

## **EastendHomes**

### **DATA PROTECTION POLICY**

#### **1. STATEMENT OF INTENT**

- 1.1 This policy sets out EastendHomes approach to complying with the General Data Protection Regulation 2018 (GDPR). This compliance applies to all personal data held by EeH for all identifiable living person. Personal information held about our customers will be handled sensitively and confidentially by all staff, agents and members of our forums, committees and Boards.
- 1.2 All staff, agents and members of our forums, committees and Boards must comply with this policy. EastendHomes will process personal data in accordance with eight principles which can be summarised as follows:
- data will be obtained, held and processed fairly and lawfully
  - data will held for a specific purposes and only used for those purposes
  - data held should be accurate, relevant, and kept up to date. data should be corrected , if known to be inaccurate
  - data will not be retained for longer than is necessary and disposed of when no longer required, in line with EeH document retention and disposal policy
  - Appropriate measures will be taken to keep data secure
  - data will, on request, be made available to the data subject

#### **2. Policy Objectives**

- 2.1 The objectives of this policy are –
- a) Ensuring compliance with GDPR and regulatory requirements
  - b) Ensuring all EeH staff are made aware of and understand the importance of data protection.
  - c) Ensuring the protection of all personal and sensitive data held about both staff and customers.
  - d) Ensuring all data subjects are able to access their own personal and sensitive data within statutory or regulatory timescales
  - e) To adopt Annual review of the policy
  - f) Enable procedures to be adopted by EeH for staff, agents, contractors, forum, committee and Board members with reference to disclosure of personal data
  - g) Allow for necessary data protection training for all staff, that is updated when required by significant changes to data protection guidance.
- 2.2 EastendHomes recognises that personal data is confidential and that unauthorised disclosure is a breach of contract and an offence.

- 2.3 Any information held by EastendHomes that is personal to an individual or individuals and is of a sensitive nature will be regarded as confidential. EastendHomes will ensure that access to confidential information is strictly limited on a '*need to know*' basis.
- 2.4 Staff should ensure that all hard copy confidential and personal data they hold is stored securely when away from their desk.

### **3. IMPLEMENTATION**

3.1 The General Data Protection Regulation 2018 (GDPR) applies to personal data, i.e. data about any identifiable living individuals. EastendHomes officers will comply with the rules of good information handling, known as the data protection principles, and other requirements of the GDPR when processing data.

#### **3.2 Staff**

- 3.2.1 A guide to data protection will be issued to all employees and EastendHomes expects compliance with it.
  - 3.2.2 All staff involved in processing and handling of data will receive training on the GDPR, Data Protection Act and the Human Rights Act as it applies to data protection as soon as possible following starting their employment. Existing staff will receive refresher training every two years, or sooner if changes to legislation require.
  - 3.2.3 All EastendHomes staff will receive data protection training as part of their induction, including a copy of EastendHomes Data Protection Guide.
  - 3.2.4 EastendHomes data protection related guides, policies and procedures will be available to all staff on a shared drive.
  - 3.2.5 Disciplinary action will be taken against staff found to be contravening this policy.
- 3.3 Any EastendHomes staff member processing personal data will comply with the data protection principles of good practice.
- 3.4 EastendHomes will nominate a Data Protection Officer with responsibility for data protection. This officer will be either a Head of Service or Member of Executive Management Team and is responsible for ensuring compliance with this policy and all statutory requirements, and for arranging staff training.
- 3.5 EastendHomes will maintain a registration with the Information Commissioner's Office (or any subsequent authority), to be entered on the register as a Data Controller. This registration will be renewed annually and

compliance with the requirements checked by the nominated officer. EastendHomes will report any instances where there is a breach, or suspected breach, of data protection to the Information Commissioner's Office. EastendHomes will take appropriate action to remedy the breach and to enact any recommendations or requirements of the Information Commissioner's Office in response to a breach.

