

Data Protection Policy

Approved by	Executive Management Team
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Policy developed by	Company Secretary
Associated procedure(s)	Various – see policy text

Say hello

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Introduction

1. Purpose & Scope

- 1.1 **Purpose:** The purpose of this policy is to set out how Connexus will protect the rights of individuals regarding privacy and their personal data which is held by the Group. It aims to ensure that all colleagues and board members are aware of their duties in relation to data protection and that there is a consistent, fair and transparent approach to dealing with personal data across the Group which is in line with legal and regulatory requirements.
- 1.2 **Scope:** The policy applies to the whole of the Connexus Group (referred to in this policy as 'the Group'). This means Connexus Housing Limited, all its subsidiaries and all their subsidiaries, i.e. Herefordshire Housing Limited (HHL), Independence Trust (IT), Meres and Mosses Housing Association (MMHA), South Shropshire Housing Association (SSHA), Floreat Living Limited (FLL), Floreat Development Limited (FDL), Enterprise 4 (E4), Rise Partnership Development Limited (RISE), Total Response Limited (TRL), Shropshire Housing Treasury Limited (SHTL) and Herefordshire Capital Limited (HCL).

2. Introduction

- 2.1 Connexus holds personal and confidential information about tenants, former tenants, housing support service users, other service users, potential purchasers of our homes for sale, board members, employment applicants, employees and former employees, housing applicants and suppliers. There are safeguards in data protection legislation and related regulations (including the General Data Protection Regulation) to ensure that such information – whether held on paper, in a computer, or recorded on other material - is collected and dealt with appropriately.
- 2.2 Connexus is bound by data protection legislation and related regulations and will ensure that collection and storage of personal data, its processing and accessibility to it is carried out in line with the law and good practice.
- 2.3 Data protection is a responsibility shared by all colleagues of Connexus. Details of responsibilities regarding different aspects of data protection are set out in sections 3-13 below.
- 2.4 Connexus will ensure that colleagues who are required to process personal data as part of their job, will receive training and/or guidance on data protection to ensure that all personal data is processed fairly and lawfully.
- 2.5 Connexus will take all reasonable steps to ensure that any organisation with whom we share data to enable it to carry out work on our behalf or for other legitimate purposes has robust and appropriate arrangements in place to ensure that personal data is handled lawfully and kept secure.

3. Definitions

3.1 The following definitions are used in this policy;

Data Subject – The individual whose personal information is being held or processed.

Personal Information/Data - Information about living individuals that enables them to be identified (directly or indirectly) e.g. name and address. It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual applicants, tenants, employees or board members of Connexus.

Special Category Data – Information about individuals which is more sensitive and, according to the relevant law and regulations, needs more protection. The categories are information about:

- race;
- ethnic origin
- politics;
- religion;
- trade union membership;
- genetics;
- biometrics (where used for ID purposes);
- health;
- sex life; or
- sexual orientation.

Data Processing – Includes obtaining, recording, holding, disclosing and disposing of data.

Data Controller – A person (alone, jointly or in common with other persons) who determines the purposes for which and the manner in which any personal data is processed.

Explicit Consent – Freely given and informed consent by the data subject to the processing of personal data about him/her.

Lawful Basis - The basis (as listed in the General Data Protection Regulations) on which the data can be processed; these are

- Consent
- Contract
- Legal obligation
- Vital interests
- Public task
- Legitimate interests

[NB all have specific meanings which are spelled out in the GDPR and on which guidance is provided by the ICO]

Director - for the purposes of this policy, the word director(s) refers to executive directors rather than board members (non-executive directors).

Colleague – paid employees, board and committee members (including ‘co-optees’).

4. Overall Approach & General Principles

4.1 Connexus, including all colleagues and board and committee members will implement and comply with the six principles set out in the General Data Protection Regulation i.e.:

- Personal data shall be **processed lawfully, fairly and in a transparent manner**
- Personal data shall be **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;
- Personal data shall **be adequate, relevant and limited to what is necessary in relation to the purposes** for which they are processed;
- Personal data shall be **accurate and, where necessary, kept up to date**; every reasonable step must 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;
- Personal data shall be **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**; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals;
- Personal data shall be **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.

