



Policy: **Data Protection**

Approved by: Leadership Group

Date Approved: 6th December 2024

Frequency of review: Every 3 years (and annual review to take account of legislative and regulatory changes)

POLICY STATEMENT:

Broadland Housing Association and its subsidiaries (collectively known as Broadland Housing Group, and in this policy as Broadland) control and process personal information about their customers, current and prospective staff, and board members. Data protection in the UK is governed by the Data Protection Act 2018, and the General Data Protection Regulation (2018), which is retained in domestic law as the UK GDPR.

The Data Protection Act 2018 (the 'Act') covers all personal information that relates to living individuals. These individuals are given rights by the Act.

This policy sets out what Broadland will do to comply with the Data Protection Act 2018. This Act requires that organisations (data controllers) process personal data in accordance with the six Data Protection Principles espoused by the GDPR, namely that data should be:

- processed lawfully, fairly and in a transparent manner;
- collected for specified, explicit and legitimate purposes;
- adequate, relevant and limited to what is necessary;
- accurate and, where necessary, kept up to date;
- kept in a form which permits identification of data subjects for no longer than necessary;
- processed in a manner which ensures appropriate security of the personal data; as well as being treated appropriately under the 7th 'Accountability and Governance' principle, updated by the ICO in September 2020

This policy adopts these principles (amplified definitions are provided in the glossary in the Data Protection Procedure) as the guide for the approach to data protection. Broadland acknowledges that all individuals have the right to expect that appropriate safeguards will be operated to protect the confidentiality and integrity of their personal data or information.

Broadland acknowledges and understands that the consequences of failing to comply with the requirements of the GDPR and the Data Protection Act 2018 may include:

- Personal accountability and liability;
- Organisational accountability and liability;
- Criminal and civil action;
- Enforcement powers and fines being issued by the Information Commissioner's Office (ICO);
- Loss of confidence in the integrity of our systems and procedures;
- Significant reputational impact and damage;
- Loss of trust by our residents, employees and other stakeholders.

This policy has been developed to ensure Broadland complies with current legislation, regulatory expectations and good practice, and will be subject to ongoing review. Policies apply to all legal entities within Broadland unless stated otherwise.

SCOPE:

This policy applies to all employees, board members, suppliers and others who may be involved in the collection and processing of personal information on behalf of the Association, and extends to all data whether it is held on paper or by electronic means.

In partnership arrangements, where Broadland works in partnership with external service providers, this policy remains applicable. The introduction of the GDPR places obligations on both 'data controllers' and 'data processors' in relation to maintaining and processing personal data.

The various Data Protection-related Procedures within BHA give more details of how this Policy will be implemented.

STATEMENT OF COMMITMENT:

Broadland is committed to maintaining high standards of security and confidentiality for personal data in our custody and control. Safeguarding this personal data is critical to the successful operation of Broadland. Broadland will treat all personal data in its care and control with the same degree of security and confidentiality, and this policy applies to all organisations within the Association and all its employees. Broadland undertakes to inform residents, contractors, employees and board members on how it uses information and the purposes for which this information is processed.

Broadland's Data Protection Procedure and other accompanying procedures give a detailed account of how this Policy will be implemented.

KEY STAFF RESPONSIBILITIES:

Senior management

The Management Team are responsible for ensuring that policies and procedures are followed by all concerned.

The Data Protection Officer is responsible for providing advice and guidance in all areas of Data Protection within Broadland.

Staff

Employees are responsible for ensuring they are fully aware and adhere to the terms set out in the policy. Staff responsible for processing personal or sensitive personal data must ensure that it is used appropriately and kept both secure and confidential. They must ensure that, at all times, they access and process only the data that they are authorised to manage.

All staff, and where necessary consultants, board members and/or third party contractors engaged to carry out duties on our behalf and by our instructions, with whom we share personal data, will adopt and follow this policy and the requirements of the supporting Information Governance policies, procedures and systems which outline our core requirements relating to the collection, confidentiality, availability and integrity of personal data and associated information, security, incident management, retention and disposal of information.

Broadland will only process personal data that has been obtained fairly and lawfully and for a specific set of purposes. It will be adequate and relevant for those purposes and maintained accurately. Personal data is retained for agreed and specified periods, so that no data is kept for longer than necessary in our HR records or our BBS customer management system.

DEFINITIONS:

Broadland – all entities of Broadland Housing Association (unless otherwise stated)

UK GDPR – General Data Protection Regulation

DPA18 – Data Protection Act 2018

RELEVANT KEY LEGISLATION AND RELATED DOCUMENTS: (not limited to)	
Legislation	Documents
UK GDPR: UK version of the General Data Protection Regulation Data Protection Act 2018 Human Rights Act 1998 The Common Law Duty of Confidentiality Freedom of Information Act 2000	Regulator for Social Housing Regulatory Code and Guidance National Housing Federation Code of Practice Information Commissioner's Codes of Practice. BHA Data Protection Procedure BHA Tenant Privacy Notice BHA Employee Privacy Notice BHA Applicant Privacy Notice BHA Shareholder Privacy Notice BHA Board Privacy Notice BHA Subject Access Request Procedure BHA Data Breach Response Procedure BHA CCTV and Dashcam Procedure BHA Information Access Policy BHA Subject Access Request Procedure BHA Special Category and Criminal Offence Data Processing Procedure (Appropriate Policy Document) BHA Data Subject Rights Procedure BHA Data Retention Procedure BHA ROPA (Record of Processing Activity)

EQUALITY IMPACT ASSESSMENT:

This policy has had an Equality Impact Assessment (EIA) on 26.11.24 that has identified that this policy does not discriminate either directly or indirectly and does not disadvantage any individual or group.

DATA PROTECTION

This policy (and associated procedures) requires a Data Protection Impact Assessment; one was completed on 1st October 2024 and appropriate risk mitigations implemented.

Please refer to the Tenant and Employee Privacy Notices, and the Data Protection suite of Procedures, for details on Broadland's use, security, sharing and retention of personal data.

IMPORTANT PRINCIPLES:

Broadland will keep personal data secure and only share it in accordance with the requirements of the UK GDPR/ Data Protection Act 2018. We will abide by the laws and regulations in relation to the right to confidentiality, data sharing and disclosure rules in the Act and in relation to any Civil and/or Criminal disclosure legal requirements.

Broadland will inform individual data subjects in its Privacy Notices of other parties to whom we may disclose, or to whom we may be required to provide, personal data; the circumstances in which this may happen, and when any exceptions to this rule may apply. Broadland will carry out an annual health check on this policy taking account of legislative and regulatory changes, and a fundamental review of this policy every three years.