

# DATA PROTECTION - ACCESS TO INFORMATION POLICY

<b>EG Approval</b>	June 2020	<b>Responsible Board:</b>	Ocean Housing Group Ltd
<b>Next Review:</b>	June 2021	<b>Responsible Executive:</b>	Group Director of Resources acting as Data Protection Officer

## 1.0 Introduction

- 1.1 Ocean receives a great deal of information concerning its tenants, former tenants and housing applicants as well as its staff and Board Members. All these persons have a right to privacy and to expect that any personal information about them will be treated sensitively and confidentially. Ocean also respects the rights of such persons to have access to information held on them and will comply with all current and future relevant legislation regarding access to such information.
- 1.2 Organisational information relating to the policies and procedures of the Ocean Group, other than its commercial companies, will normally be a matter of public record and therefore accessible to tenants and members of the public on request. Access will be restricted however, if such information is considered sensitive and could, if disclosed, have adverse implications for Ocean or its present and future tenants.
- 1.3 For the avoidance of doubt, all board reports and organisational information relating to Gilbert and Goode are confidential.

## 2.0 Key Objectives

- 2.1 To ensure that the legal entitlements for data subjects to access, review and where appropriate amend or delete their data is honoured.
- 2.2 To be as open and helpful as possible and respond in a timely manner to customers' requests.
- 2.3 To ensure that no personal information is disclosed without the prior informed consent of the individual concerned, unless exceptional circumstances apply, (see "Exceptions to Disclosure" below.).

## 3.0 Recognition of Data Subject rights

- 3.1 Ocean recognises that data subjects have the right:
  - 3.1.1 To be provided with any and all information held about them, within one month and free of charge – see Data Subject Access Request (DSAR) Form and Data Subject Access Request (DSAR) Checklist
  - 3.1.2 To have their personal data erased, within one month and free of charge.
  - 3.1.3 To have incorrect or incomplete information rectified, within one month and free of charge – The information in question is rectified and the data subject informed in writing, when the request has been completed. See Data Subject Request for Rectification Procedure.

- 3.1.4 To have any or all processing of their personal data restricted – Processing is suspended until the processing in question has been resolved or the restriction has been lifted. See Data Subject Request for Restriction Of Processing Procedure.
- 3.1.5 To object to processing, including marketing, automated decisions and profiling – When such a request is received from a data subject Ocean Housing Group complies and ceases processing without delay.
- 3.1.6 To have their personal data provided in a readable format and portable to another organisation. Ocean Housing Group responds to such requests by providing the requested information in a Comma Separated Variable (CSV) file format. Where it is not technically feasible to transfer the data to another organisation, Ocean Housing Group treats the request for data portability as it would a Data Subject Access Request.
- 3.1.7 To lodge a complaint with the supervisory authority - All complaints are investigated following Oceans Complaints Procedure.
- 3.1.8 To a fair judicial remedy if their complaint is not resolved or handled to a satisfactory standard – The Data Protection Officer handles any such complaints advised by the Oceans lawyers as required including liaison with the supervisory authority or the applicable appointed court of law.
- 3.1.9 To claim compensation from the controller, processor or the supervisory authority for infringement of their rights – The Data Protection Officer handles any such complaints advised by Oceans lawyers as required, including liaison with the supervisory authority or the applicable appointed court of law.
- 3.2 Ocean recognises that data subjects can complain about:
  - 3.2.1 How their personal data has been processed
  - 3.2.2 How their request for access to data has been handled
  - 3.2.3 How their complaint has been handled
  - 3.2.4 Appeal against any decision made following a complaint

## **4.0 Access to Personal Files and Information**

- 4.1 Ocean will allow access in order to provide tenants, staff and members of the public with personal information from both digital and non-digital records in line with current or future legislation
- 4.2 All such persons may request a copy of the information held on them in order to check its accuracy and to seek amendment or erasure if it is inaccurate.
- 4.3 Where the person seeks access to information supplied by an outside body (e.g. Social Services), Ocean will consult those concerned and have regard to their views.

4.4 Joint tenants do not have the right of access to information regarding each other, unless it is relevant to the person requesting the information. In such cases, Ocean will be obliged to obtain the permission of the other person to release such information.

4.5 Information is exempt from access if:-

- it would identify another individual who has not consented to the disclosure
- in the opinion of a health professional or Ocean, it would be likely to cause serious harm to the physical or mental health of the tenant or any other person

## 5.0 Exceptions to Disclosure

5.1 The disclosure of personal information outside of Ocean will only be made with the informed consent of the individual concerned, **EXCEPT;**

- to comply with the law,(e.g. the Police, Freedom of Information, Act Inland Revenue and Council Tax Registration Officer), or a court order;
- where there is a clear health or safety risk or evidence of fraud;
- in connection with court proceedings or statutory action to enforce compliance with tenancy conditions, ( e.g. applications for possession or for payment of Housing Benefit direct);
- where contractors or other agencies providing services on behalf of Ocean require a tenants name, address and contact number;
- where utility companies,(e.g. Gas, Electricity and Water Companies), require a tenants name and date of occupancy;
- for authorised statistical or research purposes, provided the information does not identify the person to whom it relates

## 6.0 Charging Policy

6.1 As a default, no charge will be made for requesting access or amendment to data held by Ocean or its Processors.

6.2 A charge can only be made for secondary copies or where we believe that a request is “manifestly unfounded or excessive”.

## 7.0 Storing of Personal Information

7.1 The Data Protection Officer has a record of all databases used by the Ocean Group for recording personal information of staff and tenants (Information Asset Register). It is important that any changes to existing databases are notified to the Data Protection Officer and actioned in line with the relevant procedure to ensure that data protection legislation has been complied with. It is the responsibility of the Data Protection Officer to decide if staff or tenants need to be notified. Failure to notify the Data Protection Officer of these changes could leave Ocean exposed to prosecution under the data protection legislation.

## 8.0 Procedures for Information Requests

8.1 Known as Subject Access Requests, such requests for information shall be handled in accordance with the relevant procedure and utilising the appropriate forms contained

therein. These forms, which are summarised below, are held separately and available on request or as required.

Form of Authority
Data Subject Access Request (DSAR) Checklist
DSAR Form
DSAR Procedure
Data Subject (DS) Erasure Request Checklist
DS Request for Rectification Procedure
DS Request for Restriction of Processing Procedure
DS Right to Data Portability Procedure
Third Party Disclosure & Confidentiality Procedure