

LANGSTANE HOUSING ASSOCIATION LIMITED

DATA PROTECTION POLICY

1. Policy Statement

Langstane Housing Association is registered in terms of the Data Protection Act 1998 and is totally committed to the principles of that Act. Those principles are reproduced as Appendix 1 to this Policy Statement.

Langstane will put in place procedures for ensuring that all data held is held and processed in accordance with the Act and that all persons with a legitimate interest in the data can access that information within a reasonable timescale, in an intelligible form, and at reasonable costs. Langstane will also introduce a comprehensive set of security measures to ensure that relevant data is held and processed only by relevant staff and that no unauthorised access can be obtained.

2. Equality and Diversity Statement

Langstane Housing Association is actively committed to promoting best practice in the provision of equal opportunities to all, whether tenants, applicants or employees. The Association will constantly review the data held to ensure the manner of its storage or retention does not discriminate against any individual or group. Copies of this Policy, explanations of the data held and statements of the rights of individuals can be made available in alternative format and translated into any required language.

3. Data Controller

The Chief Executive is the Association's Data Controller in terms of the Act. It is his responsibility to ensure that the terms of the Act, the 8 principles, and the requirements of this Policy are fully complied with.

4. Departmental Liaison Officers

Within each of the Departments of Customer Services, Business Development, Finance and the Chief Executive's Department, there are to be appointed persons to act as Departmental Liaison Officers. Their functions are to list the data held within the Department, advise the Data Controller of the information and data held both manual and electronic within the department and to ensure that the data is reviewed regularly for its accuracy and disposed of when no longer required in accordance with the data retention procedure which forms part of this Policy. The Departmental Liaison Officers will also lead on training on IT within their department and advise the Data Controller on the security of access to the data.

5. Data Protection Working Party

The Data Controller and the appointed Departmental Liaison Officers shall collectively form the Data Protection Working Party. This Working Party shall be chaired by the Data Controller, meet from time to time to review the operation of this Policy and to discuss other matters relating to the holding, processing and accessing of data.

6. Data Retention Procedure

Attached as Appendix 2 to this Policy is a list, separated into departments, of the principal data held by the Association. It is not an exhaustive list and the Appendix to the Policy will be reviewed on at least an annual basis. The Appendix also determines the time period beyond which the data will no longer be retained. The Data Controller and the appropriate Departmental Liaison Officer are responsible for ensuring that data held beyond the time limits set out in Appendix 2 are confidentially and satisfactorily destroyed.

7. Rights of Access

The Association recognises the legitimate rights of individuals to be aware of and where appropriate have access to relevant data held concerning them, subject to the rights of third parties. Persons who wish to obtain access to relevant data held concerning them should make application to the Data Controller in writing specifying, as far as possible, the range and type of information sought.

Langstane undertakes, subject to the payment of the appropriate fee and the receipt of a proper request, to issue relevant data held about individuals to that individual within 20 working days. The fee for each individual request will be determined by the Data Controller but should be subject to a maximum of £20 (Twenty Pounds) for one request.

8. Security

In accordance with the principles of Data Protection, staff will be authorised to access and use data only so far as it is appropriate for their jobs or for their understanding of the Association's general policies. Any data, whether manual or electronic, will have access restricted on that basis. For much data held by the Association, it will be entirely appropriate for all staff to have access but commercially or personally sensitive information will have restrictions, the breach of which will be a disciplinary offence.

9. Training

Langstane recognises that all staff will be required to handle relevant data at some stage during the course of their employment and they therefore may be regarded as Data Processors within the meaning of the Act. It undertakes therefore to provide a comprehensive training plan to ensure that everyone concerned understands the implications of the Act and the scope of this Policy and in particular understands the responsibilities placed on them in the processing of data.

10. Policy Adoption and Review

This Policy was adopted by the Committee of Management on 25th March 2002. It was formally reviewed and amended on 22nd June 2009.

Date Approved by Committee of Management: 22nd June 2009

Review Period: 2 Years

Date Due for Review by Committee of Management: June 2011

Appendix 1

DATA PROTECTION POLICY - PRINCIPLES

The processing, retention and control of data in terms of the Data Protection Act 1998 are all subject to 8 principles set out in Part 1 of Schedule 1 to the 1998 Act. The following is a list of the 8 principles.

1. First Principle

“Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless one of the conditions below is met and in the case of sensitive personal data, where the data subject has given explicit consent and the processing is necessary”.

2. Second Principle

“Personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes”.

3. Third Principle

“Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed”.

4. Fourth Principle

“Personal data shall be accurate and, where necessary, kept up to date”.

5. Fifth Principle

“Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes”.

6. Sixth Principle

“Personal data shall be processed in accordance with the rights of data subjects under this Act”.

7. Seventh Principle

“Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of or damage to, “personal data”.

8. Eighth Principle

“Personal data shall not be transferred to any country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedom of data subjects in relation to the processing of personal data”.

Appendix 2

DATA HELD BY DEPARTMENT

| 1. Chief Executive's Department | | |
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| Data Held | Time Period | Justification |
| Minutes of Meetings of Committee of Management and Sub-committees. | Without limit. | To provide permanent record of governing body decisions. |
| Company Data – APSR returns, OSCR returns etc. | Five years. | To enable comparative studies to be carried out. |
| Staff personal files:- | | |
| (a) Letters of appointment and resignation. | Retained for three years after date of termination of employment. | Potential request for references; potential claims. |
| (b) Disciplinary Records. | Dealt with in accordance with Association Policy. | |
| (c) Other correspondence. | Retained for a period specified in (a) above. | |
| (d) Contract Documentation. | Three years after termination of contract. | In the event of legal challenge. |
| (e) General Correspondence. | Retain for three years. | For reasonable research purposes. |
| 2. Customer Services | | |
| Data Held | Time Period | Justification |
| (a) Application for accommodation. | For one year beyond termination of tenancy. | To verify information submitted. |
| (b) Missive of Let. | For three years beyond termination of tenancy. | In the event of legal challenge. |
| (c) General Correspondence. | Files to be inspected annually and data no longer relevant removed. | |
| 3. Business Development | | |
| Data Held | Time Period | Justification |
| New Build Developments:- | | |
| (a) Development Contracts. | Core documents (planning permission, title plan, building contract). Retain without limit. | To evidence legal ownership and promote or resist claims. |
| (b) General Correspondence. | Retain for three years. | To serve as a reasonable record of negotiations. |