



NCHP095 Data Protection Policy

POLICY PURPOSE

This policy is to ensure that Nottingham City Homes Group Employees, Board Members and Contractors are aware of their obligations under Data Protection Act 2018 and the General Data Protection Regulations 2016 (Data Protection Law) that come into force in May 2018.

The policy will assist Nottingham City Homes Group to protect the rights of data subjects and achieve compliance with Data Protection Law.

Document Control

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1. Introduction

As an Arm's Length Management Organisation (ALMO), NCH processes tenant data on behalf of Nottingham City Council (NCC), who are the Data Controllers in this instance. Going forward, NCH will also be the Controllers and Processors of information held by Nottingham City Homes Registered Provider and Nottingham City Homes Enterprises Limited. Under GDPR, both Controllers and Processors are responsible for the complying with data protection requirements. In order to operate efficiently, Nottingham City Homes Group has to collect and use information about people with whom it works. These may include tenants and residents, the general public, clients, customers, suppliers, current, past and prospective employees and Board Members. There are six main areas by which NCH lawfully holds and processes data in order to provide our services:

- Consent of the data subject
- For the performance of a contract ie tenancy agreement
- To comply with a legal obligation ie gas safety checks
- To protect the vital interests of the data subject
- For the performance of a task carried out in the public interest
- For the purpose of a legitimate interest of third parties ie outstanding debts.

NCH is therefore still able to use personal data in order to manage tenancies, collect rent and to organise gas safety checks.

In addition, it may be required by law to collect and use information in order to comply with the requirements of central government. This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means. There are safeguards within Data Protection Law to ensure personal information is protected.

Nottingham City Homes Group regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between Nottingham City Homes Group and those with whom it carries out business. Nottingham City Homes Group will ensure that it treats personal information lawfully and correctly. NCH is still permitted to share data with third parties as long as there is a Data Sharing Agreement entered into, or a signed contract which states that data will be processed in accordance with current data protection legislation. To this end Nottingham City Homes Group fully endorses and adheres to the Principles of Data Protection as set out in the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) and the Data Protection Act 2018 ('Data Protection Law').

2. Scope

Nottingham City Homes Group acting as a holder, known as custodian of personal data, recognises its moral duty to make sure that data is handled properly and confidentially at all times, whether it is held on paper or electronically. This covers the whole lifecycle, including:

- obtaining personal data
- storing and securing personal data
- using personal data

- disposing or destroying of personal data.

Nottingham City Homes Group also has a responsibility to make sure that data subjects have the appropriate access under Data Protection Law, to their personal information upon written request.

3. Policy statement

This Policy applies to all Nottingham City Homes Group Board Members, employees, consultants and contractors who have authorised access to Nottingham City Homes Group IT systems and/or those acting on Nottingham City Homes Group behalf.

4. Definitions

“Consent”	means any freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;
“Data Controller”	means any natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.
“Data Processor”	means the natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.
“Data Protection Law”	means all Law relating to privacy and the processing of personal data, including all applicable guidance and codes of practice issued by the Information Commissioner’s Office or any replacement EU or UK data protection or related privacy Law in force in England and Wales.
“Data Protection Officer (DPO)”	the controller and the processor shall designate a Data Protection Officer in any case where the processing is carried out by a public authority or body.
“Data Subject”	means the individual whom particular personal data is about.
“Data Subject Access Request”	means the right of a data subject to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed and a copy of that information.
Information Commissioner’s Office (ICO)	The Supervisory body that governs Information Rights in England and Wales.

“Personal Data”	means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;
“Personal Data Breach”	means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.
“Personal Data Breach Notification”	means the obligation to notify the personal data breach to the ICO, and in some circumstances the data subject.
“Privacy Impact Assessment (PIA)”	means an assessment of the impact of the envisaged processing operations on the protection of personal data.
“Processing”	means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;
“Profiling”	means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;
“Pseudonymisation”	means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational

	measures to ensure that the personal data are not attributed to an identified or identifiable natural person;
“Recipient”	means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not.
“Restriction on Processing”	Means the marking of stored personal data with the aim of limiting their processing in the future.
“Special categories of personal data”	means personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation
“Subject Access Request”	means a request from a data subject asking whether personal data concerning them are processed or not, why, where and how this is done, and get a copy of the information from a data controller.
“Third party”	means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data;

5. The Data Protection Principles

This Policy aims to ensure compliance with Data Protection Law. This sets out the following principles with which any party handling personal data must comply.

