by the DPA and UKGDPR and will comply with our legal requirements transparently. Housing Solutions is registered with the Information Commissioner's Office as a Data Controller.
- 1.3 Housing Solutions will ensure that when we collect and process personal information we will do so in a fair, relevant, secure and transparent way. Personal information will only be shared in accordance with the law and in a way which ensures that third parties apply appropriate standards of data protection.

2. Scope

- 2.1 This policy relates to the DPA, UKGDPR and Housing Solutions' internal procedures for processing personal and sensitive information. The policy also outlines how individuals are able to access their personal information.
- 2.2 The requirements and accountabilities to comply with this policy apply to all Housing Solutions staff, including (where necessary) any third parties engaged to carry out services on our behalf.
- 2.3 This policy will apply to:
- current and former customers;
 - housing applicants;
 - current and former employees (including Board Members and agency staff);
 - prospective employees;
 - volunteers;
 - contractors and suppliers;
 - complainants;
 - others who may not fall into the above categories, but to whom Housing Solutions provides services or contracts;
 - any other people whose personal data is processed by Housing Solutions.
- 2.4 This policy applies to data held manually or within electronic systems that are deployed for the processing of personal and sensitive personal information. The policy details Housing Solutions' (and its affiliates) obligations to compliance with data protection legislation to ensure that individuals' rights are upheld.
- 2.5 Housing Solutions will take all reasonable measures and actions to meet our legal obligations in relation to data protection.

3. Roles and responsibilities

Position	Responsibilities
Information Commissioner's Office (ICO)	Enforcing data protection legislation within the UK.
Data controller (Housing Solutions / all staff)	Responsible for personal information that we collect and process, as we determine the purpose and means of processing this personal data.
Executive Team	Responsible for oversight of compliance with the Data Protection Policy Supports the Head of Digital & Information Services in ensuring compliance with the Data Protection Policy
Director of Corporate Services	Responsible for reviewing Data Protection Impact Assessments where the recommendation is to proceed with the activity and a high risk has been identified
Head of Digital & Information Services	Interim DPO Monitoring and reporting on compliance with this policy

Data processor	Any third party responsible for processing personal data on Housing Solutions' behalf.
Line Managers / HR / Learning & Development	Ensuring that their team / all staff are aware of this policy and receive appropriate training.
All staff (and Board Members)	Responsible for following this policy when handling information on behalf of Housing Solutions. Where a data protection breach is identified it should be reported immediately to the Head of Digital & Information Services (or their deputy in their System Development Analyst).
Systems Development Analyst & Junior Data Analyst	Processing of SAR requests and ensuring timely completion.

4. Definitions

4.1 Personal data refers to any information relating to a living identifiable person who can be directly or indirectly identified.

4.2 Sensitive personal data (also known as 'special category data') refers to data consisting of:

- racial or ethnic origin;
- political opinions;
- religious or philosophical beliefs;
- trade union membership;
- genetic data;
- biometric data;
- health information;
- data concerning an individual's sex life or sexual orientation.

A data subject is the person to whom personal data pertains (who is consequently the owner of the personal data).

5. Legislation

5.1 The existing data protection legislation is the Data Protection Act and the UKGDPR, which strengthens the rights of individuals (see Appendix 3).

5.2 Housing Solutions understands that failing to comply with the requirements of the DPA and UKGDPR may result in:

- Enforcement measures (including fines) being issued by the ICO;
- Reputational impact and damage;
- Compensation for individuals for damages in relation to data breaches;
- Disciplinary action;
- Criminal and civil action;
- Personal accountability and liability;
- Organisational accountability and liability.

6. Information Held

6.1 Housing Solutions is required to process personal information to provide services to customers and stakeholders. This processing can include (but is not limited to):

- Customer information (e.g. Name, Contact Details, Financial data);
- Prospective, Current or Former Employee information (e.g. Applicant details, contract terms, salaries);
- Information about other groups or persons (e.g. complainants).

6.2 When asked for personal information, individuals will be informed as to why the information is required and who will have access to it. This is known as a Privacy Notice and also sets out the rights the individual has in relation to the information we collect. The personal information must be relevant for the purpose for which it is being requested and will be kept securely.

