

# Policy

Title: **Data Protection and Retention Policy**

Date of Issue: **July 2008**

Issue Number: **1**

Date of next review: **July 2011**

Author: **Claire Nedugodan**

Service Area applies to: **All**

Approved By: **Board**

Electronic Storage: **Shareit Published Documents and Website**

A policy should be a short statement which describes in general terms or objectives what a service area's principles and key objectives are on a particular subject and should be no longer than a 2 pages in length. The aim of the policy is to give practical effect of the strategy it supports.

Translations available on request by phoning 0151 510 5000

यदि आपनि এই तथा अना आशय लेखे छान, अहले दया करे 0151 510 5000 नमरे फोन करन।

यह सूचना यदि आपको किसी अन्य भाषा में चाहिये तो कृपया नंबर 0151 510 5000 पर फोन करें।

یہ معلومات اگر آپ کو کسی دیگر زبان میں چاہیے تو براۓ مہربانی نمبر 0151 510 5000 پر فون کریں۔

如果你需要其他語文版本的本資訊，請致電 0151 510 5000

Jeśli chcieliby Państwo otrzymać powyższe informacje w innym języku prosimy zadzwonić pod numer 0151 510 5000

This document is also available in Braille, large print and on tape



**Halton**  
Housing Trust  
Delivering quality and excellence for all

# **CONTENTS PAGE**

	<b>Page No</b>
<b>Introduction</b>	<b>2</b>
<b>Aims / Objectives of the policy</b>	<b>3</b>
<b>Performance Measure / Monitoring</b>	<b>3</b>
<b>Scope</b> including Freedom of Information	<b>3</b>
<b>Responsibility</b> including What is the Data Protection Act and the Eight Principles of Good Practice	<b>4</b>
<b>Policy Statement</b>	<b>6</b>
<b>Consultation Arrangements</b>	<b>7</b>
<b>Benchmark Analysis</b>	<b>7</b>
<b>Regulatory or legal compliance</b>	<b>7</b>
<b>Links to Procedures, Strategies and Associated Documents</b>	<b>7</b>
<b>KLOE's affected</b>	<b>7</b>
<b>Equality and Diversity Considerations</b>	<b>8</b>
<b>Business Impact</b>	<b>8</b>

## **Introduction**

With this policy Halton Housing Trust (the Trust) sets out criteria that ensures the Trust does not breach the Data Protection Act 1998, which provides strict rules in this area. This policy has been developed in line with the Trust's overall vision, mission and values, its Corporate Themes.

## **Aims / Objectives**

The aim of this policy is to ensure the Trust follows the eight data protection principles as outlined in the Data Protection Act 1998:

- be fairly and lawfully processed;
- be processed for limited purposes and not in any manner incompatible with those purposes;
- be adequate, relevant and not excessive;
- be accurate;
- not be kept for longer than is necessary;
- be processed in accordance with individuals' rights;
- be secure; and
- not be transferred to countries without adequate protection.

The Data Protection Act was introduced to protect individual's rights to privacy. It means we have to be careful about how we handle personal data.

## **Performance Measures / Monitoring**

Performance will be measured by the setting and monitoring of targets within the related procedures. These will include the response timescales for requests for information by customers or where applicable third parties.

## **Scope**

The Data Protection Act 1998 enhances and broadens the scope of the Data Protection Act 1984. Its purpose is to protect the rights and privacy of living individuals and to ensure

that personal data is not processed without their knowledge, and, wherever possible, is processed with their consent.

## **Freedom of Information Act**

The Freedom of Information does not apply to the Trust as the Act only applies to organisations which meet both of two conditions:

- The organisation must be set up by the Crown, statute, a government department, the National Assembly for Wales, or a minister; and
- At least one appointment to the organisation must be made by the Crown, a government department, the National Assembly for Wales or a Minister.

Although the Trust may work closely with local authorities and the Housing Corporation (which are covered by the Act), RSLs and housing associations are not public authorities for Freedom of Information purposes.

## **Responsibility**

Halton Housing Trust as a body corporate is the data controller under the new Act.

The policy applies to all employees and Board Members of the Trust. Any breach of the Data Protection Act 1998 or the Trusts Data Protection Policy is considered to be an offence and in that event, disciplinary procedures will apply.

The Director of Resources is responsible for implementing this policy with the day to day operation of it and the associated procedures being the responsibility of the Governance Officer.

The Senior Management Group, and all those in managerial or supervisory roles are responsible for developing and encouraging good information handling practice within the Trust.

