



Dunbritton Housing Association Limited

Name of Policy	Privacy Policy
Responsible Officer	Corporate Services Manager
Date approved by Board	May 2021
Date of next Review	May 2024
Section	Corporate Services
Reference	C17

We can produce information, on request, in large print, Braille, tape and on disc. It is also available in other languages. If you need information in any of these formats, please contact us on 01389 761486

Contents.

Section		Page
1.	Introduction	3
2.	Legislation	3
3.	Data	3
4.	Processing of Personal Data	3-4
5.	Data Sharing	4
6.	Data Storage and Security	5
7.	Breaches	5
8.	Data Protection Officer	5
9.	Data Subject Rights	5
10.	Privacy Impact Assessments	5
11.	Archiving, Retention and Destruction of Data	5
12.	Equality & Diversity	6

1. Introduction

Dunbritton Housing Association (DHA) is committed to ensuring the secure and safe management of data held in relation to customers, staff, and other individuals. All staff members have a responsibility to ensure compliance with the terms of this policy, and to manage individuals' data in accordance with our procedures. This Policy sets out our duties in processing this data.

DHA gathers and uses information about individuals. This can include customers (tenants, factored owners etc.), employees and other individuals that DHA has a relationship with. The data we collect and manage contains Personal Data and Sensitive Personal Data (known as Special Categories of Personal Data under the GDPR).

2. Legislation

We are required in accordance with the relevant legislation to process data safely and correctly. The relevant legislation includes:

- The General Data Protection Regulation (EU) 2016/679 (GDPR)
- The Privacy and Electronic Communications (EC Directive) Regulations 2003 (as may be amended by the proposed Regulation on Privacy and Electronic Communications)
- The Freedom of Information (Scotland) Act 2002

3. Data

3.1 DHA holds a variety of Data relating to individuals, including customers and employees (also referred to as data subjects) which is known as Personal Data. The Personal Data held, and processed by the Association, for customers, is detailed within our 'Fair Processing Notice'; and employees will also be issued with a FPN and an addendum to their contract of employment 'Personal Data' – a person can be identified by that data alone, or in conjunction with other data held by the Association. This data may also include information that is sensitive in nature. (i.e., relates to or reveals a data subject's racial or ethnic origin, religious beliefs, political opinions, relates to health or sexual orientation). This is "Special Category Personal Data" or "Sensitive Personal Data".

4. Processing of Personal Data

4.1 DHA is permitted to process Personal Data on behalf of data on the following grounds:

- With the consent of the data subject.
- Entering into or the performance of a contract
- Compliance with a legal obligation.
- To protect the data subject or another person.
- A task carried out in the public interest or in the exercise of the Association's official authority, or Legitimate interests.

42 Fair Processing Notice (FPN)

- The FPN will be provided to the customer from the outset of processing their Personal Data.

43 Employees

- Details of data held, and processing of that data, is contained within the Employee FPN.
- A copy of any employee's Personal Data held by the Association is available upon written request by that employee from the Association's Corporate Services Manager.

44 Consent

- Any consent obtained by the Association must be freely given and for a specific and defined purpose. All consent will be acquired in an 'opt-in' format and the data subject will be advised as to how they can withdraw this consent.

45 Processing of Special Category Personal Data or Sensitive Personal Data In these circumstances DHA must process data when necessary:

- For carrying out obligations or exercising rights related to employment or social security.
- To protect the vital interest of the data subject or, if the data subject is incapable of giving consent, the vital interests of another person.
- For the establishment, exercise, or defence of legal claims, or whenever court are acting in their judicial capacity; and
- For reasons of substantial public interest.

5. Data Sharing

5.1 DHA shares its data with various third parties for numerous reasons in accordance with our relevant policies and procedures. To ensure compliance with GDPR by third parties we will enter into Agreements which govern the processing of data, security measures to be implemented and responsibility for breaches.

6. Data Processors

6.1 A data processor is a third party that processes personal data on behalf of the Association. They must comply with GDPR and ensure they have appropriate technical security measures in place, maintain records of processing activities and notify the Association if a data breach is suffered.

6.2 If a data processor wishes to sub-contact their processing, prior written consent of the Association must be obtained. Upon a sub-contracting of processing, the data processor will be liable in full for the data protection breaches of their sub-contractors. Where DHA contracts with a third party to process personal data held by us, we shall require the third party to enter into a Data Protection Addendum with the Association.

7. Data Storage and Security

7.1 All Personal Data held by the Association will be stored securely, whether electronically or in paper format and safely disposed in line with the Association's storage and disposal procedures.

8. Breaches

8.1 A data breach can occur at any point when handling Personal Data and the Association will implement its Data Breach Procedures as and when required.

9. Data Protection Officer (DPO)

9.1. DHA will appoint a Data Protection Officer who will have responsibility to ensure that we are compliant with the GDPR. This role will include compliance and liaison with the Information Commissioner's Office (ICO).

10. Data Subject Rights

10.1 DHA will ensure in its procedural guidelines that it fully complies with all rights and responsibilities that are provided to individuals under the GDPR. These will include:

- Subject Access Requests
- The Right to be Forgotten.
- The Right to Restrict or Object to Processing

11. Privacy Impact Assessments (PIAs)

11.1 DHA will implement PIAs to mitigate against potential 'high risks' that our operations may have on personal privacy. When required we will consult with the ICO where a 'high risk' cannot be reduced. The DPO will have responsibility for the reporting of these matters within the required timescales.

12. Archiving, Retention and Destruction of Data

12.1 DHA will ensure that all Personal data is archived and destroyed in accordance with the relevant departmental and legal procedures.

13. Equality and Diversity

- 13.1 As a service provider and employer we recognise the requirements of the Equality Act 2010, oppose any form of discrimination, and will treat all customers, internal and external, with dignity and respect. We recognise diversity and will ensure that all of our actions ensure accessibility and reduce barriers to employment and the services we provide.