6.2.1 UKGDPR enforces stricter rules upon organisations to ensure that they are taking all reasonable measures to guard against data theft, loss or other breaches. If there is a data breach resulting in a high risk to an individual, we must let them and the Information Commissioner's Office know at the earliest opportunity.

6.3 Housing Solutions will make all reasonable efforts to ensure that information held is accurate and kept up to date by the timely updating of records held. It will be explained to individuals that they have a duty to inform Housing Solutions if their circumstances change so that we can update the information we hold to ensure its continuing accuracy.

6.4 When embarking on any new data processing activity or projects that may impact the data protection rights of individuals (e.g. installing new CCTV equipment, building new IT systems for storing or accessing personal data), Housing Solutions will adopt a 'privacy by design' approach and conduct a Privacy Impact Assessment (Appendix 1). If the Privacy Impact Assessment identifies a data processing activity as high risk, this will be flagged to the nominated data protection representative who will make a recommendation as to whether or not the processing can begin or continue. If the recommendation is that processing should not begin or should desist then the assessment should be reviewed by the Director of Corporate Services - who may elect to proceed with the processing despite the highlighted risks. If we identify a high risk that we cannot mitigate, we must consult the ICO before starting/continuing the processing.

6.5 Employees and Job Applicants

6.5.1 Personal information relating to all employees is held by the Human Resources (HR) department. The Finance Department holds personal information relating to payroll and pensions. There are security restrictions in place to ensure that the HR and Finance departments cannot gain access to information that is not necessary for them to view.

6.5.2 Employment application forms contain a relevant privacy notice that explains how the form will be used and seeks consent from the applicant. If this information is to be disclosed to another party, consent will be sought from the individual (and an explanation provided regarding the implications of giving their consent).

6.5.3 Information relating to applications made by potential employees will be held for up to 12 months from the advertised closed date. After this period, the application forms of unsuccessful candidates will be destroyed. Anonymous information,

such as equal opportunity statistics of candidates, will be retained.

6.6 Potential, Current and Former Customers and Contractors

Confidential and personal information relating to potential, existing and former customers, contractors and suppliers is held on the Housing System, the main file server, email system and paper files within relevant departments.

6.6.1 The call recording system complies with the Payment Card Industry Data Security Standard (PCI DSS). Telephone recordings are securely held for training and monitoring purposes and access to this is limited to the Customer Care Manager and Information, Communications and Technology department. Additionally, no payments are taken over the phone, they are instead processed by a third party supplier.

6.6.2 Housing Solutions may use CCTV monitoring on its office premises and/or in residential areas to:

6.6.3 protect the personal safety of customers, employees and visitors; investigate, detect and/or prevent crime.

6.6.4 Housing Solutions complies with the CCTV Code of Practice 2014 issued by the ICO.

6.6.5 All customers are required to sign a Data Collection Form (Appendix 2).

7. **Disclosure of Information**

7.1 Housing Solutions may need to share personal information with other organisations. This will normally entail seeking and obtaining an individual's consent prior to the information being shared. However, there are some circumstances where consent may not be required, including (but not limited to):

- in connection with the assessment or collection of tax or duty (i.e. Council Tax);
- detecting or preventing crime;
- where disclosure is necessary to protect an individual's vital interests (e.g. in the event of an emergency);
- to comply with prevailing health and safety legislation;
- where a court orders the disclosure;
- where it is in the legitimate interests of Housing Solutions' business to make disclosure;
- in order to comply with or perform a contract.

These circumstances are known as grounds for processing under the DPA and UKGDPR. There are a number of other grounds we can rely on.

7.2 Housing Solutions has information sharing protocols (ISP)/data sharing agreements (DSA) with a number of partner organisations including the Police and Local Authorities. These allow Housing Solutions to transfer information between agencies for the benefit of individuals and communities. This information is not shared outside of the protocol group. Where reasonable, individuals will be informed that information about them will be subject to discussion at such a forum. We must still ensure that we have a ground for processing - the ISP/DSA merely ensure that both parties are aware of, and comply with, their obligations under data protection law.