5.1. Lawful, Fair, and Transparent Data Processing

Data Protection Law seeks to ensure that personal data is processed lawfully, fairly, and transparently, without adversely affecting the rights of the data subject. The regulation states that processing of personal data shall be lawful if at least one of the following applies:

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract;
- processing is necessary for compliance with a legal obligation to which the controller is subject;

- processing is necessary to protect the vital interests of the data subject or of another natural person;
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child. *This does not apply to processing carried out by public authorities in the performance of their tasks.*

5.2. Processed for Specified, Explicit and Legitimate Purposes

Data is only collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;

5.3. Adequate, Relevant and Limited Data Processing

Nottingham City Homes Group will only collect and process personal data that is adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');

5.4. Accuracy of Data and Keeping Data Up To Date

Nottingham City Homes Group shall ensure that all personal data collected and processed is kept accurate and, where necessary, kept up to date; every reasonable step will be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');

5.5. Timely Processing

Nottingham City Homes Group will ensure personal data collected and processed is kept no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods in so far as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes. ('storage limitation');

5.6. Secure Processing

Nottingham City Homes Group will ensure that all personal data is collected and 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 ('integrity and confidentiality').

6. Accountability

The DPO for Nottingham City Homes Group is Cathy Dobb
Email address DPO@nottinghamcityhomes.org.uk

Nottingham City Homes Group shall be responsible for, and be able to demonstrate compliance with, Data Protection Law.

7. Data Protection Impact Assessments

A Data Protection Impact Assessment (DPIA) is required if planning a new project or task that involves the processing of personal data and that processing is likely to result in a high risk to the rights and freedoms of natural persons. Nottingham City Homes Group will, prior to the processing, carry out an assessment of the impact of the envisaged processing operations on the protection of personal data.

Prior to commencing a project the project lead will complete the DPIA form. This will identify whether or not mitigating action is required. The form must be sent to informationgovernance@nottinghamcityhomes.org.uk The Governance Officer or DPO will advise the mitigations recorded are sufficient.

The DPIA will address:

- The purpose(s) for which personal data is being processed and the processing operations to be carried out on that data;
- Details of the legitimate interests being pursued by Nottingham City Homes Group;
- An assessment of the necessity and proportionality of the data processing with respect to the purpose(s) for which it is being processed;
- An assessment of the risks posed to individual data subjects; and
- Details of the measures in place to minimise and handle risks including safeguards, data security, and other measures and mechanisms to ensure the protection of personal data, sufficient to demonstrate compliance with Data Protection Law.

The project lead will complete the DPIA and send it to informationgovernance@nottinghamcityhomes.org.uk It will be the responsibility of Manager in consultation with DPO/Governance Officer to analyse the DPIAs and identify Data Protection compliant solutions or risks that may not have been covered. Governance will keep a central log of PIAs.

8. The Rights of Data Subjects

8.1. Keeping Data Subjects Informed

Nottingham City Homes Group will be transparent and inform data subjects of how their data will be processed/used and how data subjects can exercise their rights under Data Protection Law. Nottingham City Homes Group will produce and publish privacy notices as required by the Data Protection Law.

8.2. Data Subject Access

A data subject may make a Subject Access Request ('SAR') at any time to find out more about the personal data which Nottingham City Homes Group holds about them.

All requests for access to personal data from a data subject either externally or internally will be submitted to the Governance Team through the email address informationgovernance@nottinghamcityhomes.org.uk as soon as they are received. Nottingham City Homes Group will provide the data subject with their data once the individual's identity has been verified within one month. This can be extended by up to two months in the case of complex and/or numerous requests, and in such cases the data subject will be informed of the need for the extension.

