

Data Protection Policy



Directorate: Governance, Risk & Assurance

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1. Introduction

- 1.1. This Policy sets out Salix Homes's commitment and approach to data protection and compliance with data protection legislation.
- 1.2. The processing of personal data in the United Kingdom is regulated by law, principally the United Kingdom General Data Protection Regulation ("UK GDPR") and the Data Protection Act 2018 ("DPA 2018"). Other laws inter-relate with the Act and the UK GDPR including but not limited to the Privacy and Electronic Communications Regulations (2003) ("PECR"). In addition, various guidelines, codes of practice, and case law contribute to the Data Protection Legislation. It is also possible that organisations are subject to the EU GDPR and other European legislation.
- 1.3. The policy's objectives are:
 - To provide a clear frame of reference for employees to determine the organisation's standards, aims, and ideals in respect of data protection compliance;
 - To provide information to data subjects, data processors, and the regulatory authorities about how the organisation approaches data protection compliance;
- 1.4. Unless otherwise stated, this document applies to all personal data processed by Salix Homes. It applies to any natural or legal person who process personal data for or on behalf of Salix Homes including colleagues, volunteers, casual and temporary workers, directors and officers, external organisations employed as processors and any external organisations or individuals with whom Salix Homes shares or discloses personal data. It also applies where Salix Homes is a joint controller or where relevant, acts as a processor for another controller.
- 1.5. This Policy is our public statement describing Salix Homes's approach to complying with its legal responsibilities in the Data Protection Legislation and how it enables individual rights to be upheld and exercised. These laws are collectively referred to in this Policy as Data Protection Legislation. Additionally various guidelines, codes or practice, case law and other information relating to data protection must be considered by the organisation.
- 1.6. Salix Homes records and stores personal and business data to enable the smooth running of the organisation, inform decision making and provide services to customers.

This is required to undertake operational management, resource planning, business development and to achieve regulatory compliance.

- 1.7. Our preferred means of creating and storing data is in electronic formats and through the digitisation of processes. We are always looking to improve this and maximise the use of technology. Electronic data includes information held about individuals (i.e. our customers, prospective customers, colleagues, members and business partners), our transactions with them and our properties on our housing management and other databases/IT systems/ software.
- 1.8. To ensure that our data is, and remains fit-for-purpose, a set of rules and principles have been developed, in compliance with data protection legislation, which are outlined in this Policy which is supported by more detailed operational procedures.

2. Policy Statement

- 2.1. Salix Homes is committed to compliance with all relevant Data Protection Legislation. We will maintain a suite of policy documents setting out how we intend to implement sufficient controls to ensure legal compliance with Data Protection legislation and will ensure that these documents are reviewed periodically to a) test their adequacy in meeting the legal standards as they change over time, and b) to test the organisation's compliance with them. We will ensure that all relevant colleagues and/or other persons we commission to process personal data on our behalf, either directly or indirectly, have received appropriate and sufficient training in the application of our policies.
- 2.2. We will ensure that sufficient and appropriate resources are available to ensure that Salix Homes meets both its legal obligations in respect of Data Protection legislation and the standards that it sets through its policies.
- 2.3. We will ensure that the Salix Homes works within the 7 data protection principles and that sufficient controls are implemented to ensure that we are able to demonstrate compliance with the Data Protection legislation including the keeping of sufficient records of data processing activities, risk assessments and relevant decisions relating to data processing activities.
- 2.4. Salix Homes will uphold the rights and freedoms of people conferred on them by the Data Protection legislation. We will ensure that those rights and freedoms are appropriately taken into account in the decisions we take which may affect people and will ensure that there are sufficient controls in place to assist those who wish to exercise their rights.
- 2.5. This policy applies to all of the organisation's activities or operations which involve the processing of personal data.

- 2.6. This policy applies to anyone who is engaged to process personal data for or on behalf of the organisation including: employees, volunteers, casual and temporary staff, directors and officers, and third parties such as sub-contractors and suppliers, and anyone who the organisation shares or discloses personal data with/to.

3. Policy Detail

3.1. Fair and lawful Processing

- 3.1.1. The processing of all personal data by Salix Homes will only be undertaken in a fair, lawful and transparent manner meaning:

Fairness – no data collection activities will be undertaken or commissioned without an appropriate privacy notice being provided to the person from whom data are being collected and to the people who the data are about if personal data are collected from sources other than the data subject. All privacy information and any changes to privacy information must be approved by the Data Protection Officer.