7.3 Under the Freedom of Information Act 2000, any information supplied by Housing

Solutions to a public body may be published in response to a Freedom of Information request.

- 7.4 Further guidance on what information a landlord can release can be found on the ICO website (www.ico.org.uk)
- 7.5 Where a new external organisation is identified which requires data sharing, Housing Solutions will ensure a new DSA is in place. Data will be shared with the external organisation following our IT Acceptable Use Policy to ensure data is transferred in a secure method.

8. Access to Personal Data

- 8.1 All individuals that Housing Solutions processes personal data for (and their representatives) have a right to obtain:
 - confirmation that their data is being processed;
 - access to their personal data; and
 - other supplementary information (which largely corresponds to Privacy Notices provided when the information is collected).
- 8.2 Requests will preferably be made in writing, but verbal requests can be accepted.
- 8.3 Those with learning disabilities can be assisted to access this service, or Housing Solutions will assist their support worker in doing so.
- 8.4 There is no charge for access to personal data. However, Housing Solutions may charge a reasonable fee (or reject the request altogether) when a request is manifestly unfounded or excessive, or if it is repetitive. Any fee charged must be based on the administrative cost of providing the information.
- 8.5 Housing Solutions will provide information without delay and within one month of receipt of a valid request.
- 8.6 If Housing Solutions refuses a request for information individual reasons for this will be provided. Information will be provided unless requests are manifestly unfounded or excessive. The ICO provides examples of situations where a request might be considered manifestly unfounded or excessive.
- 8.7 A log of subject access requests and subsequent actions will be kept by Housing Solutions.
- 8.8 Full details in relation to subject access requests are available in Housing Solutions' Subject Access Request Procedure (including the methods for verifying individuals' ages, obtaining consent from the child or parent(s)/guardian(s) where applicable for any data processing activity relating to child data subjects).

9. Training

- 9.1 All Housing Solutions employees will receive annual data protection training. Additional training for specific job roles will be provided as required. Training will be provided to all new starters and refreshed annually.

10. Complaints

- 10.1 Where an individual believes that Housing Solutions has misused, allowed inappropriate access to, unreasonably refused access or to amend personal data, the grievance will be dealt with in accordance with Housing Solutions' Complaints Policy.

11. Marketing and Promotion

- 11.1 Housing Solutions will never share or sell individuals' data to third party

organisations for the purposes of marketing or promotion. Housing Solutions may contact individuals with information about services that are relevant, similar or complement existing services that we already provide. Individuals are able to opt out of any such communications by informing any member of Housing Solutions staff who will then be responsible for updating the Housing System accordingly.

12. Equality & Diversity

12.1 Housing Solutions recognises the needs of a diverse population and always acts within the scope of its own Equality, Diversity & Inclusion Policy and Equality Act 2010. Housing Solutions works closely with its partners to ensure it has a clear understanding of its resident community with clear regularly updated service user profiles. Housing Solutions will record, analyse and monitor information on ethnicity, vulnerability and disability.

13. Confidentiality

13.1 Under the DPA, the UKGDPR, all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or board member
- sensitive organisational information.

13.2 Housing Solutions employees will ensure that they only involve other agencies and share information where there is a legal basis for processing the information.

14. Review

14.1 This policy will be reviewed on a 3 yearly basis or more frequently in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Housing Solutions' policy.

14.2 Our performance in relation to the delivery of the services and activities set out in this policy will be monitored on an ongoing basis through our established reporting mechanisms to our Senior Management Team, Executive Team, Board and associated committees.

15. Appendices

Appendix 1 – Privacy Impact Assessment

Appendix 2 – Data Collection Form

Housing Solutions DPIA template

This template is how you can record your DPIA process and outcome. It follows the process set out in the ICO DPIA guidance, and should be read alongside that guidance and the [Criteria for an acceptable DPIA](#) set out in European guidelines on DPIAs.

You should start to fill out the template at the start of any major project involving the use of personal data, or if you are making a significant change to an existing process. The final outcomes should be integrated back into your project plan.

Step 1: Identify the need for a DPIA

Explain broadly what project aims to achieve and what type of processing it involves. You may find it helpful to refer or link to other documents, such as a project proposal. Summarise why you identified the need for a DPIA.

