

Trafalgar Housing Association

Data Protection Policy

The Data Protection Act 1998 came into force on 1st March 2000. It replaces the Data Protection Act 1984. This act will mean that people have greater control over the information kept about them. To ensure that the Association adheres to the act, this policy has been put in place and will be reviewed regularly. Its main effects are:

- To significantly increase the duties of those who process personal data.
- To increase the rights of the “data subjects”: those who are the subject of data.
- To significantly extend the data covered by the legislation.

Trafalgar Housing will comply with the eight principles of the Data Protection Act.

From October 2001, manual records are subject to the act as well as computer records.

Manual records include records that are contained in a “relevant filing system”.

The three main areas that are affected by this Act are:

- Tenant Files
- Personnel Files
- Closed Circuit Security System

1. Tenant Files

Currently the Association keeps manual and computer records for all current, former and prospective tenants. Information, which is retained includes:

- Tenancy agreement
- Sensitive personal data, like medical conditions, family details etc.
- Correspondence from the Association to tenants.
- Correspondence from tenants to the Association.
- Reports of interviews with the Association staff.
- Rent account and housing benefit information.
- Complaints made by or about the tenant.
- Legal notices.

These records are covered by the Data Protection Act and the tenant has a right to access information kept about them.

It is the responsibility of Trafalgar Housing Association to ensure that tenants files are kept up to date.

If, within the tenants records any sensitive data is held, Trafalgar Housing Association will ensure that explicit agreement is gained from the relevant tenant, unless one of the exceptions listed below applies.

- It's necessary to comply with an employer's legal duty.
- **The processing is carried out by voluntary organisations on its members.**
- It's necessary for the purpose of legal proceedings.
- It's necessary for the administration of justice.
- It's necessary for medical purposes.

Sensitive data includes:

- Racial or ethnic origin.
- Political opinions.
- Religious or similar beliefs.
- Trade union membership.
- Mental or physical health.
- Sex life.
- Criminal record or allegations of criminal conduct.

1.1 Access and Disclosure

Trafalgar Housing Association tenants have a right to know what information is being kept about them. In requesting access to information the following procedure should be followed:

- If a data subject (prospective, current, former tenant) requests access to information, they will be asked to complete a request form detailing the information they wish to access. All requests for access should be recorded.
- On receiving the request, the appropriate section head will ensure that they can locate and provide a copy of the relevant information within 10 days of receiving the request. Legal guidelines suggest 40 days to retrieve information, however the Association ensures to retrieve information as quickly as possible.
- The appropriate section will determine whether in accessing the information any third party will be affected and whether or not it should be disclosed.
- When responding to a request for information the appropriate section head will inform the person:
 - of why the type of information they are requesting is kept and for what purpose it is retained.
 - As to the best method to issue the information, whether it is in written form or in another format which best serves both Trafalgar Housing Association and the tenant.
- If the section head denies the request for access, the following should be noted:

- Identity of the individual making the request along with the date the request was made.
- The reason for refusing the request.
- Signature of the appropriate section head or designated member of staff.

1.2 Information Requests from Third Parties

From time to time other agencies will request information on Trafalgar Housing Association tenants. No request for information should be immediately agreed to unless staff are completely confident they know who they are issuing information to and are satisfied that the information is necessary and being used for legitimate purposes. If unsure, those dealing with the request should ask for a phone number at which they can call the agency back to verify they are legitimate.

Staff have to be satisfied that any information they are issuing will be used for only specified and lawful purposes. Data will not be gathered or released for one purpose e.g. social work and used for another purpose e.g. housing benefit.

Agencies that Trafalgar will release information to will include:

- law enforcement agencies
- Local Authority Departments
- Other RSL's
- Doctor's, GP's etc.
- Lawyers
- Debt recovery agencies
- Communities Scotland

If information is released to any other agency, it will be with the explicit agreement of the tenant.