- 3.6 EastendHomes recognises that it retains responsibility under the GDPR/ Data Protection Act for the personal data which is held, including where this data is being processed on its behalf by a third party.
- 3.7 EastendHomes operates a number of CCTV security systems located in blocks and communal areas. These will be managed in accordance with the Code of Practice published by the Information Commissioner's Office to ensure that there is no conflict between the security benefits attained through such devices and the principles of data protection.
- 3.8 In accordance with a protection principle, EastendHomes will take appropriate measures to ensure that its IT systems store data in a secure manner. This will include providing staff with guidelines on the use of IT systems, such as the use of passwords and appropriate encryption on portable or personal devices which may have access to data
- 3.9. East End Homes website will operate in accordance with the Privacy and Electronic Communications Regulations (PECR) (2003 and any other subsequent or related statutory requirements.

#### **4. DISCLOSURE OF INFORMATION**

- 4.1 Information held about individuals will not be disclosed to third parties without the individual's written consent, except in cases where EastendHomes has a legal or statutory duty to do so, or where passing on relevant information would be essential to carrying out duties. EastendHomes' tenancy agreements and leases will contain clauses explaining the circumstances under which information may be shared with third parties. In addition, as per the responsibilities under the Gender Recognition Act 2004, EastendHomes will not reveal via a disclosure to a third party that somebody has an acquired gender different to their birth gender.
- 4.2 EastendHomes may use third parties to process data held in fulfilling key functions, such as printing of statements, where such arrangements allow functions to be carried out more efficiently. Where such partnerships are entered into, EastendHomes will put in place the necessary contractual arrangements to ensure that data protection principles are followed, and due regard is given to both this policy and the relevant legislation. This will include requiring any processing organisation to hold a registration with the

Information Commissioner's Office. Any such arrangement will not preclude EastendHomes' responsibilities as the Data Controller.

- 4.3 EastendHomes will allow disclosure of information to:
- Comply with its legal obligations (e.g. the police, Inland Revenue, Council Tax Registration Office or a court order.) Where there is a Health and Safety risk (for example, a customer with a history of violence and when other social services professionals are involved).
  - Where there is evidence of fraud
  - To enable court or statutory action in relation to enforcing lease, licence or tenancy conditions
  - To utility companies of the name and occupancy date of licensees, leaseholders or tenants, when the customer is responsible for direct payment of the utility. This is subject to the licensee, leaseholder or tenant having consented to the release of the information to organizations carrying out research or collecting statistical information providing it is not possible to identify the individual to whom the released information relates (for example: CORE returns, Gabriel reporting).
  - Where EastendHomes is permitted under the terms of the GDPR
  - Where EastendHomes staff, forum, committee or Board Members have made a declaration of interest.
  - Where any member of staff has concerns about a resident under the Safeguarding Policy.
  - When operating as a partner landlord of Tower Hamlets Common Housing Register in accordance with a Service Level Agreement with the local authority.

All information released must be necessary for the purpose for which it is disclosed.

- 4.4 EastendHomes will regularly renew its commitment to the joint protocol for the controlled exchanged of information for multi-agency problem solving. Current partners include the Metropolitan Police, London Borough of Tower Hamlets and relevant third sector partners.
- 4.5 Information will be given to data subjects when they submit a request in writing or to third parties if written consent has been given for information to be disclosed.
- 4.6 EastendHomes will allow tenants and leaseholders making Subject Access Requests (SAR) to receive information held in their records in plain language and hard copy in accordance with the GDPR/Data Protection Act. EastendHomes will meet such requests within 30 days at nil cost. Exemptions will apply as per 4.7.

- 4.7 Tenants, leaseholders and those making a SAR will not be permitted to view any document which:
- relates to a third party
  - would be prejudicial to their health (e.g. letters from the medical profession, social services etc. which refer to circumstances about which they are unaware)
  - would threaten national security
- 4.8 EastendHomes is not a public body and as such the effects of the Freedom of Information Act 2000, and other legislation relevant to public bodies, do not apply. EastendHomes will respond to any requests for information in accordance with this policy and will take a pragmatic approach to responses, balances the costs of dealing with any requests against the benefits of being transparent in our practices

## **5. Disposal**

- 5.1 All personal data will be disposed of as soon as it is practicable after it is no longer needed and in accordance with EastendHomes Document Retention and Disposal Policy.

## **6. Review**

- 6.1 This policy will be reviewed annually.

## **7. Related Policies**

- Safeguarding Policy
- Customer Care
- Document Retention and Disposal Policy
- Equality and Diversity Policy
- Staff Use of the Internet Policy