Step 2: Describe the processing

Describe the nature of the processing: how will you collect, use, store and delete data? What is the source of the data? Will you be sharing data with anyone? You might find it useful to refer to a flow diagram or other way of describing data flows. What types of processing identified as likely high risk are involved?

Describe the scope of the processing: what is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

Describe the context of the processing: what is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in? Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?

Describe the purposes of the processing: what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing – for you, and more broadly?

Step 3: Consultation process

Consider how to consult with relevant stakeholders: describe when and how you will seek individuals' views – or justify why it's not appropriate to do so. Who else do you need to involve within your organisation? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

Step 4: Assess necessity and proportionality

Describe compliance and proportionality measures, in particular: what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

Step 5: Identify and assess risks

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm	Severity of harm	Overall risk
	Remote, possible or probable	Minimal, significant or severe	Low, medium or high

Step 6: Identify measures to reduce risk

Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5

Risk	Options to reduce or eliminate risk	Effect on risk	Residual risk	Measure approved
		Eliminated reduced accepted	Low medium high	Yes/no

Step 7: Sign off and record outcomes

Item	Name/date	Notes
Measures approved by:		Integrate actions back into project plan, with date and responsibility for completion
Residual risks approved by:		If accepting any residual high risk, consult the ICO before going ahead
Nominated data protection representative advice provided:		Nominated data protection representative should advise on compliance, step 6 measures and whether processing can proceed
Summary of nominated data protection representative advice:		
Nominated data protection representative advice accepted or overruled by:		If overruled, you must explain your reasons
Comments:		
Consultation responses reviewed by:		If your decision departs from individuals' views, you must explain your reasons
Comments:		
This DPIA will be kept under review by:		The nominated data protection representative should also review ongoing compliance with DPIA

Appendix 2 – Data Collection Form

Data Collection Form (Privacy Notice)

Housing Solutions (“we”) are defined as a data controller and responsible for your personal data under the UK General Data Protection Regulation (UKGDPR) and any successor legislation to the UKGDPR (collectively the “Data Protection Legislation”). We are registered with the Information Commissioner’s Office (ICO) under Z6037328.

We can be contacted in writing at Crown House, Crown Square, Waldeck Road, Maidenhead, Berkshire, SL6 8BY, by email at datacontroller@housingsolutions.co.uk or by telephone at 0800 876 6060 or 01628 543101. Our data protection representative is the Head of Business Information and Data Integrity and can be contacted using the contact details above.

It is important that you read the information contained within this Data Collection Form together with our Privacy Policy and any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you. This is so that you are fully aware of how and why we are using your data. This Data Collection Form supplements our Privacy Policy and the other notices and is not intended to override them.

1. What personal data do we process?

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you (the primary tenant), joint tenant(s) and any other occupants of the property which we have set out below in section 2.

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, your tenancy agreement).

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

2. Purposes for which we will use your personal data

We have set out overleaf, in a table format, a description of the likely ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

We may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

The references below to the lawful basis for processing have the following meanings:

“Legitimate interests”: where it is in the legitimate business interests of Housing Solutions to undertake the processing and the processing does not cause unwarranted interference with the rights and freedoms of the individual

“Contract”: where the processing is necessary for the performance of a contract (for example in order to apply or enforce the terms of a tenancy agreement or lease)

“Vital interests”: where the processing is in the vital interests of the individual and it is not practicable to obtain their consent to the processing

“Legal obligation”: where Housing Solutions is under a legal obligation to undertake the processing because of a statutory or other legal requirement.

“Explicit consent”: means consent which is freely given and unambiguous

“Safeguarding”: means the safeguarding of children or vulnerable adults

“Equality of opportunity or treatment”: means that the processing is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment.

“Administration of justice or bringing or defending legal claims”; means that we can process data where it is necessary for the purposes of court proceedings including civil claims such as possession claims.