Nottingham City Homes Group does have the right to refuse, or charge for, requests that are manifestly unreasonable or excessive. If this is the case Nottingham City Homes Group shall notify the data subject of this as soon as possible and in any case within one month of their request being verified.

Nottingham City Homes Group does not charge a fee for the handling of normal SARs. Nottingham City Homes Group reserves the right to charge reasonable fees for additional copies of information that has already been supplied to a data subject, and for requests that are manifestly unfounded or excessive, particularly where such requests are repetitive.

Complaints following the release of a SAR will be dealt with by Nottingham City Homes Group in the first instance. If the data subject is still not satisfied with the handling of their request, they have a right to complain to the ICO.

8.3. Rectification of Personal Data

Individuals are entitled to have their data rectified if it is inaccurate or incomplete. Requests must put in writing addressed to the DPO indentifying the inaccuracy.

Nottingham City Homes Group shall comply within one month of receipt the data subject's notice. This can be extended by up to two months in the case of complex requests, and in such cases the data subject shall be informed of the need for the extension.

If there is a legitimate reason for not complying with this request then Nottingham City Homes Group will inform the individual with the justification and give them the right to complain to the ICO.

If the request is warranted then Nottingham City Homes Group shall ensure that any third parties that they have shared data with lawfully are notified unless this proves impossible or involves disproportionate effort. The controller shall identify those recipients to the data subject if the data subject requests it.

8.4. Erasure of Personal Data

Data subjects have the right to erasure also referred to as 'the right to be forgotten'. In broad terms an individual can request deletion or removal of their personal data in the following circumstances:

- It is no longer necessary for Nottingham City Homes Group to hold that personal data with respect to the purpose for which it was originally collected or processed;
- The data subject wishes to withdraw their consent to Nottingham City Homes Group holding and processing their personal data. This only applies where the condition for processing is based on consent;
- The data subject objects to Nottingham City Homes Group holding and processing their personal data (and there is no overriding legitimate interest to allow us to continue doing so);
- The personal data has been processed unlawfully;
- The personal data needs to be erased in order for Nottingham City Homes Group to comply with a particular legal obligation.

Requests for erasure must be put in writing addressed to the DPO.

Where Nottingham City Homes Group have no reasonable grounds to refuse to erase personal data, all requests for erasure will be complied with, and the data subject informed of the erasure, within one month of receipt of the data subject's request (this can be extended by up to two months in the case of complex requests, and in such cases the data subject will be informed of the need for the extension).

The Data Subject will be informed if there is a legitimate reason for its continued processing along with a justification as to why Nottingham City Homes Group are unable to adhere to the individual's request.

In the event that any personal data that is to be erased in response to a data subject request has been disclosed to third parties, those parties will be informed of the erasure (unless it is impossible or would require disproportionate effort to do so).

8.5. Restriction of Personal Data Processing

In certain circumstances data subjects can request the right to restrict processing of their personal data.

The circumstances include:

- the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data;
- the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
- the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;

- the data subject has objected to processing pursuant to paragraph 8.7 “right to object” pending the verification of whether the legitimate grounds of the controller override those of the data subject.

Requests must be put in writing by the data subject, stating the circumstances around the restriction of processing for example there is an inaccuracy with their data.

If the data subjects request is justified then this will be actioned as soon as practicable and further processing is not permitted.

If the request is warranted, then Nottingham City Homes Group will inform any third parties that Nottingham City Homes Group have shared data with, unless this proves impossible or involves disproportionate effort. The controller shall inform the data subject about those recipients if the data subject requests it.

If the request is identified as not being justified then the individual will be notified within one month of their request.

A data subject who has obtained restriction of processing will be informed by the controller before the restriction of processing is lifted.

8.6. Data Portability

Data subjects have the right to data portability and this allows individuals to reuse their personal data for their own purposes across different services.

The right to data portability applies where the processing is based on consent pursuant to one of the following:

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes.
- the data subject has given explicit consent to the processing of special categories of personal data for one or more specified purposes
- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

Requests must be put in writing addressed to the DPO.

