

## Introduction

Great Places Housing Group (Great Places) collects and processes personal information about its tenants, customers, board members, employees, employment applicants, housing applicants and suppliers. Personal data is collected, processed, and where required, shared with third parties to effectively meet the requirements of the business, and to ensure we are meeting the individual needs of our stakeholders.

To this end, Great Places is a Data Controller under the terms of the General Data Protection Regulation 2016 (GDPR). Where Great Places are providing services for other providers, we may also act as a Joint Controller or a Data Processor and assume the responsibilities relevant to those roles.

## Context

The GDPR, and the subsequent Data Protection Act 2018 (the UK law which implements the EU Regulation), laid down rules relating to the protection of living individuals with regard to the processing of personal data and rules relating to the free movement of personal data.

The GDPR protects the fundamental rights and freedoms of living individuals and in particular their right to the protection of personal data.

The Regulations are underpinned by the following principles which state that personal data shall be:

1. Processed lawfully, fairly and in a transparent manner in relation to the data subject;
2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
4. Accurate and, where necessary, kept up to date;
5. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
6. Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

We have an overarching responsibility to demonstrate compliance with these principles throughout our organisation and in regard to all personal data that we process. This policy has been developed in accordance with these principles and applies to personal data held in electronic and paper form, and should also be applied to information shared verbally where there is a duty of confidentiality.

## Definitions

For the purpose of this policy, the following definitions apply:

1. **Data Controller** – “the natural or legal person, public authority, agency or other body which, along or jointly with others, determines the purposes and means of the processing of personal data”;
2. **Data Processor** – “the natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller”;

3. **Joint Controller** – “where two or more controllers jointly determine the purposes and means of processing, they shall be joint controllers”;
4. **Personal Data** – “any information relating to an identified or identifiable natural person (data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”;
5. **Special Category Data** – “any information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health, criminal activity, or data concerning a person’s sex life or sexual orientation”;
6. **Processing** – “any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction”.

## Aims & Objectives

The aim of this policy is to:

- Ensure Great Places fulfills its role as a Data Controller or Data Processor in compliance with data protection legislation;
- Ensure that the processing of personal data and special category data of all Data Subjects is managed in accordance with the 6 principles of GDPR (see page 1);
- Outline the obligations of colleagues in relation to data protection;
- Outline the rights of Data Subjects in relation to their personal data.

## What is involved?

### Lawfulness, Fairness and Transparency

Great Places will only collect and process personal and special category data where we have a legitimate and lawful purpose to do so.

There are a number of lawful reasons for processing data contained within GDPR – and the following apply to Great Places:

- a) The Data Subject has given their consent for their personal data to be processed – see “Obtaining and Managing Consent” Procedure;
- b) Processing is necessary for Great Places to be able to deliver on the obligations of a contract (i.e. a tenancy agreement or an employment contract), or to be able to enter into a contract;
- c) Processing is necessary for Great Places to comply with another legal obligation that we are required to comply with (i.e. reporting a safeguarding incident, complying with a Police investigation, reporting benefit / tax / tenancy fraud);
- d) Processing is necessary for life or death reasons (vital interests);

- e) Processing is connected to the legitimate interests of Great Places, except where such interests are overridden by the fundamental rights and freedoms of an individual. This could include, for example, processing information to support an individual to access employment or educational opportunities which would assist in our organisational aim to help people sustain their tenancies.

## **Purpose Limitation**

Great Places will only collect and process data where there is a legitimate purpose for us to do so, and will not use the data collected for any additional purposes without seeking consent from the Data Subject. Our published Privacy Statements provide transparent information to Data Subjects on our purposes and legal bases for processing personal data. All data processing activity is recorded in our Record of Processing Activities as required under Article 30 of the GDPR.

## **Data Minimisation**

Great Places will not collect any personal data which is not necessary in connection to our relationship with the Data Subject. To this end, we are constantly reviewing our data collection methods, forms, etc. to review the contents and to strip out the collection of additional unnecessary data.

## **Accuracy**

Great Places will review and update the personal data we hold about individuals on a regular basis, and during our routine transactions with individuals. We also place a responsibility on individual Data Subjects to inform us if their data is incorrect. Great Places colleagues are able to update their personal information within our HR System, and customers are able to update their data either via the customer portal on the website, or by contacting our Customer Hub.

