WHEELHOUSE SQUARE FLATS

DATA PROTECTION POLICY

Aims of this Policy

Wheelhouse Square Flats (**Charity**) needs to keep certain information (**data**) on its residents, the Charity's Trustees, the Warden and volunteers to carry out its day to day operations to meet its objectives and to comply with legal obligations.

The Charity is committed to ensuring any personal data will be dealt with in compliance with the provisions of the General Data Protection Regulation supplemented by the Data Protection Act 2018 (**Data Protection Regulations**). To comply with the Regulations personal data will be collected and used fairly, stored safely and not disclosed to any other person unlawfully.

The aim of this policy (**Policy)** is to ensure that everyone handling personal data is fully aware of the requirements and acts in accordance with the Data Protection Regulations. This Policy applies to all processing activities whether on paper, electronically or by any other means.

This Policy covers residents, the Charity's Trustees, the Warden and volunteers.

Data Protection Principles

In accordance with the Data Protection Regulations all personal data must be handled in accordance with the Data Protection Principles (**data protection principles**):

- Lawfulness, fairness, and transparency — personal data must be processed on a lawful basis and in a transparent manner;
- Purpose limitation — personal data must be collected for specified, explicit and legitimate purposes and not further processed in an incompatible manner;
- Data minimisation — personal data must be adequate, relevant, and limited to what is necessary for the purposes of processing;

- Accuracy — personal data must be accurate and where necessary kept up to date;
- Storage limitation — personal data must be kept in a form which permits identification of data subjects for no longer than necessary;
- Integrity and confidentiality — personal data must be processed with appropriate technical and organisational security measures; and
- Personal data must not be transferred outside the European Economic Area (EEA).

The Charity is required to demonstrate compliance with the data protection principles.

Definition of the Processing of Personal Data

The definition of 'data' is any information which will be processed or used on or by a computerised system including information contained within a "relevant filing system" of information which includes paper based filing systems. Data can therefore be written, recorded, photographic or digital.

The definition of 'personal data' (**personal data**) is data which relates to an individual (**data subject**) who can be identified:

- from that data; or
- from that data and other information which is in the possession of, or is likely to come into the possession of the Charity and includes any expression of opinion about the individual and any indication of the intentions of the Charity or any other person in respect of the individual.

Examples of personal data include:

- names
- gender
- date of birth
- emails, telephone numbers and personal addresses
- photographs

Some personal data is regarded as 'sensitive data' (**sensitive data**) which means data which relates to sensitive aspects of a data subject's life.

Examples of sensitive data include:

- finances
- physical or mental health
- ethnicity, sexual orientation, religion, marital status etc.
- criminal proceedings or convictions
- religious or other beliefs
- political opinions
- membership of trade unions

The definition of 'processing' (**processing**) is obtaining, using, holding, amending, disclosing, destroying and deleting personal data. This includes paper based personal data as well as that kept on computer.

Lawful Bases for Processing Data

The Charity will only process personal data where the Charity has a lawful basis (**lawful bases**) for doing so under the Data Protection Regulations. The lawful bases the Charity will rely on include:

- Consent — where the data subject has freely given clear and specific informed consent;
- Contract — where processing is necessary to perform a contract made with the data subject or to take pre-contractual steps;
- Legal obligation — where processing is necessary to comply with a legal obligation;
- Legitimate interests — where processing is necessary for the legitimate interests of the Charity or those of a third party and those interests are not overridden by the data subject's rights.

Type of data processed

The Charity processes the following personal data:

- information on applicants for employment including references;

- employee information – including names, gender, dates of birth, contact details, bank account numbers, payroll information, supervision and appraisal records;

- information on the Charity's Trustees – including names, gender, dates of birth, contact details;

- Information on applicants for accommodation – including names, gender, dates of birth, contact details, financial information, next of kin, physical and mental health;

- information on residents – including names, gender, dates of birth, contact details, case notes, financial information, next of kin, physical and mental health;

- information on volunteers – including names, gender, dates of birth, contact details, references, supervision and appraisal records.

Personal data is kept in both paper based and electronic systems.

Groups of people within the charity who will process personal data are:
- the Warden; and
- the Charity's Trustees.

Sensitive personal data will not be shared without consent.

