

Confidentiality and Data Protection policy

1.0 Introduction

1.1 The Wrekin Housing Group (“the Group”) is committed to being open about its performance and will ensure that its tenants and service users have access to appropriate information regarding the Group and its activities.

1.2 The Group, as a company, landlord, care provider, service provider and employer, holds a large amount of personal data and is committed to protecting the privacy of all individuals by complying with data protection legislation. The Information Commissioner, an independent body, is responsible for enforcing data protection law. The Group is registered as a data controller with the Information Commissioner. The Group Head of ICT, who is also the Group’s registered Data Protection Officer, is responsible for completing the annual registration.

2.0 Policy Statement

2.1 The rights to privacy and confidentiality that tenants, leaseholders, housing applicants, service users, employees, officers and contractors have will be protected to ensure that personal information relating to them is dealt with confidentially and sensitively, and in accordance with the law. Likewise, the confidentiality of commercially sensitive information relating to the Group and other businesses will be preserved.

2.2 The Group will comply with the terms of the General Data Protection Regulations 2016 (“GDPR”) and all personal data will be handled in accordance with the ‘Six Principles of Data Protection’ contained in it.

2.3 Data protection principles cut across all Group activities and guidance for staff is available in the Group’s Data Protection and Confidentiality Procedure. More specific guidance relating to particular areas of Group business is provided in additional policies and procedures. These include:

- Employment - covered in the Recruitment and Selection Policy and Procedure and also in the Guidance Notes on Obtaining References;
- Data Security and handling – covered in policies and procedures managed by the ICT Consultancy;
- Information Sharing – the Group enters into a number of information sharing agreements with third parties for example, with the Police and different Local Authority departments.

3.0 Policy Scope

3.1 This policy applies to all employees of The Wrekin Housing Group including Board members and volunteers.

4.0 Definitions

4.1 Personal Data - any information that can identify a living person.

4.2 Special Category Data – personal data including (but not limited to): medical information, sexuality, ethnicity, trade union membership, religion, immigration status, criminal record, information collected as part of an investigation into anti-social behaviour or abuse.

4.3 Data Subject - the living person whose personal information is collected and processed.

4.4 Data Controller - a person or organisation who decides the reasons for and the ways in which personal information is processed. If a person is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation - the Data Controller.

4.5 Data Processor - the organisation or person who processes personal information on behalf of the Controller.

4.6 Breach - a breach of security leading to accidental or unlawful loss, destruction, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

4.7 Commercially sensitive data - Any information not publicly known, which relates to the business of the Group or any contractor or tenderer.

5.0 Roles and Responsibilities

5.1 The Group Head of Legal and the Head of ICT are responsible for putting relevant policies and procedures in place.

5.2 The Legal Team will deliver information relating to Data Protection and Confidentiality as part of the Induction Programme for new starters.

5.3 Managers are responsible for providing basic information and training to all employees, including volunteers and Involved Residents, regarding confidentiality and data protection.

5.4 All Group employees are responsible for following this policy and all associated procedures.

6.0 Information to be kept confidential

6.1 The following types of information are to be kept confidential:

- Personal data and special category data are not to be disclosed outside of the Group except as outlined in section 7 and disclosed inside the Group only when necessary;

- Commercially sensitive data – the Board and Executive Management Group will ensure that all employees are aware of the aims, activities and plans that may affect them;
- Board papers and minutes will be confidential and not made available unless the Board, or the persons designated by the Board, decide otherwise;
- All financial information relating to the Group's performance is commercially sensitive data and should not be disclosed outside of the Group except where required to do so by the Group's Regulators and to the extent published with the Board's authority.

7.0 Disclosure

7.1 Disclosure of personal data, sensitive personal data or commercially sensitive data relating to another person is allowable where:

- The Group has the consent of the individual or a request from the individual;
- Legislation permits or requires disclosure;
- The person receiving the personal data is a Group advisor or auditor with a professional duty of confidentiality;
- The recipient is a statutory body carrying out a public service or function.

8.0 Data Processing and Security

8.1 The Group will put procedures in place to ensure the security of personal data, sensitive personal data and commercially sensitive data.

8.2 All Group staff are bound by the Group's policy on confidentiality and data protection and this is a condition of employment contained in the contract of employment. Breach of this condition may be classed a disciplinary offence. Contracts for goods and services will also normally contain a clause requiring that confidentiality be maintained, and where the sharing of personal information is necessary for the performance of the contract, a Confidentiality Agreement must be entered into with the contractor.

9.0 Disposal of Data

9.1 The Group will put in place an appropriate procedure for the disposal of personal data, sensitive personal data and commercially sensitive data when it is no longer required. Guidance on document retention is outlined in the Group's Data Protection & Confidentiality Procedure.

10.0 Accessibility

10.1 The Group will:

- Respond to a reasonable request for information and make data available - that is not personal data, sensitive personal data or commercially sensitive data - within a reasonable time;

- Ensure information is provided in a clear and non-discriminatory way that meets the needs of tenants, service users and other key stakeholders;
- Comply with legal and regulatory requirements to provide information.

11.0 Related policies and procedures

- 11.1 Guidance on the implementation of data protection is not limited to the Group's Data Protection and Confidentiality Policy and Procedure. Other policy and procedure documents contain specific guidance in relation to particular aspects of data handling and these should always be considered together. These policies and procedures are outlined in the Policy Control Sheet.

The Wrekin <u>Housing Group</u>	Policy control sheet Confidentiality and Data Protection policy Policy reference number - 2021/013
Policy Author	Caroline Guy Group Head of Legal
Direct Lead	Jan Lycett Executive Director of Business Solutions
Version	1.July 2021
Target audience	Employees of The Wrekin Housing Group
Consultation	Tenants Panel Senior Managers Executive Management Group
Date of Equality Impact Assessment	No individuals or groups of people are disadvantaged by the adoption of this policy.
Date of Data Privacy Impact Assessment	This policy outlines how the Group will comply generally with data protection legislation and individual DPIAs are in place where specific data processing activities require one.
Approving Body	Audit & Assurance Committee
Date of final approval	29 th July 2021
Implementation date	July 2021
Monitoring arrangements	To be reviewed and updated in accordance with any legislative changes and/or ICO guidance.
Reporting	Material breaches – Audit & Assurance Committee
Review date	January 2024
Expiry date	July 2024
Review cycle	Three year review cycle
Policy category	GDPR / Data Protection
Associated policies and procedures	Confidentiality and Data Protection procedure Confidentiality Agreement Guidance on completing the Confidentiality Agreement USB Port Usage Encrypting Data for Email Encrypting Data for CD Rom Portable PCs, PDA and Digital Camera policy IT Security policy Information Security Management System policy Subject Access Request policy / procedure Recruitment and Selection policy / procedure ASB policy / procedure CCTV policy / procedure Allocations and Lettings policy Data Loss and Information Security Breach Reporting policy / procedure Subject Access Request policy / procedure Consent to Care and Treatment policy

	Mental Capacity Policy Person Centered Planning policy Guidance Notes – References Information Sharing Agreement (police) Cyber Security Incident Response Plan
Policy location	Intranet The Wrekin Housing Group website

Summary of changes table

Revision history			
Author	Summary of changes	Version	Authorised by & date
Caroline Guy	Policy reviewed in line with review cycle	1.July 2021	Audit & Assurance Committee – 29 th July 2021