Lawfulness – no data collection activities will be undertaken or commissioned without there being a lawful basis for the data processing activities intended to be applied to the personal data. The Data Protection Officer is responsible for determining the lawful grounds for processing with a DPIA being carried out as required by the responsible lead and submitted to the Governance Team for review.

Each Process Owner is responsible for ensuring that there are lawful grounds for all data processing activities that fall under their sphere of control, and that a DPIA is properly undertaken where necessary. The Governance Team will provide advice regarding lawful processing conditions and maintain a register of the completed DPIAs.

Transparency – Salix Homes will endeavour to provide sufficient information about how personal data are being processed to enable sufficient transparency about its handling of personal data. The Data Protection Officer shall periodically review the apparent transparency

3.2. Data Protection Purposes

- 3.2.1. Personal data shall only be collected, created, or otherwise obtained for specific, explicit and legitimate purposes. No data processing shall be undertaken or commissioned without the approval of the Data Protection Officer who shall oversee the Governance Team maintaining a register of data processing activities and their purpose.

- 3.2.2. Process Owners are responsible for ensuring that all the data processing activities that they undertake and/or commission have been approved by the Data Protection Officer.
- 3.2.3. No personal data shall be used for any purpose other than that which it was collected and/or created for without the approval of the Data Protection Officer and or the Governance Team.

3.3. Data minimization

- 3.3.1. Salix Homes will strive to use a minimum amount of personal data in its data processing activities and will periodically review the relevance of the information that is collects.
- 3.3.2. Process Owners are responsible for ensuring that no unnecessary, irrelevant, or unjustifiable personal data are collected or created either directly or indirectly through the data processing activities they are responsible for and/or engage in.
- 3.3.3. The Governance Team will provide advice regarding the justification of personal data collected or created.

3.4. Data Accuracy

- 3.4.1. Salix Homes recognises that the accuracy of data is important, and that some data is more important to keep up to date than others. The organisation will use its reasonable endeavours to maintain data as accurate and up to date as possible, data which would have a detrimental impact on data subjects if it were inaccurate or out-of-date.
- 3.4.2. Process Owners are responsible for ensuring that personal data they have collected or created either directly or indirectly through the data processing activities they are responsible for and/or engage in are maintained accurate and up-to-date and that personal data whose accuracy cannot reasonably be assumed to be accurate and up to date are treated appropriately through erasure or anonymisation.
- 3.4.3. The Governance Team will provide advice regarding data accuracy.

3.5. Data Security

- 3.5.1. Salix Homes Salix Homes will ensure that all customer and employee data is held on secure systems and software that restricts access to only those who are required to process the information.

- 3.5.2. Salix Homes requests that all software providers sign up to our IT Security Standards, to demonstrate compliance with the GDPR and the Data Protection Act 2018.
- 3.5.3. The Information Policy stipulates the high level of security that Salix Homes provides for all customer and employee data. The Acceptable Use Procedure sets out guidelines on how those with access to data use Salix Homes' systems and software.

3.6. Data Retention

- 3.6.1. Salix Homes will ensure that it does not retain personal data for any longer than is necessary for the purposes for which they were collected and will apply appropriate measures at the end of data's useful life such as erasure or anonymization.
- 3.6.2. Process Owners are responsible for ensuring they comply with the data retention schedule regarding retention period for personal data under their control. The Governance Team shall maintain a data retention schedule setting out approved retention periods and end of life treatment. The retention periods for personal data have been aligned to the NHF guidance which adheres to statutory limits. Data retention is a vitally important issue as both the over-retention and under-retention of personal data could have a detrimental impact on both the data subject and the organisation.

3.7. Personal Data relating to criminal convictions and offences

- 3.7.1. In the event of Salix Homes processing personal data relating to criminal convictions and offences it shall implement suitable measures including a policy document that satisfies the requirements of the Data Protection Act 2018 Schedule 1 Parts 3 and 4.

3.8. Special Categories

- 3.8.1. Special categories of personal data are personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.
- 3.8.2. Salix Homes shall not process special categories of personal data unless it is necessary. Where the processing of special categories of personal data is necessary, the Data Protection Officer shall ensure that the lawful grounds for

such processing are documented and shall maintain a periodic review of the necessity to processing the special categories of personal data.