Purpose/Activity	Type of Data	Lawful basis for processing
To keep our records up to date and to help prevent tenancy fraud and illegal subletting	<ul style="list-style-type: none"> • Communications • Contact • Financial • Identity • Profile • Technical • Transaction • Usage 	<ul style="list-style-type: none"> • Contract • Legitimate interests
To communicate with you and keep you informed about services that may be useful to you	<ul style="list-style-type: none"> • Communications • Contact • Financial • Profile • Technical • Transaction • Usage 	<ul style="list-style-type: none"> • Legitimate interests
Verifying your identify	<ul style="list-style-type: none"> • Identity 	<ul style="list-style-type: none"> • Contract • Legitimate interests

Managing your tenancy, including to help you improve your financial circumstances	<ul style="list-style-type: none"> • Communications • Contact • Financial • Profile • Transaction 	<ul style="list-style-type: none"> • Contract • Legitimate interests
To provide information to third parties that we work with (e.g. the Police and other emergency services, training or employment opportunities, external serviceproviders).	<ul style="list-style-type: none"> • Communications • Contact • Financial • Identity • Profile • Technical • Transaction • Usage 	<ul style="list-style-type: none"> • Contract • Legitimate interests • Vital interests
Recording communication with us (including telephone calls) for training and monitoring to ensure a high level of service is provided.	<ul style="list-style-type: none"> • Communications • Transaction 	<ul style="list-style-type: none"> • Legitimate interests • Vital interests
Recordings for safeguarding purposes, in addition to preventing and detecting crime (e.g. CCTV).	<ul style="list-style-type: none"> • Audio • Image 	<ul style="list-style-type: none"> • Legitimate interest • Vital interests
Information provided by third parties relevant to your circumstances (e.g. social workers or healthcare professionals).	<ul style="list-style-type: none"> • Communications • Contact • Financial • Identity • Health • Profile • Technical • Transaction • Usage 	<ul style="list-style-type: none"> • Contract • Legal obligation • Legitimate interests

3. Special Categories of Personal Data

We may also process the following special categories of sensitive personal data:

Special categories of personal data	The purpose for which we process these special categories of personal data	Lawful basis for processing
<p>Religion or other beliefs of a similar nature Racial or ethnic origin Sexuality and/or sexual life</p> <p>Trade union membership</p> <p>Health, e.g. details of any physical or mental health conditions, or disability</p> <p>Offences committed or alleged to have been committed, outcomes and sentences, commission of proceedings for any offence</p>	<ol style="list-style-type: none"> 1. To assist us in managing your tenancy and providing you with advice and support, as required. 2. To help us assess what adaptations we may be able to make to provide you with easier access to your property. 3. For statistical purposes. 4. To provide a service which meets your individual requirements and to develop future services to meet the needs identified. 	<ul style="list-style-type: none"> • Your consent • Vital interests • Safeguarding • Administration of justice or bringing or defending legal claims • Equality of opportunity or treatment • Necessary for the purposes of preventive or occupational medicine, for the assessment of your working capacity, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of English law.

4. How we treat your personal data

We are committed to treating your personal data fairly, lawfully and transparently.

When processing your personal information we will comply with all relevant Data Protection Legislation and any national implementing laws, regulations and secondary legislation. The information we collect to deliver you a service throughout your tenancy is detailed in this document and our Privacy Policy found on our website at <https://www.housingsolutions.co.uk/cookies/privacy/>.

It may sometimes be necessary to transfer your personal data overseas. When this is required, information will only be held or processed within the European Economic Area (the “EEA”).

We will ensure all relevant and reasonable measures are in place to keep your personal and sensitive personal data secure.

5. How we share your personal data

We may have to share your personal data with third parties for the purposes set out in the tables at sections 3 and 4 above.