## **Storage Limitation**

Great Places are committed to upholding a proportionate and appropriate Data Retention Policy which ensures that personal and special category data is kept for no longer than is necessary. Where it is necessary to retain data for archiving purposes, anonymisation methods will be applied to further protect the rights and freedoms of the Data Subject. See the Data Retention Policy for more information.

## **Integrity and Confidentiality**

Great Places has appropriate security measures in place to safeguard the personal and special category data that is processed, and it is the responsibility of all colleagues to ensure that the personal data which they have access to is kept securely and not disclosed to any unauthorised third parties. Where appropriate, pseudonymisation or anonymisation of personal data should be applied to ensure the confidentiality of the data, and encryption tools should be used to protect personal information being transferred outside of Great Places by email. Further detail on this point is available in the Information Security Procedure and the Email Encryption Procedure.

## **Rights of the Data Subject**

Great Places recognise that Data Subjects have the following rights under data protection legislation:

- a) The right to transparent information and communication in relation to the personal and special category data that Great Places process (Article 13). We publish Privacy Statements which provide the following information to the Data Subject;

- The contact details of the Data Controller
  - The contact details of the Data Protection Officer
  - The reasons why personal data is processed, including the legal basis for the processing
  - Details of any third parties who data is shared with
  - Details of any international data transfers
  - Their rights under Data Protection legislation, including their right to lodge a complaint with the Information Commissioner's Office
- b) The right to access to any personal or special category data processed by Great Places or our Data Processors (Article 15);
- c) The right to rectification of inaccurate personal data (Article 16);
- d) The right to erasure, otherwise known as the right to be forgotten, where the data processed by Great Places is no longer lawful or necessary, or was based on consent that has since been withdrawn (Article 17);
- e) The right to restriction of processing where the accuracy or lawfulness of the data is contested (Article 18);
- f) The right to data portability, i.e. the right to receive personal data in a structured, commonly used, machine readable format (e.g. a CSV file) or to have that data transmitted to another Data Controller (Article 20);
- g) The right to object to Great Places continuing to process their data where there is no longer a legitimate reason for us to do so (Article 21);
- h) Rights related to automated decision-making and profiling where the automated decision could have a significant impact on them, and the associated right to request that a human reviews the decision made electronically (Article 22).

A Data Subject can express any of the above rights in any manner that they choose, but verification processes must be followed to ensure that data is not shared with the wrong person.

Great Places must respond, in full, to any expression of an individual's request within 1 calendar month. Where Great Places are unable to respond in full within 1 calendar month due to the size or complexity of the request, the Data Subject should be informed before the end of the first month of any additional time required.

More information on responding to the rights of individuals can be found in our Data Subject Rights Procedures.

## Exemptions

The GDPR and the Data Protection Act 2018 contain a number of exemptions or restrictions which allow for Great Places to process information outside of the "usual" confines of the law. Such exemptions include, but are not restricted to:

- The prevention, detection or prosecution of criminal offences;
- Taxation, public health or social security purposes;
- The protection of judicial independence and judicial proceedings;
- Matter of public security, national security or defence;
- The safeguarding of children or individuals at risk.

## Personal Data Breaches

In the event that a data breach occurs, either accidentally or via malicious action, Great Places are obliged to conduct an investigation to determine the likely consequences of the breach, and the risks to the rights and freedoms of the Data Subject(s) who the data relates to. Based on the outcome of the investigation, and where it is determined that the breach poses a risk to the rights and freedoms of those involved, the Data Protection Officer should notify the Information Commissioner's Office within 72 hours. Where a high risk has been identified, steps will also be taken to communicate directly with the Data Subject(s) who the data relates to. More information is contained within the Personal Data Breach Investigation Procedure.

## Data Protection Impact Assessments

Where Great Places are considering the implementation or adoption of a new process or system that may result in an increased impact on privacy, we will carry out a Data Protection Impact Assessment to determine whether there are any alternative methods available which would minimise the risks to the rights and freedoms of individuals.

Where an impact assessment indicates that a new process or system poses a high risk to individuals that cannot be mitigated, Great Places will seek prior consultation with the Information Commissioner's Office to gain their advice. More information is contained within the Data Protection Impact Assessment Procedure.

## Sharing Personal Data

We may be required to share data with third parties to deliver our services or to fulfil our legal obligations. We inform Data Subjects of the identity or category of these third parties at the point we collect their data within our published Privacy Statements. When engaging third parties in processing personal data, we conduct a risk assessment to enable us to review their commitment to data protection and the terms of the data sharing are documented within a Data Sharing Agreement.

