



<b>GOVERNANCE</b>
<b>DATA PROTECTION POLICY</b>
<b>OCT 2020</b>
<b>OCT 2025</b>

<b>Policy on :</b>	<b>Data Protection &amp; GDPR</b>
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<b>Compliant with Charter :</b>	<p>The Association aims to comply with the SSHC Charter No 2 : Communication.</p> <p>“tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.</p> <p>Scottish Social Housing Charter SSHCH 1: Social landlords perform all aspects of their housing services so that: Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services</p>
<b>Compliant with New Regulatory Framework:</b>	<p>The Association aims to comply with Regulatory Standard 2</p> <p>“The RSL is open about and accountable for what it does. It understands and takes account of needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.</p>
<b>Compliant with Tenant Participation Strategy:</b>	<b>N/A</b>
<b>Compliant with Equal Opportunities :</b>	<b>YES</b>
<b>Compliant with Budget/Business Plan :</b>	<b>YES</b>

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## **1. PHA Data Protection Policy Statement**

Paisley Housing Association (hereinafter referred to as 'The Association') recognises that the Data Protection Act 1998 and the General Data Protection Regulations 2016 applicable from 25th May 2018 are important pieces of legislation to protect the rights of individuals and is committed to ensuring the secure and safe management of data held by the Association in relation to customers, staff and other individuals.

Ensuring compliance with the data protection legislation is not simply an issue of operating within the law; it is also about the effective handling and storage of personal information and respecting the interests of individual data subjects. We register with the Information Commissioner Office as a 'Data Controller' under the Data Protection Legislation, and ensure that our practices in the handling of personal information are of a high standard and comply fully with the regulations. Any relevant changes will be notified, in writing, to the Information Commissioner.

Where the Association enters into a contractual relationship with third parties whom we ask to process personal data on our behalf for various reasons (e.g. staff pension schemes), the GDPR defines those third party processors as 'Data Processors'.

Registration details with the Information Commission:  
Paisley Housing Association Registration No: Z6517872

## **2. Data Protection Principles**

Data protection laws describe how organisations must collect, handle and store all personal data. Ensuring compliance is underpinned by the following principles.

Personal data must be:

- processed lawfully, fairly and in a transparent manner in relation to individuals;
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that inaccurate personal data, having regard to the purposes for which they are processed, are erased or rectified without delay;

- 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;
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

In addition to these principles the law requires organisations to be responsible for, and must be able to demonstrate, compliance with the above principles – accountability.

### **3. Definition of personal data**

Personal data is defined as data which relate to a living individual identified

- From this data, or
- From this data and other information which is in the possession of, or is likely to come into the possession of, the data controller
- And includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

### **4. Equality & Diversity**

Paisley HA is committed to providing fair and equal treatment to all our customers and to comply with the Equality Act 2010. The Act established 9 protected characteristics (the grounds on which discrimination is unlawful). These cover age, race, sex, religion/belief, sexual orientation, pregnancy/maternity, gender reassignment, disability and marriage/civil partnership.

### **5. Adhering to the Data Protection Principles**

Paisley Housing Association will comply with our legal obligations and the data protection principles by:

### 5.1 Processing Lawfully and Fairly

Paisley HA will ensure processing of personal data, and special categories, meets the legal basis as outlined in legislation. Individuals will be advised on reasons for processing via a freely available Fair Processing Notice / Privacy Notice. Where data subjects' consent is required to process personal data, consent will be requested in a manner that is clearly distinguishable from other matters, in an intelligible and easily accessible form, using clear and plain language. Data Subjects will be advised of their right to withdraw consent and the process for Data Subjects to withdraw consent will be simple.

### 5.2 Purposes

Personal data will only be used for the original purpose it was collected for. These purposes will be clear to the data subject. If Paisley HA wish to use personal data for a different purpose, we will notify the data subject prior to processing.

### 5.3 Adequate and Relevant Data

Paisley HA will only collect the minimum personal data required for the purpose. Any personal data discovered as excessive or no longer required for the purposes collected for will be securely deleted.

### 5.4 Accurate

Paisley HA will take reasonable steps to keep personal data up to date, where relevant, to ensure accuracy. Any personal data found to be inaccurate will be updated promptly. Any inaccurate personal data that has been shared with third parties will also be updated.

### 5.5 Retention

Paisley HA will hold data for the minimum time necessary to fulfil its purpose. Timescales for retention of personal data are outlined in the Data Retention Schedule. Data will be disposed of in a responsible way to ensure confidentiality and security.

### 5.6 Security

Paisley HA will implement appropriate security measures to protect personal data. Personal data will only be accessible to those authorised to access personal data on a 'need to know' basis. Employees will keep all data secure, by taking sensible precautions and following the relevant Paisley HA policies and procedures relating to data protection.