If a request for information is declined and those requesting the information maintain that Trafalgar Housing Association is under a legal duty to respond, Trafalgar Housing Association should ensure the request is received in writing, indicating clearly where there is a legal obligation by Trafalgar Housing to respond. The Association will then consult its own legal advisor.

2. Closed Circuit Television System

With the installation and utilising of closed circuit television, Trafalgar Housing Association has put in place procedures in order to satisfy the requirement of this act.

Trafalgar Housing Association will operate in conjunction with the Data Protection Commissioner's Codes of Practice in this area.

Trafalgar Housing Association is responsible for the installation, operation and maintenance of the closed circuit television system on the estate. The reasons for the installation of this system are the

prevention, investigation and/or detection of crime to help ensure public and employee safety.

As an organisation Trafalgar Housing Association ensures that:

- a) The cameras are placed correctly in order that they cover the area intended and do not invade on any other areas.
- b) If the cameras do cover any domestic areas, Trafalgar Housing Association will consult the owners of such areas.
- c) Operators of the equipment are aware that the cameras must only be used for the purposes for which they were installed.
- d) Signs are visible and prominent making the public aware of the CCTV system in operation.
- e) Recordings are not kept longer than necessary (one month) and that they are removed and erased correctly.
- f) In the event that recordings are retained for evidence, they will be kept in a secure place.
- g) Any disclosure of recordings to a third party should be limited to appropriate agencies. These include:
 - Law enforcement agencies
 - Prosecution agencies
 - Relevant legal representatives
 - The media, where public assistance is required in a criminal investigation.
 - The people who are being recorded or retained (unless it would prejudice a criminal investigation).

All requests for access should be recorded. All requests for information will be recorded in the Data Protection Register held by the Association by the Director.

Any access or disclosure requests for the CCTV images, the same procedure as above should be followed.

In the case of CCTV images a fee of £10.00 will be applied to access the information.

3. Employee/Employer Relationships

Within Trafalgar Housing Association, each section head is responsible for the keeping of personnel files and ensuring that they are kept up to date.

3.1 Recruitment

All recruitment in Trafalgar Housing Association follows the EVH Code of Conduct for Staff Recruitment and Selection Procedures. However, in compliance with the Data Protection Act 1998 Trafalgar Housing Association will ensure:

- ❑ That Trafalgar Housing Association is identified in the advertisement/application form to ensure the applicant is aware whom they are sending information to and how that information will be used, if it is not already explained.
- ❑ That personal information not relevant to the application will not be sought to make a recruitment decision.
- ❑ The applicant has knowledge that information may be obtained from other sources for verification.
- ❑ That if any “sensitive data” is collected, it will be with the explicit agreement of the applicant.

The EVH code on Selection and Recruitment ensures that methods are used in both the short listing and selection process to produce results that are objective, consistent and fair to those being tested in line with principle one of the act.

Once the successful applicant has been recruited, recruitment records will not be held longer than necessary (four months from date applicants are informed of either shortlist or appointment date). If records are to be retained because applicants may be considered for other vacancies that arise in the future, applicants will be advised of this and will be given the opportunity to refuse.

3.2 Employment Records

Employers are entitled to maintain records of employees to keep under review the ability of employees to undertake the work they are employed for. TRAFALGAR will ensure that:

- ❑ All new and existing staff are aware what information will be kept about them, where it is obtained, how it is used and who it will be disclosed to.
- ❑ Any “sensitive data” which is held will have the explicit agreement from the employee.
- ❑ New employees will be informed of their rights, for example their right to access information kept about them.
- ❑ In recording information for appraisal purposes, Trafalgar Housing Association will ensure that the information recorded will be relevant in that it supports or will inform employment decisions.

In keeping sickness records there is going to be contained within them “sensitive data”. Sickness records are necessary for the employer to keep under review the ability of employees to undertake the work for which they are employed.

3.3 Access and Disclosure

Trafalgar Housing Association employees have a right to know what information is being kept about them.