We collect and share relevant information, which may include the disclosure of your personal data to others, for various purposes including:

- where required to by law, with law enforcement and government agencies, local authorities or public bodies where we are legally required to do so. Examples may include:
 - The prevention or detection of crime and fraud;
 - The apprehension or prosecution of offenders;
 - The assessment or collection of tax or duty owed to customs and excise;
 - In connection with legal proceedings;
 - In relation to the physical or mental health of an individual, where disclosure is required to protect them or others from serious harm and to protect their vital interests;
 - Research and statistical purposes.
- when engaging third party contractors (data processors) to carry out functions on our behalf;
- to provide, change and improve our services, example of which include:
 - housing contractors e.g. to undertake repairs or improvements to your home;
 - IT providers who own or manage the computers, phones or systems we use;
 - our contractors who handle your out of hours service calls for us;
 - financial institutions e.g. to carry out payments through a secure system;
 - companies that assist us in mailing out our leaflets/ newsletters and/or to undertake research (including but not limited to customer satisfaction surveys);
 - additional staff resources, such as consultants or agency staff;
 - our professional advisors and providers of financial services;
 - our partner organisations whose purposes dovetail with ours;
 - training providers or learning institutions;
 - other housing associations.
- when engaging external assistance where you have agreed to the referral, for example to do with financial problems or domestic abuse
- to local authorities and government departments who provide relevant services for you, including benefits
- to the police, fire services, utility companies, health authorities or medical staff who provide services for you
- to debt collection agencies acting for others; for example this may be necessary if you terminate your tenancy with an outstanding rent balance and no payment arrangement in place, we may forward your details to a debt collection company or tracing agent. This information will be your name, address, contact details, current arrears, last payment made and tenancy start and end date. We will also share any forwarding address if you leave the property in debt with a utility company.

We require all third parties to respect the security of your personal data and to treat it in accordance with Data Protection Legislation. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

6. How long do we keep your personal data for?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

Either by law or in line with best practice we have to keep some information about our tenants (including tenancy agreements), most of which is kept for a period of six years after they cease being tenants, unless otherwise stated in our Data Retention Policy. After this retention period expires the data will be securely destroyed.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

7. Your rights in relation to your personal data

As a 'data subject' you have certain rights over the personal data we hold and process about you, specifically:

7.1 The right to be informed

Individuals have the right to be informed about the collection and use of their personal data

7.2 The right of access

Individuals have the right to access their personal data and supplementary information, including confirmation that their data is being processed.

7.3 The right of rectification

Individuals have the right to have personal data rectified if it is inaccurate or incomplete.

7.4 The right to erasure (also known as the 'right to be forgotten')

This is also known as the 'right to be forgotten'. Individuals can request the deletion or removal of personal data where there is no compelling reason for processing it.

7.5 The right to restrict processing

The processing of personal data may be restricted in certain circumstances, e.g. where the accuracy of the personal data is contested.

7.6 The right to data portability

Individuals have the right to obtain and reuse their personal data for their own purposes across different services.

7.7 The right to object

Individuals have the right to object to the processing of their personal data in certain circumstances.

7.8 Rights in relation to automated decision-making and profiling

Individuals have extra protections where automated decision-making (i.e. making a decision solely by automated means without any human involvement) is the sole method of decision-making.

These rights are set out in more detail on the ICO's website www.ico.org.uk.

8. Requesting a copy of your personal data

If you wish to obtain a copy of the personal data we hold about you, please put your request in writing to the Head of Business Information and Data Integrity, Housing

Solutions, Crown House, Crown Square, Waldeck Road, Maidenhead, Berkshire, SL6 8BY or datacontroller@housingsolutions.co.uk by email.

We are legally obliged to make this information available within one month of your request (which can be extended by a further two months if the request is complex or numerous requests have been received from one individual) once we have received the request in writing, together with proof of your identity, in accordance with our Subject Access Request Procedure. Please note that if your request(s) for a copy of your personal data is 'excessive or manifestly unfounded', we have the right to refuse your request or charge a reasonable fee to reflect the administrative cost of providing you with a copy of your personal data.

9. Contacting us about your personal data

Our Privacy Policy is available upon request and outlines our approach to data protection in full. If you require any further information on this matter or wish to exercise any of your data subject rights (as listed above) then please contact our Customer Contact Centre on 0800 876 6060 or email datacontroller@housingsolutions.co.uk. For independent advice please contact an appropriate agency such as the Citizens Advice Bureau on 03444 111 444 (www.citizensadvice.org.uk) or the ICO (www.ico.org.uk) on 0303 123 1113.