## **6. Legislation**

The lawful and appropriate management of personal data is extremely

important to Paisley HA.

This policy sets our commitment to protecting personal data and how we will implement this with regards to the collection and handling of personal data as defined in the following legislation:

- General Data Protection Regulations (EU) 2016/679 (GDPR)
- UK Data Protection Act 2018 (DPA2018)
- Privacy and Electronic Communications Regulations (PECR)
- Any legislation that will replace the GDPR in UK law after leaving the European Union.

Failure to comply with data protection legislation could lead to financial penalties, regulatory action, as well as reputational damage

## **7. Processing of personal data – with consent**

The requirement to give consent has been overhauled by the new Regulations and now must be given freely for a specific purpose of processing and by seeking individuals to opt in to providing this consent. It will be used by the Association where no other alternative ground for processing is available.

In the event that the Association requires to obtain consent to process a data subject's Personal Data, it shall obtain that consent in writing. The consent provided by the data subject must be freely given and the data subject will be required to sign a relevant consent form if willing to consent.

Such consent will also be required for use of images in any publications or on our website and we will seek consent for a specific purpose. This will also apply where we are processing personal data obtained from tenant conferences, AGMs, or similar events and we will do so in advance.

## **8. Processing personal data without obtaining consent**

There are other grounds for processing personal data without consent and these include: The Association is permitted to process Personal Data on behalf of data subjects provided it is doing so on one of the following grounds:

- Processing is necessary for the performance of a contract between the Association and the data subject or for entering into a contract
- Processing is necessary for the Association's compliance with a legal obligation such as employment details being passed to HMRC
- Processing is necessary to protect the vital interests of the data

subject, for example dealing with anti-social complaints

- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of the Association's official authority;

or

- Processing is necessary for the purposes of legitimate interests, such as obtaining National Insurance Numbers.

## **9. Security Incident & Breach Management**

Occasionally Paisley HA may experience a personal data breach; this could be if personal data is:

- Lost, for example via misplacing documents or equipment that contain personal data, through human error, or via fire, flood or other damage to premises where data is stored
- Stolen; theft or a result of a targeted attack on our network (cyberattack)
- Accidentally disclosed to an unauthorised individual
- Inappropriately accessed or used

All security incidents or personal data breaches will be reported to the Data Protection Officer (DPO) in the first instance, and then be managed by the DPO in conjunction with the Senior Management Team (SMT). The Information Commissioner's Office and the individuals affected will be notified promptly, if required. Our Data Breach procedure will be followed.

## **10. Individual Rights**

Paisley HA will uphold the rights of data subjects to access and retain control over their personal data held by us.

Paisley HA will comply with individuals':

- **Right to be Informed** – by ensuring individuals are informed of the reasons for processing their data in a clear, transparent and easily accessible form and informing them of all their rights.



- **Right to Access** – by ensuring that individuals are aware of their right to obtain confirmation that their data is being processed; access to copies of their personal data and other information such as a privacy notice and how to execute this right.
- **Right to Rectification** – by correcting personal data that is found to be inaccurate. We will advise data subjects on how to inform us that their data is inaccurate. Inaccuracies will be rectified without undue delay.
- **Right to Erasure** (also known as ‘the right to be forgotten’) - we will advise data subjects of their right to request the deletion or removal of personal data where processing is no longer required or justified.
- **Rights to Restrict Processing** - we will restrict processing when a valid request is received by a data subject and inform individuals of how to exercise this right.
- **Right to Data Portability** – by allowing, where possible, data to be transferred to similar organisation in a machine-readable format.
- **Right to Object** – by stopping processing personal data, unless we can demonstrate legitimate grounds for the processing, which override the interest, rights and freedoms of an individual, or the processing is for the establishment, exercise or defence of legal claims.

This does not stop anyone wishing to make a complaint about the way we handle their personal data. This can be done by following our Complaints procedure. If you still have concerns you can contact the Information Commissioners Office direct on their website [ico.org.uk](http://ico.org.uk).

## **11. Training**

All staff will be aware of good practice in data protection and where to find guidance and support for data protection issues. Adequate and role specific training will be provided regularly to everyone who has access to personal data, to ensure they understand their responsibilities when handling data. This includes awareness training during induction for new staff members.

## **12. Related Policies & Procedures**

The following policies and procedures should be read with this policy:

- Privacy Policy
- Information Security Policy
- Data Breach procedure
- Data Retention Schedule

### **13. Policy Review**

This policy will be reviewed at least every five years, although changes will be made to the policy during the five-year period if required to meet changes in legislation and to address any weakness identified in the policy.