3.9. Consent

3.9.1. Salix Homes will interpret consent to be as defined in the UK GDPR and that any consent shall not be valid unless:

- there is a genuine choice of whether or not to consent;
- it has been explicitly and freely given, and represents a specific, informed and unambiguous indication of the data subject's wishes that signifies agreement to the processing of personal data relating to them;
- the consent was given through statement made by the data subject or by a clear affirmative action undertaken by them;
- the organisation can demonstrate that the data subject has been fully informed about the data processing to which they have consented and is able to prove that it has obtained valid consent lawfully;
- a mechanism is provided to data subjects to enable them to withdraw consent, and which makes the withdrawal of consent in effect as easy as it was to give and that the data subject has been informed about how to exercise their right to withdraw consent.

3.9.2. Salix Homes recognises that consent may be rendered invalid if any of the above points cannot be verified or if there is an imbalance of power between the data controller and the data subject. We also recognise that consent cannot be forever and will determine a consent refresh period for every instance where consent is the lawful condition for processing.

3.9.3. Where consent is the lawful basis for processing, the Governance Team shall ensure that consent is properly obtained in accordance with the conditions above.

3.10. Record Keeping and Accountability

3.10.1. In order to fulfil its responsibility to be able to demonstrate compliance with Data Protection Legislation as well as in support the policy on transparency, Salix Homes will maintain records of the processing activities that it controls, undertakes or otherwise commissions ("RoPAs") as required by the Data Protection Legislation and specifically those required in Article 30 of the UK GDPR. The organisation currently maintains an Information Asset Register to be converted into a Record of Processing Activity that will be maintained by the Governance Team. This will be provided to the Information Commissioner's Officer on demand as required.

3.10.2. Salix Homes shall strive to maintain additional documentation capable of demonstrating accountability as necessary: the Governance Team in

conjunction with service managers shall be responsible for determining what records should be kept, for how long and in what format in order to support its accountability.

3.10.3. The Records Management Procedure provides guidelines on how the business will collect, store, process and retain personal information. In accordance with the Records Management Procedure and its appendix, the Data Retention Schedule (adopted from NHF guidelines), Salix Homes will:

- Ensure that all personal and special category data is processed under the appropriate legal basis;
- Ensure that all documents are stored in accordance with the Records Management Procedure; and
- Ensure that all information is only held for the amount of time detailed within the Data Retention Schedule, is not kept longer than is necessary and within statutory guidance.

3.11. Individual Rights

3.11.1. Salix Homes recognises the legal rights of those whose data it is processing or intends to process and will ensure that appropriate information is provided to them advising them of their rights, and that policies and procedures are maintained to ensure that the organisation is able to recognise information rights requests and handle them appropriately when they are exercised. These rights include:

- Right to information about data processing operations
- Right of access to personal data
- Right to portability of personal data
- Right of rectification of personal data
- Right of erasure of personal data
- Right to restriction of processing
- Right to object to direct marketing
- Right to object to data processing operations under some circumstances
- Right not to be subject to decisions made by automated processing under some circumstances, including profiling
- Right of complaint about the organisation's processing of personal data and the right to a judicial remedy and compensation

3.11.2. The Governance Team shall maintain a procedure setting out how information rights requests are to be handled and ensure that all relevant people are made aware of it, this includes clear guidance on where rights are not applicable due to the legal basis use to process data.

3.11.3. Salix Homes will exercise any relevant exemptions, permitted by the GDPR, where necessary, which include:

- national security;
- defence;
- public security;
- the prevention, investigation, detection, or prosecution of criminal offences;
- other important public interests, economic or financial interests - including budgetary and taxation matters, utility and council tax, public health and security;
- the protection of judicial independence and proceedings;
- breaches of ethics in regulated professions;
- monitoring, inspection, or regulatory functions connected to the exercise of official authority regarding security, defence, other important public interests or crime/ethics prevention;
- the protection of the individual, or the rights and freedoms of others; or
- the enforcement of civil law matters.

3.11.4. The Individual Rights Procedure sets out guidelines on the process to follow when a customer or employee submits an Individual Rights Request such as a Subject Access Request (SAR) and Access to Information Request

3.12. Data Breaches/ Incidents

3.12.1. Salix Homes will maintain a Data Breach Reporting Procedure, which instructs all colleagues the process to follow in the event of a data breach and data incident occurring.

3.12.2. Salix Homes will ensure that all breaches/incidents are recorded within the Data Breach Register and that each breach/incident will be thoroughly investigated in accordance with the Data Breach Reporting Procedure. This Procedure sets out responsibilities, decision-making criteria, and timescales for notifying data subjects, the Information Commissioner and the media about a personal data breach.

3.12.3. Salix Homes will ensure that any breaches, which may affect an individual's rights and freedoms, will be reported to the ICO and the data subject within 72 hours of becoming aware of the breach.