10. Questions and complaints

If you have questions or concerns about any of your personal data that we hold or process, please contact us. If, after contacting us, you are still not satisfied, you have the right to make a complaint at any time to the ICO, the UK supervisory authority for data protection issues (www.ico.org.uk).

We need your permission to process the special categories of personal data about you set out in section 3 of this Data Collection Form. If you have submitted special categories of personal data about other individuals besides yourself in completing this Data Collection Form then we will also need their permission to process their personal data. If we want to use special category data for purposes where we do not have your permission/the permission of the data subject, we may only do so for very restricted purposes some of which are set out in the Table at section 3.

We will at all times process such special categories of personal data in accordance with our Privacy Policy which is available at <https://www.housingsolutions.co.uk/cookies/privacy/>. By signing in the space provided below, you and every individual over the age of 16 named in this Data Collection Form are providing your specific consent to us processing the special categories of personal data submitted in this Data Collection Form for the purposes set out above.

Address

Signed

Printed

Date

Incoming customer

Signed

Printed

Date

Incoming customer (if joint tenancy)

Signed

Printed

Date

Other occupier of the property

Signed

Printed

Date

Witnessed on behalf of Housing Solutions

Appendix 3 – Individual’s Rights

In addition to the 7 principles, the UKGDPR creates and strengthens rights for individuals. The UKGDPR provides the following rights for individuals:

- i) The right to be informed
- ii) The right of access
- iii) The right to rectification
- iv) The right to erasure
- v) The right to restrict processing
- vi) The right to data portability
- vii) The right to object
- viii) Rights in relation to automated decision making and profiling.

i) The right to be informed

The right to be informed encompasses Housing Solutions' obligation to provide 'fair processing information', typically through a privacy notice. It emphasises the need for transparency over how we use personal data. Table 1 below summarises the information that we are required to supply to individuals and Table 2 states when:

Table 1
























What information must be supplied?	Data obtained directly from data subject	Data not obtained directly from data subject
Identity and contact details of the controller and where applicable, the controller's representative) and the data protection officer		
Purpose of the processing and the lawful basis for the processing		
The legitimate interests of the controller or third party, where applicable		
Categories of personal data		
Any recipient or categories of recipients of the personal data		
Details of transfers to third country and safeguards		
Retention period or criteria used to determine the retention period		
The existence of each of data subject's rights		
The right to withdraw consent at any time, where relevant		
The right to lodge a complaint with a supervisory authority		
The source the personal data originates from and whether it came from publicly accessible sources		
Whether the provision of personal data part of a statutory or contractual requirement or obligation and possible consequences of failing to provide the personal data		
The existence of automated decision making, including profiling and information about how decisions are made, the significance and the consequences.		

Table 2

	Data obtained directly from data subject	Data not obtained directly from data subject
When should information be provided?	At the time the data are obtained.	Within a reasonable period of having obtained the data (within one month)
		If the data is used to communicate with the individual, at the latest, when the first communication takes place; or
		If disclosure to another recipient is envisaged, at the latest, before the data is disclosed.

ii) The right of access

Individuals will have the right to obtain:

- confirmation that their data is being processed;
- access to their personal data; and
- other supplementary information (this largely corresponds to the information that should be provided in a privacy notice).

A significant change in this area of legislation is that information must now be provided free of charge (unless a request is manifestly unfounded, excessive or particularly repetitive, in which case a ‘reasonable fee’ can be charged). Additionally, the timescales to supply information requested via a subject access request has reduced from 40 days to being provided “without delay” and at the latest within one month.

iii) The right of rectification

Individuals are entitled to have personal data rectified if it is inaccurate or incomplete. If Housing Solutions have disclosed the personal data in question to third parties, we must inform them of the rectification where possible. We must also inform the individuals about the third parties to whom the data has been disclosed where appropriate.

Rectification requests must be responded to within one month, although this can be extended by two months where the request is complex.

iv) The right to erasure

Known as 'the right to be forgotten', this enables an individual to request the deletion or removal of personal data where there is no compelling reason for its continued processing, specifically:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- When the individual withdraws consent.
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing.
- The personal data was unlawfully processed (ie otherwise in breach of the UKGDPR).
- The personal data has to be erased in order to comply with a legal obligation.
- The personal data is processed in relation to the offer of information society services to a child.