Notification

The need the Charity has for processing personal data are recorded on the public register maintained by the Information Commissioner. The Charity notifies and renews its notification on an annual basis.

If there are any interim changes these will be notified to the Information Commissioner within 28 days.

The name of the **Data Controller** within Wheelhouse Square Flats as specified in its notification to the Information Commissioner is the Secretary to the Board of Trustees of the Charity.

Responsibilities

Under the Data Protection Regulations overall responsibility for personal data in a not for profit organisation rests with the governing body. In the case of the Charity this is the Board of Trustees.

The Board of Trustees delegates tasks to the Data Controller (see above).

The Data Controller is responsible for:

- understanding and communicating obligations under the Data Protection Regulations;
- identifying potential problem areas or risks;
- producing clear and effective procedures; and
- notifying and annually renewing notification to the Information Commissioner plus notifying of any relevant interim changes.

The Warden and the Charity's Trustees who process personal data must ensure they not only understand but also act in accordance with this Policy and the data protection principles (see above).

Policy Implementation

To meet the Charity's responsibilities the Charity's Trustees, the Warden and volunteers will:

- ensure any personal data is collected in a fair and lawful way;
- explain why it is needed;
- ensure that only the minimum amount of personal data needed is collected and used;
- ensure the personal data used is up to date and accurate;
- review the length of time the personal data is held;
- ensure the personal data is kept safely;
- ensure the rights data subjects have in relation to their personal data can be exercised.

The Charity will ensure that:

- everyone managing and handling personal data is trained to do so;
- anyone wanting to make enquiries about handling personal data whether a Charity Trustee, the Warden, or volunteer knows what to do; and
- any disclosure of personal data will be in line with this policy.

Enquiries about handling personal data will be dealt with swiftly and politely.

Training

Training and awareness raising about the Data Protection Regulations and how it is followed at the Charity will take the following forms:

On induction:

- provision of a copy of this Policy and the Charity's CCTV Policy;
- an explanation of the provisions of this Policy and the CCTV Policy; and
- where relevant instructions on not disclosing passwords and keeping filing cabinets locked and the location of keys private.

General training/awareness raising:

- periodic reminders of the terms of this Policy and the CCTV Policy in an appropriate meeting(s) with the Charity's Trustees, the Warden and volunteers.

Privacy Impact Assessment

The Charity considers that its use of personal data is unlikely to result in significant risks for the rights and freedoms of data subjects and therefore that a privacy impact statement is not necessary.

The Charity will ensure that all systems and databases that collect or use personal data are designed to promote privacy protection.

Gathering and checking data

Before personal data is collected the Charity will consider:

- what details are necessary for the Charity's purposes; and
- how long the Charity is likely to need this personal data.

The Charity will inform data subjects whose personal data is collected:

- what the personal data will be used for; and
- who will have access to their personal data (including third parties such as local authorities and other third parties).

The Charity will ensure that personal data kept is accurate and up to date by:

- ensuring that the Charity collects personal data directly from data subjects; and

- actively encouraging the data subjects to update their personal data by notifying the Charity of any changes in their personal data.

Data Security

The Charity will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure. The following measures will be taken:

- personal data on computer will be password protected; and
- the use of a locked filing cabinet for paper copies of personal data.

The Charity will take steps to ensure that all personal data which is no longer required or has become obsolete is securely deleted and destroyed. The following measures will be taken:

- electronic personal data will be permanently deleted from all drives and electronic media;
- computer equipment that is surplus to requirements or obsolete will be disposed of securely; and
- paper based documents will be shredded on site or disposed of as confidential waste

Any unauthorised disclosure of personal data to a third party by a Charity Trustee, the Warden or volunteer may result in:

- the Charity Trustee being held personally liable for any penalty arising for any breach for which they are responsible;
- the Charity Trustee being removed from their office of trustee;
- the Warden being dismissed from their employment; or
- volunteers having their volunteering agreement terminated.

Data Retention

The Charity will not keep personal data for longer than is necessary. This means that:

- a resident's file will be destroyed 2 years after the resident leaves their accommodation or passes away;
- records of complaints/investigations concerning residents will be destroyed 6 years after the resident leaves their accommodation or passes away;
- application forms for unsuccessful applicants for accommodation will be destroyed 2 years after the date of the application;

- Trustees will destroy and delete all Charity documents held within their own records including all computer data and paper copies within12 months of the end of their term of office;
- Employee personal files will be destroyed 6 years after employment ceases.