3.12.4. The Governance Team shall be responsible for maintaining the Data Breach Reporting Procedure and for ensuring that all relevant people are made aware of it and how to access it for reference.

3.13. Data processors

- 3.13.1. Salix Homes reserves the right to contract out data processing activities or operations involving the processing of personal data in the interests of business efficiency and effectiveness. No third-party data processors may be appointed who are unable to provide satisfactory assurances that they will handle personal data in accordance with the Data Protection Legislation.
- 3.13.2. Those wishing to appoint a data processor will ensure that appropriate due diligence is undertaken on the proposed data processor in the field of information governance and data protection compliance prior to their appointment. The Governance Team shall provide advice and guidance as required.
- 3.13.3. A data sharing agreement shall be implemented between the organisation and the data processor which meets the requirements of the Data Protection legislation. The Governance Team shall ensure that a register of such agreements is maintained. The data sharing agreement will specify what is to happen to personal data upon termination of the agreement.
- 3.13.4. No colleague is permitted to commission or appoint a third party to process data on behalf of Salix Homes without adhering to this policy and having in place a signed data sharing agreement.

3.14. Salix Homes as a Data Processor

- 3.14.1. Where Salix Homes acts as a data processor, it shall ensure it retains records of processing activities which record at least the information required under Article 30(2) of the UK GDPR for each controller it acts on behalf of. Salix Homes shall ensure that it has an appropriate agreement in place with each data controller and shall ensure that its colleagues, volunteers and contractors receive appropriate training to enable them to ensure compliance with the instructions and contractual terms of each data controller.

3.15. Data sharing, disclosure, and transfer

- 3.15.1. Salix Homes will ensure that a Data Sharing Agreement (DSA) is in place for all information that is shared with other organisations. Data Sharing Agreements must be approved by the Governance Team who will maintain a register of all such agreements. The Data Sharing Procedure and the IT Security framework set out guidelines on the process to follow when sharing information.
- 3.15.2. Salix Homes will ensure that all data shared outside of the business will be transferred in a secure, safe method and will only share information that is

necessary for the purpose. This policy extends to appointing others to process personal data on behalf of Salix Homes, sharing personal data with organisation, and providing information to ad-hoc requests for information such as those which may be received from the police and other authorities.

3.15.3. Salix Homes commits to informing all customers and employees on the organisation we share their information with. A full description of the types of organisations we share information with can be found in the Privacy Statement located on our website.

3.15.4. The Data Sharing Procedure sets out guidelines on the process to follow when sharing information, including tools to use to further protect our customer and employee data.

3.15.5. Salix Homes will provide information to all colleagues setting out safe and approved methods of transferring personal data to recipients. Colleagues are required to use only approved methods of data transfers, where possible.

3.16. Internationalisation of personal data

3.16.1. Salix Homes does not transfer personal data outside the UK. The processing of personal data takes place within the UK and any third party currently engaged with Salix Homes is not located outside the UK.

3.17. Privacy Notices

3.17.1. The Privacy Statement on Salix Homes' website details how we collect, store, process and retain customer information. The Privacy Statement will be reviewed on an annual basis to ensure it remains relevant and will be updated with any relevant legislative and/or regulatory changes as and when they occur.

3.17.2. The Employee Privacy Statement included in each employee contract details how we collect, store, process and retain employee information

3.18. CCTV

3.18.1. Salix Homes has CCTV in operation in communal areas of all tower blocks and sheltered accommodations for the prevention and detection of crime. The appropriate notices are present in all areas with CCTV cameras.

3.18.2. The CCTV Procedure sets out guidelines on:

- installing CCTV cameras;
- the retention period of the footage; and

- the process of sharing the footage with individuals and other agencies.

3.19. Direct Marketing

3.19.1. In order to ensure that customers are aware of the activities of Salix Homes and the services it provides, Salix Homes will provide information to existing customers on:

- Updates/ changes to services;
- Relevant community events;
- Neighbourhood/ community plans; and the performance of the organisation.

This list is not exhaustive and it to ensure that customers are being kept up to date and supported throughout the term of their tenancy.

3.19.2. We use the following methods to provide these types of information to our customers:

- newsletters;
- e-newsletters;
- magazines;
- letters;
- texts
- e-mail; and
- phone calls.

3.19.3. All customers are able to opt out of receiving information at any time and further information can be found in our Privacy Statement on our website.

3.19.4. The Privacy Statement on the Salix Homes website details all the marketing methods that we use and the legal basis we use to process the information.

