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Help us keep it!

Lochfield Park
Housing Association

Lochfield Park Housing Association

Data Protection and Access to Personal Information Policy

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1.0 Background

The Data Protection Act 1998 (DPA) builds upon the 1994 Act and came into force on 1st April 2000. The prime objective of the Act is to protect the right of privacy of the individual citizen against the misuse of personal data by organisations and restrict the flow of certain information. It gives certain rights to individuals in relation to personal data or information held about them on computer and some manual systems. It requires those who record and use personal information to be open about their use of that information and to develop sound practices. At the core of the Act are eight Data Protections Principles.

In practice all Registered Social Landlords (RSLs) and their tenants and prospective tenants are affected by the act. All RSLs are subject to the duties under this act and must register with the Information Commissioner. Notification must include a general description of security measures and include the name and address of the Controller i.e. the Housing Association, description of personal data and data subjects together with the description of the purpose of processing the information and the recipients of that information

There are a number of offences, which, if the provisions of the DPA and the Computer Misuse Act are not complied with, will affect the Association and its employees. The general provisions of the Act are:

- All processing of computer personal data must be registered
- Personal data must only be processed as specified in the registration
- Personal data must not be disclosed to any unauthorised person
- Individuals have, on request, a right to a copy of the data held and appropriate security measures must be taken to protect personal data

The undernoted are offences under the terms of the Computer Misuse Act:

- Unauthorised access to computer material
- Unauthorised access with intent to commit or facilitate commission of further offences
- Unauthorised modification of computer material

Anyone using another person's user login and password, whether registered or not, will be committing an offence in the first category. The copying of any data not specifically authorised, even into ones own files is an offence in the third category above.

All staff should note and be aware of their access rights for any given hardware, software or data and should not experiment or attempt to access hardware, software or data for which they have no approval or need to conduct their duties.

2.0 Policy Statement

Lochfield Park Housing Association stores personal information both on computer and within manual files and has registered all data processing information with the Information Commissioner. The Association is registered as a Data Controller under the Data Protection Act. (Reg No Z5688075) and will ensure that our practices in the handling of personal information is of a high standard and complies fully with the Act.

3.0 Principles

The Association will adopt and operate procedures in accordance with the Data Protection Act Principles. Personal data and information held by the Association shall:

- Be obtained and processed fairly and lawfully
- Be obtained only for specified and lawful purposes, and shall not be used for any other purpose
- Be adequate, relevant and not excessive in relation to the purpose for which it is obtained or kept
- Be accurate and up to date
- Be held no longer than is necessary for the purpose
- Be processed in accordance with the rights of the data subjects under the DPA and be kept securely

The Association and all staff who use any personal information must ensure that they follow these principles at all times. Training will be provided on the Data Protection Act and the operation of the Association's procedures in relation to the DPA, Openness and Confidentiality, Information Security, and Access to Information. All new staff will have this incorporated into their induction programme

4.0 Responsibilities for Compliance

The Director has overall responsibility for data protection within the Association, and for ensuring that our notification to the Information Commissioner, and our entry in the Data Protection Register is accurate and up to date.

The Director has specific responsibility for personal information held on employees.

The Office Manager will perform the role of the Data Protection Officer and will assist in implementing the requirements of the Act by providing advice and support to all departments relating to compliance with the Act, disseminating information relating to the Act, and responding to requests from customers to access personal information we hold about them.

All section heads will ensure that personal data processed by their section is included in the Association's Data Protection Register entry and the entry is kept up to date and that all personal data is processed in accordance with the DPA

All staff have a responsibility to fully comply with the requirements of the Data Protection Act and this Policy. When involved in requesting information, staff will explain why the information is necessary, what it is to be used for, and who will have access to it.

5.0 Access Rights

Tenants, prospective tenants, employees and other individuals about whom the Association holds personal information will have the right to access the information, unless it is exempt under the DPA.

The Association will charge the recommended fee for providing access to data. This is currently £10.00.

The Association will respond to information requests within 30 days of receipt of sufficient information to enable the required data to be located

6.0 Confidentiality

This Policy compliments the Association's Openness and Confidentiality Policy. Only information which can or must be legally disclosed under the DPA will be shared with a third party without the individuals consent.

Employees and Committee members will be obliged to sign a confidentiality form and to agree to the security measures to ensure the security of personal information against unlawful processing, disclosure, accidental loss or destruction of, or damage to, personal data.

All staff will have a password to ensure information is only accessible to those who need to know the information in order to carry out their requirements of their post.

7.0 Complaints

Should any applicant be dissatisfied with the way their data access application has been dealt with they may complain to the Data Protection Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF Telephone 0165 545 740

Where applicants are dissatisfied with the way their request for personal information has been dealt with and it falls out with the scope of the Data Protection Act, they should make a complaint in accordance with the Association's Complaints Policy. Ultimately, and following exhaustion of the Complaints Procedure, they may apply to the Scottish Public Services Ombudsman.

8.0 Application of Policy

Information relating to the application of this Policy and interpretation of the DPA can be found within the Association's DPA and Access to Personal Information Procedural Notes.

9.0 Policy Review

This policy will be reviewed every three years, or upon legislative changes.

Staff and Committee Declaration

I am fully aware and understand the contents of the Association's Data Protection and Access to Personal Information Policy and agree to maintain the confidentiality of all personal information disclosed to me as part of my role as a staff/committee member. It is understood that the Association holds and processes personal information on me and by signing this declaration agree that the Association can provide specific information to third parties as required by Regulatory bodies, Employment legislation or Pensions Trust.