Nottingham City Homes Group will respond to the applicant as soon as possible and in any case within one month. If requests are complex, the period can be extend to two months. However Nottingham City Homes Group will inform the individual as to the extension and why it is necessary.

The data will be provided free of charge.

If Nottingham City Homes Group are not taking action then an explanation will be provided to the individual and they will be informed of their right to complain to the ICO. This will be done within one month.

8.7. Objections to Data Processing

Data subjects have the right to object to Nottingham City Homes Group processing their personal data based on legitimate interests (including profiling), direct marketing (including profiling), and processing for historical research and statistics purposes.

Where a data subject objects to Nottingham City Homes Group processing their personal data based on its legitimate interests, Nottingham City Homes Group shall cease such processing, unless it can be demonstrated that Nottingham City Homes Group has legitimate grounds for such processing and such grounds override the data subject's interests, rights and freedoms; or the processing is necessary for the conduct of legal claims.

Nottingham City Homes Group will inform individuals of their right to object at the first point of communication when they enter into any new arrangement with Nottingham City Homes Group. This right is also covered within Nottingham City Homes Group Privacy Notice.

Data subjects can object to processing for direct marketing purposes at any time. Where a data subject objects to Nottingham City Homes Group processing their personal data for direct marketing purposes, Nottingham City Homes Group shall cease such processing forthwith.

Where a data subject objects to Nottingham City Homes Group processing their personal data for scientific and/or historical research and statistics purposes, the data subject must, under the regulation, 'demonstrate grounds relating to his or her particular situation'. Nottingham City Homes Group is not required to comply if the research is necessary for the performance of a task carried out for reasons of public interest.

8.8. Automated Decision Making

The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning the data subject or similarly significantly affects the data subject.

That right shall not apply if the processing:

- is necessary for entering into, or performance of, a contract between the data subject and a data controller
- is authorised by law and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or
- is based on the data subject's explicit consent.

Nottingham City Homes Group can use anonymised data in its profiling activities as long as the data is such that an individual cannot be identified.

8.9. Profiling

Where Nottingham City Homes Group uses personal data for profiling purposes, the following shall apply:

Data Protection Law has additional rules to protect the data subject if Nottingham City Home Group are carrying out solely automated decision-making that has legal or similarly significant effects on them.

Nottingham City Homes Group will only carry out this type of decision-making where the decision is:

- necessary for the entry into or performance of a contract; or
- authorised by Union or Member state law applicable to the controller; or
- based on the data subjects explicit consent.

Nottingham City Homes Groups must identify whether any of the data subjects processing qualifies as automated decision making, and if so, make sure that Nottingham City Homes Group:

- give individuals information about the processing;
- introduce simple ways for individuals to request human intervention or challenge a decision;
- carry out regular checks to make sure that systems are working as intended.

9. Data Protection Measures

Nottingham City Homes Group has put into place a number of measures to ensure the security of its data processing. Nottingham City Homes Group has implemented technical and organisational measures to provide appropriate protection to the personal data it holds. Some of those measures include:

9.1. Technical

- Encryption on corporate laptops
- Where any personal data is to be erased or otherwise disposed of for any reason (including where copies have been made and are no longer needed), it will be securely deleted and disposed of. Hardcopies will be cross-cut shredded, and electronic copies will be deleted
- Implementing strong passwords on to access computer systems
- Ensuring passwords are changed every three months.
- Having a Firewall which protects networks by controlling internet traffic coming into and flowing out of the business.
- The use of Antivirus and anti-malware software.
- Update programs regularly
- Password protectioned work phones.
- Ensuring data is backed up.
- Ensuring offices are secure by having electronic ID Card access.
- Using secure methods for emailing certain data.