Data Breach

A personal data breach (**personal data breach**) is any breach of security leading to the accidental or unlawful destruction loss alteration unauthorised disclosure of or access to personal data.

Suspicion of a personal data breach should be reported immediately to the Data Controller of the Charity (see above).

When the Charity becomes aware of a personal data breach protective measures will be taken to effectively mitigate the consequences of the breach.

Any personal data breach by a Charity Trustee, the Warden or volunteer may result in:

- the Charity Trustee being held personally liable for any penalty arising for any breach for which they are responsible;
- the Charity Trustee being removed from their office of trustee;
- the Warden being dismissed from their employment; or
- the volunteer having their volunteering agreement terminated.

Where a personal data breach is likely to result in risk to a data subject's rights or freedoms including damage to reputation, financial loss, loss of confidentiality or other significant economic or social disadvantage the Charity will report the personal data breach to the Information Commissioner's Office within 72 hours of becoming aware of the personal data breach. Where the personal data breach is likely to result in a high risk to individuals the Charity will also notify affected data subjects without undue delay.

Disclosure

The Charity may share personal data with other agencies such as the local authority and other third parties.

The Charity will carry out due diligence on any third party to which personal data maybe provided and ensure that the third party's data protection policies and procedures are adequate.

The Charity will always enter into a written contract with any third party that deals with personal data provided by the Charity and that the contract meets the requirements of the Data Protection Regulations.

The data subject concerned will be made aware in most circumstances how and with whom their personal data will be shared. There are circumstances where the law allows personal data to be disclosed (including sensitive data) without the data subject's consent.

These are:

- carrying out a legal duty or as authorised by the Secretary of State;
- protecting vital interests of an individual or other person;
- the individual has already made the information public;
- conducting any legal proceedings obtaining legal advice or defending any legal rights;
- monitoring for equal opportunities purposes – i.e. race, disability or religion; and
- providing a confidential service where the data subject's consent cannot be obtained or where it is reasonable to proceed without consent: for example where the Charity would wish to avoid forcing stressed or ill data subjects to provide consent signatures.

The Charity regards the lawful and correct treatment of personal data as very important to successful working and to maintaining the confidence of those with whom it deals.

Subject Access Requests

Any data subject whose personal data the Charity processes has the right to:

- know what personal data (including both electronic and paper records) the Charity holds and processes on them;

- how to gain access to this personal data;
- how to keep personal data up to date;
- how to delete or erase personal data (the so called “right to be forgotten”) when it is no longer necessary or consent has been withdrawn; and
- what the Charity is doing to comply with the Data Protection Regulations.

Data subjects also have the right to prevent processing of their personal data in some circumstances and the right to correct rectify block or erase personal data regarded as wrong.

Data subjects have a right under the Data Protection Regulations to request access personal data being kept about them and a right to request that personal data be rectified if inaccurate or incomplete. Any data subject wishing to exercise either of these rights should apply in writing to the Data Controller c/o The Warden’s Office. Wheelhouse Square Flats, Dean Road, Scarborough YO12 7SP.

No fee is payable unless the request is considered to be manifestly unfounded, excessive or repetitive in which event an administrative charge will be made to cover the administration costs involved.

The following information will be required before the request is considered:

- the full name and contact details of the data subject making the request; and
- the ’s relationship with the Charity (such as former/ current resident, Warden, Charity Trustee or volunteer)

The Charity may also require proof of identity before the request is granted. If so the following forms of identification will be required:

- passport; or
- birth certificate.

Enquiries about handling personal data will be dealt with swiftly and politely.

The Charity will aim to comply with requests as soon as possible but will ensure compliance within 30 days as required by the Data Protection Regulations from receiving the written request, evidence of identity and if required the administration fee. Where the request is complex or

numerous more time may be required but will be complied with within 2 months. If more than 30 days is required this will be notified before the end of the month.

Review

This policy will be reviewed regularly by the Board of Trustees of the Charity to ensure it remains up to date and compliant with the Data Protection Regulations.