A request for access to information from a prospective, current or past employee should be in writing (including e-mail).

Trafalgar Housing Association will through the employees line manager or the Director ensure that it can locate and provide a copy of the relevant information within 10 days of receiving the request.

When responding to a request for information Trafalgar Housing Association will inform the person:

- Of the type of information that is kept and for what purpose it is retained.
- As to the best method to give the information, whether it is in written form or in another form which best serves both Trafalgar Housing Association and the employee.

3.4 Information Requests from Third Parties

No request should be immediately agreed to. Those dealing with the request should ask for a phone number at which they can call the agency back to verify they are legitimate. To further ensure the caller is legitimate, asking for a letterhead fax to be sent through is another option.

The agencies which information should be released to are listed previously. If the agencies are looking for information of a sensitive nature Trafalgar Housing Association should obtain the employees explicit agreement before releasing the information.

If a non-routine discipline is granted, Trafalgar Housing Association will ensure that the employee is given a copy of the information that has been disclosed.

If a request for information is declined and those requesting the information maintain that Trafalgar Housing Association is under a legal duty to respond, Trafalgar Housing Association should ensure the request is received in writing indicating where there is a legal obligation by Trafalgar Housing Association to respond.

3.5 Discipline and Dismissal Procedures

If the issue arises that disciplinary procedures are taken against a Trafalgar Housing Association employee, Trafalgar Housing Association will follow the Disciplinary Procedure as set out in EVH's Conditions of Service.

All correspondence and information relating to the investigation will be confidential and the employee will have access to all information collated.

If the disciplinary results in time locked warning it is the responsibility of the Director to ensure that the spent disciplinary warnings are removed from the employees files timeously and correctly.

If the disciplinary results in dismissal Trafalgar Housing Association will ensure that both the employee and Trafalgar Housing Association are clear on the reasons behind the termination and that these reasons are accurately recorded.

3.6 Retaining Information

Information shall not be kept longer than necessary. Below are the guidelines for retention of files as set out by the Data Commissioner.

<input type="checkbox"/>	Application forms	duration of employment
<input type="checkbox"/>	References received	1 year
<input type="checkbox"/>	Payroll and tax information	6 years
<input type="checkbox"/>	Sickness records	3 years
<input type="checkbox"/>	Annual leave records	2 years
<input type="checkbox"/>	Unpaid leave/special leave	3 years
<input type="checkbox"/>	Appraisals	5 years
<input type="checkbox"/>	Records relating to promotion transfer, training, disciplinary matters	1 year from end of employment
<input type="checkbox"/>	References given/info to enable reference to be provided	5 years from reference/end of employment
<input type="checkbox"/>	Summary of record of service	10 years from end of Employment
<input type="checkbox"/>	Records relating to accident or Injury at work	12 years
<input type="checkbox"/>	CCTV Recording	1 month

In addition to this the Association will comply with statutory and recommended retention periods for personnel records. The current guidance is appended for information.

3.7 CCTV

The reason that the Association has CCTV throughout the estate is for safety and security. There is also a camera within the office for this reason.

- The CCTV cameras incidentally gather information on individual staff members whilst carrying out the important landlord function.

- The Association does not use this information to continuously monitor the performance and behaviour of staff.
- The Association will only use the information gathered on staff exceptionally where:
 - Complaints received relating to staff conduct are investigated, in accordance with policy.
 - Unacceptable staff behaviour is identified during the course of examining this information for matters not relating to staff behaviour.

Trafalgar Housing Association

Access Request Form

Please complete this form and return it to the Association offices at:

**Trafalgar House Housing Association
430(a) Dumbarton Road
Dalmuir
CLYDEBANK
G81 4DX**

Surname:

Forenames:

Date of Birth:

Current Address:

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.....**post code**.....

Telephone:

Past Address:

.....

.....**post code**.....

Details of information you would like access to

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Signature:

Date: