



NOTTINGHAM CITY HOMES DATA PROTECTION POLICY

1) **INTRODUCTION**

The Data Protection Act 1998 (the Act) deals with information held about individuals. The Act gives the 'data subject' (the person the data is about) certain rights regarding their personal data. The Act also regulates 'data controllers' (those who collect the data i.e. Nottingham City Homes/Nottingham City Council) and 'data processors' (those who process the personal data, for example, Nottingham City Homes).

The Eight Principles

Under the Act, data controllers and data processors must comply with eight principles for handling personal information.

These eight principles state that data must be:

- 1 Fairly and lawfully processed
- 2 Processed for limited purposes
- 3 Adequate, relevant and not excessive
- 4 Accurate and up to date
- 5 Not kept longer than is necessary
- 6 Processed in accordance with the individual's rights
- 7 Kept secure
- 8 Not transferred to countries outside European Economic area unless that country has adequate protection for the individual

An Individual's Rights under the Data Protection Act 1998

Individuals have a right of access to personal information held by Nottingham City Homes if they are the 'data subject' of that information. Requests must be made in writing, signed by the person that the information is about and addressed to the relevant officer in charge of Data Protection within the Company. The Person requesting the data needs to provide their current address, date of birth and any other details that may help to locate the information.

Someone may ask a third party to obtain the information on their behalf, but they must provide written consent in order to do this.

2) DATA PROTECTION POLICY

Nottingham City Homes may need to collect personal data about its customers and staff in order to provide the services that they want.

Nottingham City Homes undertakes to keep customers' Personal data safe and secure. This will be done in accordance with the Data Protection Act 1998 and other related Government Legislation. We will not share it with other organisations without the consent of customers or staff, unless we are required by Law to do so.

This policy includes the changes introduced by the Data Protection Act 1998 which now includes data held on structured manual files in addition to data held on computer records.

Scope

This policy applies to all employees, consultants, constructors partners, and others affected by the way we fulfil our undertaking (members of the public, visitors, clients, and residents).

Nottingham City Homes, acting as custodians of personal data, recognise their moral duty to ensure that it is handled properly and confidentially at all times, irrespective of whether it is held on paper or by electronic means. This covers the whole lifecycle of the information including:

- The obtaining of personal data;
- The storage and security of personal data;
- The use of personal data; and
- The disposal / destruction of personal data.

Nottingham City Homes fully endorses and adheres to the eight principles, earlier outlined; as set out in the Data Protection Act 1998.

Nottingham City Homes also has a responsibility to ensure that data subjects have appropriate access, upon written request, to details regarding personal information relating to them.

Actions

- 1 By following and maintaining strict safeguards and controls, Nottingham City Homes will:
 - Acknowledge the rights of individuals to whom the personal data relates, and ensure that these rights may be exercised in accordance with the Act.
 - Ensure that personal data is obtained 'fairly and lawfully'.

- Ensure that personal data will only be obtained and processed for the purposes specified in the pursuit of Nottingham City Homes' objectives.
- Collect and process personal data on a 'need to know' basis, ensuring that it is fit for purpose, not excessive, and is disposed of at a time appropriate to its purpose.
- Ensure that data is accurate and current.
- Ensure that for all personal data, appropriate security measures are taken, both technically and organisationally, to protect against damage, loss or abuse.
- Ensure that the movement of personal data is done in a lawful way, both inside and outside the organisation, and that suitable safeguards exist at all times.

2 Third Party Requests for information

Third parties who wish to contact a tenant/resident or former tenant/resident will be advised that Nottingham City Homes will pass on any correspondence on their behalf, but under no circumstances will the address be divulged.

All press enquiries will be referred to Nottingham City Homes' Chief Executive Officer or the Marketing & Communications Team who will act as the liaison between Nottingham City Homes and the Press.

3 Board Members' Requests

Board Members have no formal rights to be given any personal information about tenant/residents, unless a specific confidential report is presented to the Board for approval.

Where a Board Member is asked to represent a tenant/resident, the Board Member must have written authorisation from the tenant/resident to disclose information. Only the information relevant to the enquiry will be discussed or disclosed.

4 Elected Members' Requests

Where a Member of an Elected Body receives a request, from a constituent/resident, to act on the individual's behalf, Nottingham City Homes must be satisfied that the Member is genuinely acting on the individual's behalf. This will normally be by way of a copy of the Constituent's letter to the Member, or, the Member or Constituent's verbal or written confirmation that it is the case. Only information relevant to the enquiry will be disclosed provided it is not confidential or sensitive as defined by the Data Protection Act 1998.

5 Employment applications

Information relating to applications made by prospective employees will be held for a period not exceeding six months from the date of the closing date stated in the advertisement. Six Months after this period, the application forms

of candidates not selected for employment will be destroyed. Anonymous information will be retained, including equal opportunities statistics of candidates for each position advertised by Nottingham City Homes.

6 Contracts and other Records

All contracts will contain a Confidentiality clause preventing:-

- disclosure of Nottingham City Homes' records by any contractor to a third party, without the written agreement of Nottingham City Homes;
- disclosure by Nottingham City Homes to any third party, of any tender information provided by the contractors submitting the tender, without obtaining the Contractor's consent.
- All staff must keep secure, all records of a Confidential nature. The disclosure of information to third parties as part of a collaborative process, which enables a contractor to submit a successful bid, will be a disciplinary offence which could under certain circumstances, be construed as Gross Misconduct.

7 Exemptions

- 7.1 In some circumstances, it may be appropriate to divulge a request for information to specific third parties for example to prevent a criminal offence from being committed, or to prevent the continuation of a criminal offence. In many such cases, the disclosure could be forced through an application for subpoena. In such circumstances, Nottingham City Homes may disclose the information at its discretion.
- 7.2 Nottingham City Homes will co-operate with the Police, where there is reasonable evidence of a crime being committed by a tenant/resident/employee of Nottingham City Homes, or where the information is to be provided under the provisions of the Crime and Disorder Act 1998. The procedure for such disclosure is as contained within the Information Sharing Protocol in place between the Police and Nottingham City Homes.
- 7.3 Nottingham City Homes will co-operate with Nottingham City Council where there is reasonable evidence of a benefit fraud being committed by a tenant/resident of Nottingham City Homes.
- 7.4 Officers may also need to discuss individuals' circumstances with Nottingham City Council's Benefit Section, or the Benefits Agency, or with such agencies as the Citizens Advice Bureau. In all cases, apart from those outlined in 7.1 to 7.4, Nottingham City Homes will seek a signed form authorising the disclosure and this will be held on file.
- 7.5 In addition, Nottingham City Homes may use tracing agents for the collection of former tenant/residents' arrears and other debts owed to Nottingham City

Homes, and information, relevant to recovery of the debt, will be passed to them as part of the debt recovery process.

- 7.6 Nottingham City Homes may give information to third parties where a protocol has been drawn up and agreed between the parties and agreed by the Board and where the protocol forms part of the proper operation of Nottingham City Homes's activities.
- 7.7 Information may be shared with a third party by any employee, without the consent of the data subject, as provided by and subject to Sections 43A, 43B, 43C, 43D, 43E, 43F, 43G, 43H, 43I, 43J, 43K, 43L Chapter 23 of the Public Interest Disclosure Act 1998.
- 7.8 It is difficult to cover all eventualities where a disclosure may be necessary and any disclosure outside this policy may, following appropriate advice, be authorised by the Designated Data Protection Officer.

8 Website Privacy Policy

Nottingham City Homes will use its best endeavours to safeguard the privacy of its website visitors.

8.1 Data Processing

In some areas, Nottingham City Homes may ask customers to register their name and email address. Nottingham City Homes will also collect information from customers if they complete any other forms on our site or if they contact us with comments or specific requests.

If customers choose to complete any of our on-line forms, Nottingham City Homes will not use the personal information customers provide us with for marketing purposes or, between Nottingham City Homes and Nottingham City Council for marketing services unless, agreed that we may do so. We may pass these details to third party service providers who are contracted by Nottingham City Homes, in the course of dealing with the request. These third parties are obliged to keep the customer's details secure, will use them only to fulfil the request, and will dispose of the details when the request is complete.

In agreeing to share these details, customers have not forfeited their rights as prescribed under the Data Protection Act 1998 and Nottingham City Homes will continue to apply the same level of care to safeguard their privacy and use of their information across all our services. Customer service entitlement from Nottingham City Homes will not be affected, should customers decide not to allow their data be shared in this way or they change their mind at any time in the future.

8.2 Email Messages

Customers may receive occasional e-mail messages from Nottingham City Homes on matters that we consider may be of interest to them, if they have provided their email address to us for this purpose.

8.3 Website Cookies.

Nottingham City Homes does not use cookies on our Website to collect Personal information.

Nottingham City Homes only uses traffic log cookies to identify which pages are being used. This helps us analyse data about web page traffic and improve our Website in order to tailor it to customer needs. We only use this information for statistical analysis purposes and then the data is removed from our system. A cookie in no way gives us access to a customer's computer(s) or any information about them, other than the data they choose to share with us.

9 Subject Access Requests

Under the Data Protection Act 1998, Customers can make a formal request for the following information:

- clarification that the Customer's personal data is being processed by Nottingham City Homes;
- a description and copy of such Personal data; and
- the reasons why such data is being processed or details of to whom they are or may be disclosed.

10 Disposal of information

Where personal and confidential information is no longer required, it will be destroyed.

11 Complaints in respect of this Policy

All employees will be informed of this policy and any complaints on breaches of the provisions of Policy should be reported to the Designated Officer as stated in the schedule within the Policy.

3) ENABLERS

In order to support these actions, Nottingham City Homes will:

- 1 Have a Designated Officer responsible for gathering and disseminating information and dealing with issues relating to information security, the Data Protection Act and other related legislation.
- 2 Ensure that all activities that relate to the processing of personal data have appropriate safeguards and controls in place to ensure information security and compliance with the Act.
- 3 Ensure that all contracts and service level agreements (SLAs) between Nottingham City Homes and external third parties (including contract staff), where personal data is processed, make reference to the Act where appropriate.
- 4 Ensure that all staff (including contract staff), acting on Nottingham City Homes' behalf, understand their responsibilities regarding information security under the Act. This will include ensuring that they receive the appropriate training, instruction and supervision so that they carry these duties out effectively and consistently and that they are only given access to personal information that is appropriate to the duties they undertake.
- 5 Ensure that all third parties acting on Nottingham City Homes' behalf are given access to personal information that is appropriate to the duties they are undertaking and no more.
- 6 Ensure that any requests for access to personal data are handled courteously, promptly and appropriately, ensuring that either the data subject or their authorised representative have a legitimate right to access under the Act, that their request is valid, and that the information provided is clear and unambiguous.
- 7 Review this policy and the safeguards and controls that relate to it annually to ensure that they are still relevant, efficient and effective.

Nottingham City Homes

Schedule to Nottingham City Homes' Data Protection Policy

This schedule shall be read in conjunction with the Data Protection Policy and Procedure Guide, and shall be regarded as part of the Policy in its entirety.

DESIGNATES

- 1) The Company Secretary of Nottingham City Homes shall be the Designated Officer to deal with: gathering and dissemination of information, any issues relating to information security, and all statutory duties arising under the Data Protection Act 1998, and/or any other related legislation.
- 2) All Heads of Services and Managers within Nottingham City Homes shall be responsible for disseminating and monitoring compliance, by their respective service areas and employees, with the Data Protection Policy as set out by the Company. They shall make every effort to ensure that all employees understand their responsibilities on information security.
- 3) All employees shall ensure that they process information according to the eight principles as set out in the Data Protection Policy. They shall also ensure that, where they are acting in conjunction with any third parties, the external parties are made aware of the Policy of the Company on Data Protection and Information Security.

BREACHES

- 1) Any willful disregard or intentional breach of the Data Protection Policy and Procedure by employees shall be regarded as a Disciplinary offence and handled within the Company's Disciplinary Procedures.
- 2) Any willful disregard or intentional breach of the Data Protection Policy and Procedure by consultants, constructor partners, and others affected by the way we fulfill our undertaking, shall be regarded as a breach of contract and treated as such.

DEFINITIONS

In the Policy and Procedure guide:

- 1) "Personal details" shall mean any data which relates to a living individual who can be identified from those data. This includes an expression of opinion about the individual or an indication of the intention of Nottingham City Homes/Nottingham City Council or any other person in respect of the individual.
- 2) "Data Subject" means an individual who is the subject of personal data.

Guidance Notes on the NCH Data Protection Policy

Based on the need to comply with its Statutory Responsibilities as a Data Controller and Data Processor, NCH has produced a Data Protection Policy. The purpose of this guidance note is to help all employees identify sections of the policy that they need to consider.

All Employees are reminded that all Data Protection Requests will be handled centrally by the Company Secretary, irrespective of the Service Area, as long as the information is held by Nottingham City Homes. Where there are issues with the need to have channels of communications with some external bodies or there are issues with the urgency of such requests, these issues should be addressed to the Governance Team to be dealt with.

- Employees need to bear in mind that Nottingham City Homes has undertaken to abide by the eight principles of the Data Protection Act as set out clearly in the Policy. Its undertaking covers the entire lifecycle of any information i.e. from obtaining to disposal of information.
- Clause 2 of Section 2 covers scenarios where the third party is requesting information on a data subject **but not on behalf of the data subject. Press enquiries are under the remit of the Communications Team and so all such enquiries should be signposted appropriately.**
- Clause 3 of Section 2 provides that Board Members are to be treated just like any other as third party on requests for information on a data subject other than themselves.
- Clause 4 of Section 2 provides that the release of information to a Councilor/elected member can be made if the employee is satisfied that the Councilor/elected member is genuinely acting on behalf of the Tenant. Examples of what would be classed as satisfactory, is also stated here.
- Clause 5 of Section 2 deals with the rights of applicants for employment with Nottingham City Homes.
- Clause 6 of Section 2 covers the rights of the Company and Contractors in a Contractual relationship.
- Clause 7 of Section 2 covers the circumstances under which information can be shared without the consent of the data subject. The exercise of these disclosure powers, except for Clause 7.7, is subject to the approval of the Company Secretary as the Data Protection Officer for the Company.
- Employees have a right to disclose information by virtue of the exemption outlined under Clause 7.7, **without the consent of the data subject or the Company Secretary**, provided it is exercised in accordance with the provisions of Section 43, Chapter 23 of the

Public Interest Disclosure Act 1998. The provisions are very specific on the circumstances for use and intention behind the disclosure. **If you need any clarity on the use of this clause, do not hesitate to contact the Company Secretary, who would be give advice in confidence.**