

A Practical Guide to the Data Protection Act for Customers

1. Purpose of this Guide

The purpose of this guide is to ensure that customers who use Blackwood services are aware of how the Data Protection Act of 1998 affects the information that is held on them including manual records (the paperwork held within individual tenant files), computer records (Blackwood's Housing Management Data Base) and other information such as CCTV images if applicable

It is intended that this document will also detail the rights of access for individuals and how they will work in practice.

The guide also refers to our operation of Closed Circuit Television Schemes (CCTV) and the safeguards which are in place to ensure these are properly monitored and maintained.

Blackwood also has policies on Openness and Confidentiality which are available on request.

Blackwood is registered with the Information Commissioner to collect, store and share certain personal data for the purposes of managing your tenancy. You can view a copy of our registration by accessing the Information Commissioners website with the following page address;

<https://ico.org.uk/global/contact-us/>

From the homepage you can select "Search The Register" and type in Blackwood's postcode EH11 1DQ and view our entry on the register.

2. The Data Protection Act 1998

The Data Protection Act of 1998 replaced the previous act of 1984, and is a key part of legislation to protect the privacy of individuals. Housing Associations are under a strict legal obligation to ask themselves why data or information is being collected, how it is going to be used and who will have access to it.

The act applies to manual and computerised files and images recorded by CCTV. It requires Blackwood to have a clear purpose in the use of this information and emphasises the need to respect privacy and limit access to those that "need to know".

The Information Commissioner has been appointed to oversee the implementation of the Act and to ensure that it is enforced by law. Contact details for the Information Commissioner are included at the end of this booklet.

The 8 Principles of Data Protection are stated fully in Section 7 of this guide.

3. The Individuals Rights under the Act

3.1 Access

By law an individual has a right to be informed about the data that is being processed (used) a description of the data that is being held on him or her, the purpose of the processing and the persons to which the data may be disclosed.

As a customer of Blackwood you may request access to the information we hold about you. This request should be in writing, and accompanied by sufficient detail to enable the data to be correctly identified. The information then must be supplied within 40 days of the request. A search of our various filing and IT systems will then be necessary to enable us to provide you with the correct information within the 40 day limit. The law states that Blackwood may charge a fee of £10 for this service, in practice Blackwood has no desire to charge for access to people's own personal information if at all possible. However, if there are repeated requests for information from individuals then we may decide to charge for providing this administrative service. Any requests for access should

be made the Head of Business Services r. The information will then be provided within the required timeframe of 40 days..

Blackwood is also required to provide access to anyone on whom we hold information and will provide the required information in line with legitimate requests. These may either be from the person named on the Tenancy Agreement for a particular property or from someone proven to be acting on their behalf. To avoid unauthorised disclosure of information, written or other proof may be required. Blackwood will undertake whatever precautions it considers necessary to avoid the disclosure of personal information to unauthorised parties.

Images recorded on CCTV may also be requested, but requests would need to be specific about the date and time of the images being recorded before these can be considered. The reason for this is that to search for images over a lengthy period of time is not practical or easy to do. Customers have the right to request images of themselves, but not of third parties.

Our CCTV systems are installed to safeguard our customers and to prevent crime and anti-social behaviour. Images recorded on CCTV can help achieve this and are shared with the police as and when necessary.

3.2 Tenancy Report/Reference

The recipient of a confidential tenancy report or reference (Blackwood) can only disclose the reference by complying with the Act's confidentiality rules. The referee who has given a confidential tenancy reference can withhold the reference from disclosure where it has been given in confidence.

3.3 Health Information

Health information is classed as sensitive information by the law. It can only be held with the explicit consent of the individual. In practical terms Blackwood complies with this aspect of the law by asking individuals to sign a declaration giving permission for approaches to be made to health care or social work in direct support of a housing application. This information is treated as private and confidential.

3.4 Liability under the Act

The person responsible for compliance with the Act and who will be liable in the event of any breach of procedures is known as the "Data Controller". This is defined by the law as our current registered legal name "Margaret Blackwood Housing Association". Where any loss is suffered as a result of a breach of the Act, the Data Controller (Blackwood) will be liable unless he can prove that he has taken reasonable steps to prevent the breach.

4. **Information and data held by Blackwood**

4.1 Computerised Information

Blackwood holds personal details of tenants and service users on our Housing Management Data Base which is known as UH (Universal Housing). These details relate to the information that you have given us on the housing application form, current and previous rent account information and also information from any meetings held with a Housing Officer. The only people with direct access to this information are the staff with a "need to know". The system has safeguards in place which ensures that confidential data is only accessible to specific staff and not every user. It is password protected.

4.2 Manual Records

Each existing tenant has a manual file which contains copies of the Application Form, allocations pointing record and any correspondence during the course of the tenancy and any other *relevant* documentation. Relevant means that it must in some way be applicable to the tenant/landlord relationship.

5. **Security**

5.1 As an organisation we undertake to ensure that your personal data is properly protected and safeguarded when in our care. We will take proper precautions in the storage and transmission of personal data whether this is documentary records or IT information. Specific guidance is given below;

- 5.2 The Housing Management Data base is a modern computer system protected by an access and password system to prevent disclosure of information. Access is restricted on a "need to know" only basis.
- 5.3 Manual files are stored in a secure filing room and access to individual files is reserved only for staff in direct relation to their duties.
- 5.4 If you feel that Blackwood has not taken proper care of your personal data, you can choose to follow the complaints procedure detailed in your tenants information pack. Complaints can also be made to the Information Commissioner through their website or telephone number

6. Useful information

- 6.1 Customers who wish to find out more about Data Protection Act can visit the website at <https://ico.org.uk/about-the-ico/who-we-are>

Or, in writing to;

The Information Commissioner's Office - Scotland
45 Melville Street
Edinburgh
EH3 7HL

Telephone: 0131 244 9001

- 6.2 Alternatively, the HR Department can supply interested individuals with copies of the Data Protection Act 1998 and further information if required.

7. The 8 Principles of Data Protection

- 7.1 *Blackwood will strive to ensure that it follows the Data Protection Principles as follows:*

- Personal data shall be processed fairly and lawfully.
- Personal data shall be obtained only for one or more specified and lawful purposes and shall only be used for that specified and lawful purpose.

- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- Personal data shall be accurate and, where necessary, kept up to date.
- Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- Personal data shall be processed in accordance with the rights of the data subject under this Act.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- Personal data shall not be transferred to a Country where there is inadequate protection for the rights of data subjects in relation to processing of information.

Compiled by:
Wendy Russell
Head of Business Services
Updated – March 2015