- Encryption on removable media
- The pseudonymisation of personal data
- Personal data must be handled with care at all times and will not be left unattended or on view to unauthorised employees, agents, sub-contractors or other parties at any time;

9.2. Organisational Measures

- The appointment of a Data Protection Officer (DPO)
- Nottingham City Council where it is a joint Data Controller, all employees, agents, contractors, or other parties working on behalf of the Nottingham City Homes Group shall be made fully aware of both their individual responsibilities and our responsibilities under Data Protection Law and under this Policy, and shall be provided with a copy of this Policy if it is requested;
- Nottingham City Council where it is a joint Data Controller and only employees, agents, sub-contractors, or other parties working on behalf of Nottingham City Homes Group that need access to, and use of, personal data in order to carry out their assigned duties correctly shall have access to personal data held by Nottingham City Homes Group
- All employees, agents, contractors, or other parties working on behalf of Nottingham City Homes Group handling personal data will be appropriately supervised;
- Undertaking DPIA's when new ways of working or systems are introduced.
- Undertake annual Data Protection audits.
- Employee training, notices and employee briefings
- Methods of collecting, holding and processing personal data shall be regularly evaluated and reviewed;
- Nottingham City Council where it is a joint Data Controller and all employees, agents, contractors, or other parties working on behalf of Nottingham City Homes Group handling personal data will be bound to do so in accordance with the principles of Data Protection Law and this Policy by contract;
- Where Nottingham City Council is a joint Data Controller or any agent, contractor or other party working on behalf of Nottingham City Homes Group handling personal data fails in their obligations under this Policy that party shall indemnify and hold harmless Nottingham City Homes Group against any costs, liability, damages, loss, claims or proceedings which may arise out of that failure.

10. Transferring Personal Data to a Country Outside the EEA

In the EU, there's a general prohibition on transferring personal data outside the EEA unless the recipient country ensures an "adequate level of protection" for the data.

These restrictions are in place to ensure that the level of protection of individuals afforded by Data Protection Law is not undermined.

Personal data may only be transferred outside of the EU in compliance with the conditions for transfer set out in Data Protection Law.

Any potential transfer must be discussed with the DPO, and cannot take place unless it is authorised.

11. Data Breach Notification

All personal data breaches must be reported immediately to the DPO and/or the Governance Officer, who will maintain a register of data breaches.

Data Protection Law requires Nottingham City Homes Group to notify the ICO of breaches that are likely to result in a risk to people's rights and freedoms within 72-hours of being made aware of the breach. Under certain circumstances an additional notification to the data subjects, may also be required.

Data breach notifications to the ICO shall include the following information:

- The categories and approximate number of data subjects concerned;
- The categories and approximate number of personal data records concerned;
- The name and contact details of Nottingham City Homes Group DPO (or other contact point where more information can be obtained);
- The likely consequences of the breach;
- Details of the measures taken, or proposed to be taken, by Nottingham City Homes Group to address the breach including, where appropriate, measures to mitigate its possible adverse effects.

12. Privacy Notices (PN)

Nottingham City Homes Group shall supply data subjects with Privacy Notices (PNs) that contain specified information. This is in order to meet new requirements about being transparent and providing accessible information to data subjects about how Nottingham City Homes Group are going to use such personal data so that data subjects are fully informed and are aware of how they can exercise their rights under Data Protection Law.

Privacy Notices (sometimes referred to as Fair Processing Notices), set out the information Nottingham City Homes Group will provide to the individual under Data Protection Law. The format they will take depends on whether the information is gained from consent or third parties, or a combination of the two, and whether there is automated profiling or decision making involved.

In all cases, the following information is mandatory in order to be compliant with the first principle of ensuring data is processed lawfully, fairly and in a transparent manner:

- information relating to the identity of the data controller;
- specific reference to the purpose and legal/legitimate basis for processing;
- details of the third parties Nottingham City Homes Group may send the data to;
- details of any transfers to non-EU countries, along with safeguards undertaken;
- include reference to the retention period;
- a list of data subjects' rights;
- the right to complain to the ICO: and

- if relevant, that automated decision making, including profiling, may take place, the basis on which this will happen and the likely effect this will have on the data subject.

Nottingham City Homes Group will have one main Privacy Notice together with individual Privacy Notices for each area with detail on where to obtain the main Privacy Notice should they require that information. If a project needs a separate notice it will be made available at the point of data collection.