It is important to note that if the personal data in question has been disclosed to third parties, Housing Solutions must inform them about the erasure of the personal data (unless it is either impossible or involves disproportionate effort).

Housing Solutions can refuse to comply with a request for erasure for the following reasons:

- to exercise the right of freedom of expression and information;
- to comply with a legal obligation for the performance of a public interest task or exercise of official authority.
- for public health purposes in the public interest;
- archiving purposes in the public interest, scientific research historical research or statistical purposes; or
- the exercise or defence of legal claims.

v) The right to restrict processing

Individuals have the right to 'block' or suppress processing of personal data in the following circumstances:

- Where an individual contests the accuracy of the personal data, we should restrict the processing until we have verified the accuracy of the personal data.
- Where an individual has objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and we are considering whether Housing Solutions legitimate grounds override those of the individual.
- When processing is unlawful and the individual opposes erasure and requests restriction instead.
- If we no longer need the personal data but the individual requires the data to establish, exercise or defend a legal claim.

It is important to note that if the personal data in question has been disclosed to third parties, Housing Solutions must inform them about the restriction of processing, unless it is impossible or involves disproportionate effort. The individual must be informed when if a decision is made to lift a restriction on processing.

vi) The right to data portability

Individuals have the right to obtain and reuse their personal data for their own purposes across different services. Essentially, this allows individuals to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability.

The right to data portability only applies:

- to personal data an individual has provided to a controller;
- where the processing is based on the individual's consent or for the performance of a contract; and
- when processing is carried out by automated means.

Information must be provided free of charge and in a structured, machine readable, commonly used format (such as a CSV file). If the individual requests it, Housing Solutions may be required to transmit data directly to another organisation (if this is technically feasible). If the personal data concerns more than one individual, it is important to consider whether providing this information would prejudice the rights of any other individual.

As with other rights, we must respond without undue delay and within one month at the latest (although this can be extended by two months if the request is complex or if numerous requests are received at one time).

vii) The right to object

Individuals have the right to object to the following, based on "grounds relating to his or her particular situation":

- processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling);
- direct marketing (including profiling); and
- processing for purposes of scientific/historical research and statistics.

Housing Solutions must cease processing the personal data unless:

- you can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual; or
- the processing is for the establishment, exercise or defence of legal claims.

viii) Rights related to automated decision making and profiling

The UKGDPR provides safeguards for individuals to ensure that a potentially damaging decision is not taken without human intervention. Individuals have the right not to be subject to a decision when:

- it is based on automated processing; and
- it produces a legal effect or a similarly significant effect on the individual.

Housing Solutions must ensure that individuals are able to:

- obtain human intervention;
- express their point of view; and
- obtain an explanation of the decision and challenge it.

Specifically, automated decisions must not:

- concern a child; or
- be based on the processing of special categories of data unless:
 - we have the explicit consent of the individual; or
 - the processing is necessary for reasons of substantial public interest on the basis of EU / Member State law. This must be proportionate to the aim pursued, respect the essence of the right to data protection and provide suitable and specific measures to safeguard fundamental rights and the interests of the individual.

This right does not apply when a decision does not have a legal or similarly significant effect on someone, or if the decision:

- is necessary for entering into or performance of a contract between you and the individual;
- is authorised by law (eg for the purposes of fraud or tax evasion prevention); or
- based on explicit consent.

This right also defines how organisations' should handle profiling based on personal data, in particular personal data that is evaluated to analyse or predict individuals':

- performance at work;
- economic situation;
- health;
- personal preferences;
- reliability;
- behaviour;
- location; or
- movements.

When processing personal data for profiling purposes, Housing Solutions must:

- Ensure processing is fair and transparent by providing meaningful information about the logic involved, as well as the significance and the envisaged consequences.
- Use appropriate mathematical or statistical procedures for the profiling.
- Implement appropriate technical and organisational measures to enable inaccuracies to be corrected and minimise the risk of errors.
- Secure personal data in a way that is proportionate to the risk to the interests and rights of the individual and prevents discriminatory effects.