

GROUP DATA PROTECTION COMPLIANCE POLICY

Responsible Officer

Assistant Director of ICT and Facilities (Data Controller)

Other responsibilities

The Board is responsible for encouraging and monitoring compliance with Data Protection law including the General Data Protection Regulations (GDPR) and any Acts or regulations that supercede them.

The Privacy Officer advises and provides reports to the Executive Team and the Audit Committee. They are responsible for advising on the the management of personal data within Phoenix and for ensuring that compliance with data protection legislation and good practice can be demonstrated. This accountability includes:

- Compliance with Data Protection and the UK GDPR as required by this policy; and
- Security and risk management in relation to compliance with this policy.

Information Asset Owners are responsible for ensuring that the data protection principles are applied across all Phoenix information assets.

Aim of the Policy

Our vision is “Together we are building a better future for our Phoenix community”. This policy aims to protect and promote the rights of individuals and Phoenix Community Housing. It sets out how we comply with the General Data Protection Regulation “GDPR” (It is also complemented by other policies and relevant procedures, such as our ICT Acceptable Use Policy and Privacy Notices).

The GDPR and this policy applies to all personal information we hold, including that related to our employees, Board Members, employment applicants, customers, housing applicants, partners and suppliers.

Any personal data which we collect, record or use in any way – whether it is held on paper, on computer systems or other media – will have the appropriate safeguards applied to it to ensure that we comply with data protection principles.

This policy applies to anybody who processes personal data for or on behalf of Phoenix. Partners, processors and any third parties working with or for Phoenix and who have or may have access to personal data, are expected to have read, understood and to comply with this policy.

Phoenix Community Housing is committed to both promoting and meeting the seven principles set out in section 5 of the GDPR. These principles are:

1. That we must process personal data in a fair, lawful and transparent manner.

2. Not process personal data in a manner which would be incompatible with the purpose we collected the personal data for in line with purpose limitation.
3. Minimise the personal data we collect and hold.
4. Ensure personal data is kept accurate.
5. Ensure personal data is kept in an identifiable format for no longer than necessary.
6. Keep personal data secure, ensuring appropriate confidentiality and integrity.
7. That Phoenix must provide evidence and prove their accountability to the above principles.

Policy Statement

Data protection principles

Phoenix processes personal data in accordance with the data protection principles defined in Article 5 of the GDPR.

Fair, Lawfulness and Transparent Processing

Phoenix processes personal data in a fair, lawful and transparent manner. This means:

Fairly – no data is collected without an appropriate privacy notice being provided to the data subject. This is published in the Privacy Notices.

Lawfully – no data is collected or commissioned without there being a lawful reason to process it.

Transparently– Phoenix will provide sufficient information about how personal data is being processed to promote and ensure transparency about its handling. All forms will include a processing statement and/or a link to this policy and our Privacy Notices and will be approved before being published. Information must be provided in a clear and easily understood manner, using plain and simple language.

Consent

Phoenix understands 'consent' to mean that it has been explicitly and freely given, without duress or pressure and is specific, informed and unambiguous indication of the data subject's wishes. It will be given by statement or by a clear affirmative action signifying agreement to the processing of personal data relating to him or her.

In most cases, consent to process personal data, and when appropriate, special categories of personal data, is obtained routinely by Phoenix using standard consent documents.

Legitimate Interests

Where Phoenix wishes to rely on Legitimate Interests, it will do so in line with its Legitimate Interest Assessment guidance and communicate this to data subjects.

Data Processing purposes

Data obtained for specific purposes is not used for any purpose from those made known by Phoenix.

Data Minimisation and Quality

Phoenix will use a minimum of personal data in its data processing activities and will periodically review the relevance of the information that is collect. Phoenix also recognises that the accuracy of data is important, and that some data is more important to keep up-to-date than others.

Data Retention

Phoenix aims not to keep personal data in an identifiable form for any longer than is necessary as defined in its Data Retention Guidelines.

When personal data is retained beyond the retention date, the data is minimised, encrypted or pseudonymised to protect the identity of the data subject in the event of a data breach.

A schedule of data retention will be maintained based on best practice advice from the National Housing Federation. Once personal information passes its retention deadline it will be deleted and destroyed.

Rights of the data subject including subject access

Phoenix recognises the legal rights of the data subjects whose personal data it is processing and will ensure that data subjects may exercise these rights.

