

Data protection, confidentiality & Access to Information - Policy

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Introduction

This policy sets out what residents can expect in respect of confidentiality of personal details held by Thames Valley Housing.

Thames Valley Housing collects information about applicants for housing in order to assess eligibility for housing in accordance with our published lettings policy. Because of the Data Protection Act 1998, we obtain their written consent before doing this.

Personal data about residents is held to enable housing services to be provided, including:

- Information required to assist with rehousing requests;
- Meeting support needs of vulnerable residents;
- Rent collection, including housing benefit;
- Repair and maintenance of homes and other facilities;
- Regulatory purposes, such as meeting the requirements of the Housing Corporation;
- Relevant research;
- Prevention of crime and crime reduction;
- Equal opportunities monitoring.

Under the Data Protection Act 1998 there are three terms with special meanings, which are summarised below:

- Personal data–
 - information relating to an identifiable person, held either on computer or in an organised filing system;
- Sensitive personal data–
 - information relating to what may be personal matters such as physical or mental health, racial or ethnic origin, religious beliefs, sexuality, criminal offences;
- Processing–
 - obtaining, holding, disclosing or deleting the information.
- At least one of the following conditions has to be met for processing personal data:
 - The resident has given his or her consent;
 - It is necessary to
 - deliver services to or commence a contract with the resident;
 - comply with relevant legislation, undertake legal functions or administer justice;
 - protect the vital interests of the resident (only in a “life or death” situation);
 - facilitate the legitimate interests of Thames Valley Housing except where processing would prejudice residents’ rights, freedoms and legitimate interests.

At least one of the following conditions has to be met for processing sensitive personal data:

- The resident has given his or her explicit consent;
- It is necessary to

- protect the vital interests of the resident (only in a "life or death" situation);
 - ensure equality of opportunity by processing racial or ethnic origin personal data with appropriate safeguards for residents' rights and freedoms;
 - process under a sensitive data order specified by the Secretary of State.
- It can be demonstrated that:
- the data is already in the public domain;
 - processing is necessary in connection with legal proceedings or the administration of justice.

Personal data is held and processed in connection with managing the accommodation in order to meet residents' needs, or for statistically monitoring equal opportunities.

Sensitive personal data is normally only held if provided by the resident or someone authorised by the resident. Sensitive personal data can be used only if at least one of a series of conditions, summarised above, is met. These include obtaining the resident's explicit consent, which means that they must have been told clearly what personal information is involved and the use to be made of it.

Right to Confidentiality

The following is a summary of the details normally held about residents:

- Names and ages of all members of household;
- Resident's telephone numbers;
- Names addresses and telephone numbers of next of kin;
- National Insurance number;
- Details of income and benefits;
- Rent payment history and bank account details;
- Details of any complaints against resident and resident's response;
- Details of any criminal convictions insofar as they affect the tenancy;
- Details of any support package provided as condition of granting tenancy;
- Details of any medical conditions relevant to housing requirements;
- Correspondence between resident and Thames Valley Housing.

Personal data may be shared with statutory bodies such as local authorities, housing benefit or social services departments where the resident has given his or her consent. If we share this information it will be in confidence. Data will only be shared without consent in the following circumstances:

- To protect the vital interests of a resident ie. In life or death situations;
- To comply with the law;
- To assist in the prevention or detection of crime;
- In connection with legal proceedings.

Statutory bodies will be expected to provide proof of the resident's consent before information is disclosed to them, unless there is a legitimate reason to dispense with this requirement.

Personal data may be disclosed to other third parties provided that there is clear proof that the resident has given his or her consent, and that the identity of the person making the request has been validated. If a request is made by a third party that is not acting on behalf of the resident, then Thames Valley Housing will obtain the independent consent of the resident before disclosing any personal data.

To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Thames Valley Housing complies with the Data Protection Principles, which are set out in the Data Protection Act 1998. In summary these state that personal information shall:

- Be obtained and used fairly and lawfully and not be used unless certain conditions are met;
- Be adequate, relevant and not excessive for the purpose;
- Not be kept longer than necessary for that purpose;
- Be used in accordance with the individual's rights;
- Be kept safe from unauthorised access, accidental loss or destruction;
- Not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal information.

Thames Valley Housing staff are responsible for ensuring that:

- Any personal data, which they hold, is kept secure.
- Personal information is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised third party.

Personal information is:

- Kept securely in an organised filing system; or
- If it is computerised, be password protected; or
- Kept only on disk which is itself kept securely.

The Data Controller and the Designated Data Controller

Thames Valley Housing as a corporate body is the data controller under the Act, and the board is therefore ultimately responsible for implementation. However, the designated data controller will deal with day-to-day matters. Thames Valley Housing's designated data controller is Judith Leigh, Head of Corporate Services.

Retention of Information

A full list of information with retention times is available from the data controller.