5. Obtaining Data

5.1 When Connexus collects personal information from a data subject for the first time and when any new data is collected, Connexus will disclose and explain

- why the personal information is required and held on record
- the purposes for which the data may be used
- who may have access to the data

- 5.2 Connexus will ensure that the 'lawful basis' for collecting and processing personal information is identified and recorded.
- 5.3 Where consent for processing personal information is obtained, Connexus will ensure that the options are clear, that consent is freely given and clearly recorded. We will take reasonable steps to ensure that the data subject understands why they consented to provide the information and the consequences of deciding not to give this consent.
- 5.4 Where we collect and hold more sensitive personal data (including that described by the law as 'special category' information) we will always seek clear consent for this, explain why we need it and who we may need to share it with. We aim to minimise the holding and use of this type of personal information but given the service we provide there are times when we use it e.g. when providing accommodation or support for someone who has disabilities or problems with substance abuse, when helping someone to access care services or when resolving neighbourhood disputes. We use stricter limits for access to this information within Connexus.
- 5.5 Connexus will take reasonable steps to ensure that personal data is kept up to date and to encourage data subjects to notify us of changes but it cannot be held responsible for any errors or inaccuracies in personal data being held and processed where the data subject has not provided updated information or told Connexus that the data it holds is incorrect.

6. Security of Personal Data

- 6.1 Connexus is committed to ensuring that personal data remains secure whatever format it is stored in. Connexus recognises individuals' rights to privacy and their expectation that all personal data held about them will be handled sensitively and in accordance with the law.
- 6.2 Connexus takes appropriate steps to keep its ICT systems secure to protect personal data from unauthorised access, disclosure and/or loss. These measures will include:
- Anti-virus and anti-malware/ransomware software
 - Firewalls
 - Email and web filters
 - Application of software updates/patches
 - Use of secure transfer arrangements (e.g. secure email or encryption)
 - Role based access rights to systems holding personal data
- 6.3 Personal data must be kept secure at all times. All colleagues must ensure that they take appropriate measures to keep personal data and/or confidential information secure by, for example, keeping passwords confidential; changing passwords regularly; filing information appropriately; locking drawers and filing cabinets and so on.

- 6.4 Connexus will give colleagues and, where relevant, board members advice on the necessary physical security arrangements to be adopted appropriate to the level of confidentiality of the personal data concerned. Connexus will also provide guidance and/or procedures on keeping data secure such as:
- when personal data is taken out of the normal place of work
 - backing up data securely
 - destroying data securely
 - when communicating with individuals, ensuring the authenticity of that individual before the personal data is processed (or disclosed)
 - restricting access appropriately to manual and electronic files and ensuring necessary steps are taken to ensure security of data when it is being processed
- 6.5 Where other organisations are contracted to carry out work on our behalf, Connexus will set out clear expectations regarding the contractor's role in the protection of personal data (such as tenant contact details provided to repairs and maintenance contractors).
- 6.6 Colleagues and customers will be offered a private place to discuss personal and/or confidential information.
- 6.7 It is the responsibility of all colleagues to report any data security breaches and suspected breaches, relating to unauthorised access to or disclosure of personal data. Such incidents should be reported to the Company Secretary without delay. Colleagues should refer to and follow the data breach procedure when such incidents occur.
- 6.8 We will take all reasonable steps to ensure that any organisation with whom we share data to notifies Connexus of any data breach, where this relates to or may relate to personal data which we have shared with them.
- 6.9 All data breaches will be investigated and lessons learnt will be circulated widely to minimise the chances of a future breach.
- 6.10 Data breaches may be reported to the Information Commissioners Office (ICO) if, in the opinion of the Company Secretary, there is a requirement to do so in line with ICO data breach guidance.