Such requests are handled according to the Data Subject Rights (DSR) Procedure and associated forms.

Data Security

An ICT Acceptable Use Policy is maintained setting out specific policies in relation to ensuring confidentiality, availability and integrity of personal data and resilience of the systems that Phoenix uses. The Privacy Officer will review this policy and recommend any changes.

Transfers of Information outside Europe

Phoenix does not transfer personal data outside of the European Economic Area (EEA), unless this is according to Transfers of Personal Data to Third Countries or international Organisations Guidance and data subjects have been informed in our Privacy Notice(s).

Data sharing and disclosure of information

Phoenix ensures that personal data is not disclosed to any unauthorised third parties. All staff will exercise caution when asked to disclose personal data to a third party and receive training that enables them to deal effectively with any such risk. Guidance is included in our Data Sharing Guidance.

Complaints in respect of this policy

Any breaches of the Data Security will be dealt with according to ICT and Data Protection Policies and Procedures in place, and should be notified in the first instance to the Data Controller and the Performance and Monitoring Team at data.protection@phoneixch.org.uk for logging and

monitoring. All external complaints must be logged as formal complaints under our complaints policy.

Information asset register

Phoenix maintains an Information Asset Register and an analysis of data flows as part of its approach to address risks and opportunities involving personal data. The Information Asset Register contains useful information regarding the personal data held by Phoenix.

Incident reporting

Phoenix will ensure that any breaches, near misses or incidents are reported where appropriate in line with our Data Protection Breach Procedure. All near misses or incidents must be initially reported to the Data Controller or the Performance and Monitoring Team by data.protection@phoenixch.org.uk

Information Risk Management

We will ensure that Data Protection Impact Assessments are conducted in line with our Data Protection Impact Assessment (DPIA) Procedure (e.g. when changing supplier or major platform functionality). We maintain a log of privacy impact assessments. We also maintain a risk register of all risks regarding data protection which is regularly updated.

Training

All staff responsible for processing personal data and sensitive personal data will receive training on this Policy. It will be included, where appropriate, as part of the induction programme for new staff.

Every member of staff is expected to follow policies regarding information governance and data protection. Failure to follow policies and procedures could result in disciplinary actions.

Audit and Management Reporting

We will undertake periodic internal audits and external audits using both specialist data protection consulting firms and our own internal auditors; depending on the scope of the audit.

Monitoring and Review

This Policy and related guidance will be reviewed at least once every three years to ensure that it remains effective and complies with best practice, or sooner if legislative changes require amendments to be made.

Legislation

- GDPR General Data Protection Regulation
- Privacy and Electronic Communications Regulation
- Data Protection Act 2020 and any Act that supercedes it

Reference to other documents and associated policies and procedures

Including:

- Privacy Statement Staff
- Group Privacy Statement
- Data Retention Schedule
- Data Subject Access Request form
- Data Subject Rights Procedure
- International Transfer Procedure
- Legitimate Interests Assessment Guidance
- Data Protection Breach Procedure
- DPIA Procedure and form
- Data Sharing Guidance and agreements
- Staff Code of Conduct
- Data Protection Toolkit
- Complaints policy
- ICT Acceptable Use Policy
- CCTV Policy and guidance

Definitions

Term/acronym	Description
Resident	Includes tenants, freeholders and leaseholders.
Phoenix	Phoenix Community Housing.
Data Controller	Person determining the purposes and means of processing of personal data and making decisions about processing activities. At Phoenix this is the Assistant Director of ICT and Facilities.
GDPR	General Data Protection Regulation
PO	Privacy Officer- advises on data protection and provides assurance that data protection principles are met.
Information Asset Owner	Person usually Head of Service who is responsible for information.
Processing	Any interaction with personal data, such as accessing, disclosing, destroying or using the personal data in any way.
Personal data	Any recorded information we hold about a living individual, who can be identified from that information or any other information we hold. It may include contact details, financial information, photographs, CCTV footage, expressions of opinion or indications as to our (or others') intentions about that person. It includes both electronic data and information which is stored

	in hard copy filing systems. We use the personal data of our staff, customers, and certain other people.
Sensitive Personal data	Information about ethnic origin, political opinions, religious or similar beliefs, trade union membership, health, sex life or criminal proceedings or convictions.
Data subject	The person relating to the personal data.

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