As a matter of good practice, external contractors, partners and individuals working with the Trust, and who have access to personal information, will be expected to have read and comply with this policy. It is expected that departments/sections who deal with external contractors, partners and individuals working with the Trust will take responsibility for ensuring that such bodies sign a contract agreeing to abide by this policy.

## What is the Data Protection Act (DPA)?

The Data Protection Act 1998 came into force on the 1 March 2000. It gives all individuals who are the subject of personal data (“data subjects”) a general right of access to the personal data which relates to them. Personal data may take the form of computerised or paper records. The Act also sets out specific rights in relation to housing records whether these are held in computerised or paper form. These rights are known as ‘subject access rights’.

## The Eight Principles of Good Practice

All processing of personal data must be done in accordance with the eight data protection principles, as follows:

1. **Personal data shall be processed fairly and lawfully:** Those responsible for processing personal data must make reasonable efforts to ensure that data subjects are informed of the identity of the data controller, the purpose(s) of the processing, any disclosures to third parties that are envisaged and an indication of the period for which the data will be kept.
2. **Personal data shall be obtained for specific and lawful purposes** and not processed in a manner incompatible with those purposes.
3. **Personal data shall be adequate, relevant and not excessive** in relation to the purpose for which it is held. Information, which is not strictly necessary for the purpose for which it is obtained, should not be collected. If data are given or obtained which is excessive for the purpose, they should be immediately deleted or destroyed.
4. **Personal data shall be accurate and, where necessary, kept up to date.** Data, which are kept for a long time, must be reviewed and updated as necessary. No data should be kept unless it is reasonable to assume that they are accurate. It is the responsibility of individuals to ensure that data held by the Trust are accurate and up-to-date. Completion of an appropriate registration or application form etc will be taken as an indication that the data contained therein is accurate.
5. **Personal data shall be kept only for as long as necessary.**
6. **Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act.**

7. **Appropriate technical and organisational measures shall be taken** against unauthorised or unlawful processing of personal data and against accidental loss or destruction of data.
8. **Personal data shall not be transferred to a country or a territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data:** Data must not be transferred outside of the European Economic Area (EEA) - the fifteen EU Member States together with Iceland, Liechtenstein and Norway - without the explicit consent of the individual. Employees of the Trust should be particularly aware of this when publishing information on the Internet, which can be accessed from anywhere in the globe. This is because transfer includes placing data on a web site that can be accessed from outside the EEA.

## **Policy Statement**

The Trust will ensure that we follow the eight principles laid out within the Data Protection Act and in accordance with our guidance document which covers the following areas:

- Guidance heading
- Rights under the act
- Definitions
- Disclosure of Data
- Data Protection within customer facing business
- Who we can share information with
- Recording personal comments
- Deceased customers
- Destroying data
- Data Retention

Halton Housing Trust is committed to a policy of protecting the rights and privacy of individuals (includes customers, employees and others) in accordance with the Data Protection Act. The Trust needs to process certain information about its customers, employees, Board Members and other individuals it has dealings with for administrative purposes. To comply with the law, information about individuals must be collected and used fairly, stored safely and securely and not disclosed to any third party unlawfully.

## **Consultation Arrangements**

Due to the Trust being legally bound to the principles set out in the Data Protection Act it is not seen to be relevant to consult with customers on developing the policy. However, consultation will take place with customers when developing the associated procedures.

Further consultation will take place with the Trusts Internal Audit partner in relation to both the policy and procedures.

## **Benchmark Analysis and best practice**

Best practice guidance has been used to develop the policy from the Information commissioner's website. [www.ico.gov.uk](http://www.ico.gov.uk).

## **Regulatory or Legal Compliance**

The Housing Corporation requires within its Self Assessment Compliance Statement that the Trust provides an assurance that the Trust has confidence in their own data handling/security processes, and that they have been reviewed recently to take attention of legislation and latest best practice guidance.

## **KLOE's affected**

A specific KLOE is not affected by this Policy, however the Audit Commission would expect the Trust to abide by the Data Protection Act.

## **Links to Strategies, Procedures and Associated Documents**

- ICT Security and Acceptable usage policy
- Data Protection Guidance and Procedures

## **Equality and Diversity Considerations**

The Trust will ensure that this policy will be applied equitably and fairly to all. The Trust will undertake to complete an Equality Impact Assessment (EIA) for this policy. Any changes required to be made to the policy following the assessment will be incorporated accordingly.

## **Business Impact**

The development of this policy and the associated guidance and procedures will ensure that the Trust adopts a consistent approach to dealing with issues concerned with Data Protection.