We have clear processes in place to identify Data Subjects to prevent the unauthorised disclosure of data. This includes processes to verify the identity of any third party advocates. Any requests for information from a third party are reviewed and verified prior to disclosing personal information.

## Transfer of Personal Data

Under GDPR, transferring personal data outside of the European Economic Area will only take place if:

- a) The country in question have an "adequacy decision" meaning that it has been determined by the European Commission that the country has an adequate level of protection, and commitment to data protection principles – advice on which countries currently have an adequacy decision can be found [HERE](#);
- b) The organisation that you propose to transfer the data to has provided evidence of appropriate safeguards or binding corporate rules across their group-wide structure which are consistent with GDPR obligations;
- c) The Data Subject has explicitly consented to the proposed transfer, or has requested it themselves for the performance on a contract (i.e. an employee moving to another country who has requested that employment references are provided to their new employer)

Great Places transfer data to a small number of international data processors (e.g. Survey Monkey) who are compliant with the rules above.

## **Who will be involved?**

### Data Protection Officer

As an organisation that a) regularly and routinely monitor Data Subjects on a large scale through the use of CCTV cameras in all offices and schemes, and b) carry out large scale processing of special category data to determine an applicant's suitability for re-housing, Great Places are obliged to appoint a Data Protection Officer who is responsible for:

- Informing and advising the organisation on their obligations in relation to Data Protection;
- Monitoring compliance with the regulations, and with the policies and procedures of the organisation;
- Providing advice where requested regarding data protection impact assessments;
- Leading on personal data breach investigations, and the decision to report high risk breaches to the Information Commissioner's Office;
- Cooperating with the Information Commissioner's Office, and acting as the main point of contact for the Regulator.

The Data Protection Officer is bound by confidentiality concerning the performance of this task, and shall have a direct route to the Chief Executive or the Chair of the Board in relation to the exercise of this task.

Great Places have appointed the Head of Business Assurance to fulfil this role, and have appointed a Data Protection Coordinator to support in the delivery of this task.

### Colleagues

All colleagues are responsible for the safe and secure processing of personal and special category data. Colleagues are responsible for completing the mandatory training provided by Great Places, and for implementing the policies and procedures relating to Data Protection, and using the tools provided (such as email encryption) where required.

### Executive Directors & Directors

The senior leadership team is responsible for ensuring that appropriate resources are invested in the delivery of this policy, and that Data Protection is given a high priority across the organisation.

### Board Members

The Board is responsible for providing appropriate governance oversight in relation to the obligations of the organisation as a Data Controller.

### Third Party Organisations as Data Processors

Any third party organisations acting as Data Processors for Great Places will be expected to sign a Data Processing Agreement to manage this relationship and the expectations associated with this function.

## Freedom of Information Act

As Great Places is not a public body, we are not directly obligated to abide by the requirements of the Freedom of Information Act 2000. However, where we are delivering service on behalf of a public body i.e. under the Oldham PFI contract, colleagues should be aware that any data processed in relation to this type of service could be made public under any request of this nature.

## Links to Related Procedures

Data Subject Rights Procedures  
Data Protection Impact Assessment Procedure  
Personal Data Breach Investigation Procedure  
Information Security Policy  
Email Encryption Procedure  
Obtaining and Managing Consent Procedure  
Document Retention Policy  
Privacy Statements

## Equality Impact Assessment

1. Is this a key strategic document, major policy or procedure or service change? Examples may include: Homeless Strategy/ Customer Involvement Strategy	YES		NO	
			✓	
2. What impact will your document or service delivery change have on the public or staff, giving particular regard to potential impacts on minority groups? Issues to consider include race, disability, gender, sexual orientation, religion, age, carers and other socio-economic factors	HIGH	MEDIUM	LOW	DON'T KNOW
			✓	
3. Please explain your answer: Provide a narrative explaining why you gave the impact rating above.	This policy provides the organisation with guidance on compliance with law and, while it does relate to the processing of personal (protected characteristic) data, it is not about directly providing a service to individuals.			

Policy Approval Date:	14 <sup>th</sup> January 2021
Equality Impact Assessment Date:	Not applicable
Safeguarding impact	Not applicable
Policy Review Date:	January 2024
Lead Team:	Business Intelligence Team
Level of Authorisation Required:	Directors