7. Disclosure of Information & Data Sharing

- 7.1 In order for Connexus to operate effectively there will be some instances when personal data will need to be disclosed and/or discussed with other appropriate individuals. In such instances this disclosure, whether it is written or verbal, must be appropriate and reasonable for business purposes, on a need to know basis only and in line with data protection legislation and, where possible, in accordance with ICO guidance.

- 7.2 Colleagues will not attempt to gain access to personal data that is not necessary for them to hold or relevant for them to carry out their normal work.
- 7.3 Connexus may enter into information sharing protocols with other organisations. These enable the Group to deliver some of its services more effectively and can also help reduce the amount of times individuals have to disclose the same personal information.
- 7.4 All data sharing protocols must be agreed by the Company Secretary, recorded centrally and reviewed periodically to ensure that they are still appropriate.
- 7.5 Personal data relating to individuals will be considered confidential and will only be passed to other organisations with the express written consent of the individual concerned unless they are directly related to our responsibilities and legitimate interests as a landlord (such as basic tenant contact details provided to enable a contractor to carry out repairs or improvement works or to obtain customer views on our services) or where there are exceptional circumstances (see paragraph 7.6 below). In most cases, Connexus will seek initial consent from data subjects to process data and will explain why and to whom that data may be disclosed.
- 7.6 In exceptional circumstances, Connexus may disclose information to authorised third parties without the data subject's consent. Such circumstances include:
- where there is clear evidence of fraud;
 - to comply with the law;
 - in connection with legal proceedings;
 - where it is *essential* to enable Connexus to carry out its duties.
 - where the health and safety of an individual would be at risk by not disclosing the information
 - where the data is anonymised and to be used for statistics/research.
- 7.7 Requests from third parties for such access to personal data will generally only be considered where these are made in writing, when Connexus is satisfied as to the purpose for the disclosure and, where applicable, is in accordance with the relevant information sharing protocol.
- 7.8 Connexus will not disclose any personal data either verbally, or in writing, to any unauthorised third parties.
- 7.9 Connexus will never disclose data to those who are not otherwise authorised to process it without a data subject's prior consent.

8. Retaining & Disposing of Data

- 8.1 All personal data that is held will be relevant for the purpose for which it is required and will be kept securely. It will be retained for periods laid out in Connexus data and document retention guidelines and for no longer except where a contract requires otherwise.

- 8.2 Some personal data is held and processed by Connexus in order for us to provide services under a contract for another organisation (such as housing support contracts for a local authority). In these cases we may be required to retain personal data for the duration of the contract or for a set period beyond the end of the contract.
- 8.3 Where personal data is no longer required, it will be destroyed in a secure manner or in the case of a contract carried out by Connexus, if required, returned to the organisation which commissioned the contract.

9. Access to information

- 9.1 Individuals (data subjects) may request a copy of information held about them by Connexus (a Data Subject Access request) and can seek to have it amended or erased if it is inaccurate or no longer required (the 'right to rectification' and the 'right to erasure').
- 9.2 Connexus will respond to any subject access requests as quickly as possible, but within the required period i.e. within one month of receipt of the request. Where it is not possible to complete a request the data subject will be informed in writing, with a full explanation. In circumstances where there may be a delay in completing a request, the data subject will be informed with a full explanation.
- 9.3 When a request is made, Connexus must be completely satisfied the applicant has the authority to request such information. If Connexus has any doubts as to the authority of, or the identity of any applicant, a request may be refused. A request may also be refused if part of the data relates to another individual who has reasonably refused to their personal data being disclosed, a similar request was recently complied with, or the request would require a 'disproportionate effort'.
- 9.4 Individuals have the right to receive a copy of information held about them by Connexus free of charge. Connexus reserves the right to make a reasonable charge for responding to requests which are excessive or repetitive.

10. Other Rights

- 10.1 Connexus will put in place appropriate arrangements to enable individual's to exercise their other rights under the General Data Protection Regulation including the 'right to restrict processing', the 'right to data portability', the 'right to object' and rights relating to automated processing.

11. Information about Data Protection

11.1 Connexus will publicise its approach to data protection, including information about:

- What data the organisation holds and processes and why
- How to gain access to personal data
- How personal data is kept up to date
- How personal data is kept secure
- What Connexus is doing to comply with its obligations under the law

11.2 Such information will be made available on our website(s) and, where appropriate, in our offices and/or communal rooms used by tenants and/or service users.

12. Legal & Regulatory Requirements

12.1 Connexus will comply with all data protection legislation including the General Data Protection Regulation.

12.2 Connexus will also comply with relevant regulatory requirements regarding data protection. The Regulator of Social Housing's standard on governance and financial viability includes the requirement for Registered Providers to "*ensure effective governance arrangements that deliver their aims, objectives and intended outcomes for tenants and potential tenants in an effective, transparent and accountable manner*"; this includes adhering to all relevant law and complying with all regulatory requirements.

12.3 Where the Group or parts of the Group are affected by Charity Commission (CC) or Care Quality Commission (CQC) regulatory requirements, we will abide by any such requirements. We will also take any good practice in probity published by such bodies into account when formulating Groupwide policies and procedures.

12.4 Connexus will take into account guidance from the Information Commissioners Office when devising policies, procedures and practices related to data protection.

13. Responsibilities

13.1 Data protection is a responsibility shared by all Connexus colleagues.

13.2 Each Director is responsible for the implementation of this policy in their area of responsibility and for ensuring that colleagues receive appropriate briefing on the specific data storage, processing and disposal requirements of their post in accordance with this policy and associated Connexus procedures and guidance.

- 13.3 Each Director is responsible for ensuring that any contractors with whom they share personal data (e.g. in connection with the provision of services on behalf of Connexus) are advised of any requirements relating to the use, storage and destruction of such data.
- 13.4 The Head of HR is responsible for ensuring that all newly appointed colleagues are advised of the basic requirements regarding data protection – including the information set out in the employment contract and that relating to their own personal data – in their initial induction.
- 13.5 Line managers are responsible for ensuring that newly appointed colleagues or colleagues taking up different roles within Connexus are advised of data protection issues and guidance specifically relevant to their role.
- 13.6 All Connexus colleagues are responsible for familiarising themselves with this policy and with Connexus's rules, procedures and guidance relating to data protection and must follow these at all times.
- 13.7 Connexus colleagues are responsible for ensuring that all personal data they process/handle is kept as up to date and accurate as possible and that any changes to personal data, notified by the data subject are acted on promptly.
- 13.8 All Connexus colleagues are responsible for ensuring that all personal data they process is kept secure.
- 13.9 Connexus colleagues are responsible for ensuring that all personal data they provide about themselves (e.g. to the Human Resource team for employment related purposes) is accurate and updated when appropriate.
- 13.10 All Connexus colleagues are responsible for informing Company Secretary of any data protection breach and for following the data breach procedure/guidelines.
- 13.11 Company Secretary is responsible for notifications of any data breach to the Information Commissioners Office.
- 13.12 Company Secretary is responsible for review of this policy and for ensuring the production of associated guidance.
- 13.13 The Company Secretary is Connexus's designated Data Protection Officer and responsible for maintaining appropriate registrations with the Information Commissioners Office.

14. Monitoring & reporting

- 14.1 Connexus will monitor implementation of the policy through periodic reviews and internal audits.
- 14.2 Connexus will record data access requests and monitor responses to such requests.
- 14.3 Failure to comply with this policy may lead to disciplinary action, depending on the nature of the breach may lead to summary dismissal. Breach of this policy may also constitute a criminal offence.

15. Review

- 15.1 Connexus will review this policy at least every 3 years and that these regular reviews of the policy take account of any changes in regulatory guidance and good practice. A review will be carried out sooner should there be any changes to legal or regulatory requirements.