3.19.5. The Privacy and Electronic Communications Regulations (PECR) sit alongside the Data Protection Act and the UK GDPR. The PECR provides rules on direct marketing, whether for corporate or individual subscribers. Lawful bases for using the direct marketing methods below include consent, soft-in and legitimate interest.

4. Risk Assessment

4.1. Salix Homes will adopt a risk-based approach to processing personal data ensuring that it assesses any risks to privacy or to the rights and freedoms of people before commencing or commissioning or changing data processing activities.

- 4.2. Where necessary Salix Homes shall, as a minimum, ensure that a data protection impact assessment is undertaken where required by Data Protection legislation and/or when one is deemed to be desirable by the Governance Team and or Data Protection Officer.
- 4.3. The organisation will maintain a procedure setting out how data protection impact assessments are to be carried out and documented and ensure that appropriate resources are available to advise on DPIAs.
- 4.4. The Governance Team is responsible for maintaining a register of data protection impact assessments that have been undertaken by the organisation and for its periodic review.
- 4.5. Data Protection Impact Assessments (DPIAs) will be carried out for relevant new activities using personal information prior to work commencing.
- 4.6. Any DPIA that results in a high residual risk, after all possible mitigations, but which can be objectively justified by the Senior Management Team, will be discussed with the ICO for further advice.

5. Data protection by design and by default

- 5.1. Salix Homes shall strive to foster a culture of data protection by design and by default in all its data processing activities. It shall ensure that measures are in place to encourage all those involved in data processing activities to adopt a model of continuous improvement to the technical and organisational measures that implement the data protection principles and safeguards into processing activities.
- 5.2. We shall strive to ensure that by default, only personal data which are necessary for each specific purpose of the processing are processed and that the extent of the processing, period of their storage and their accessibility. Such measures shall ensure that by default personal data are not made accessible without the individual's intervention to an indefinite number of natural persons.
- 5.3. The Governance Team shall implement measures to ensure that this policy is complied with.

6. Training and Awareness

- 6.1. Salix Homes will ensure that all those who it engages to process personal data either directly or indirectly are provided with appropriate training in the application of this and other data protection policies and procedures and in their data protection responsibilities. It will also undertake data protection awareness raising activities from time to time to keep data protection front of mind.

- 6.2. All training and awareness raising activities will be logged. Refresher training will be provided periodically.
- 6.3. Process Owners shall determine the training needs of those people within their sphere of control and that appropriate data protection awareness and training is provided, measured and reported.
- 6.4. Salix Homes will provide mandatory training to all colleagues on the importance of Data Protection. Any training gaps that are identified, will be discussed with the appropriate Manager and additional training will be delivered where necessary.
- 6.5. Salix Homes will conduct regular Data Protection awareness campaigns to ensure that Data Protection is continuously at the forefront of everything we do.
- 6.6. All Salix Homes colleagues are provided with Data Protection training during their induction period of employment via our e-learning training platform and there is a requirement for all colleagues renew this training on an annual basis.

7. Monitoring / Performance / Targets

- 7.1. Salix Homes is registered with the ICO and seeks to renew this registration on an annual basis. The ICO will be notified of any changes in the way in which Salix Homes processes personal data within 28 days of the changes taking place
- 7.2. To ensure ongoing compliance, the following targets are identified:

Contracts - the appropriate Data Protection clauses are included in all procurement contracts which result in the sharing of personal data. Where this is not possible, we will ensure that appropriate data sharing/processing agreements are in place

Data Breaches/ incidents - Salix Homes will investigate and keep a record of all breaches, incidents, near misses and compliance concerns reported to the Governance Team and use any appropriate lessons learned to continuously improve. We will ensure that, wherever possible, any breach of personal data, that may affect an individual's rights and freedoms, is reported to the ICO within 72 hours of Salix Homes becoming aware of the breach.

Data Protection Audits - Salix Homes will ensure that regular Data Protection Audits are completed throughout the business.

Data Protection Impact Assessments (DPIAs) - Salix Homes will ensure that a DPIA is undertaken for all new activities involving the use of personal data.

Individual Rights Requests - Salix Homes will endeavour to ensure that 100% of individual rights requests are complied with within one calendar month. Salix Homes will also endeavour to ensure that 100% of complaints relating to individual rights requests are responded to within 21 calendar days.

Training and Awareness - Salix Homes will ensure that all new colleagues complete training on UK GDPR and the DPA 2018 and annually thereafter.

8. Roles / Responsibility

- 8.1. All colleagues are responsible for their own awareness of data protection for following the requirements of this Policy in their individual roles.
- 8.2. Specific responsibilities are outlined below:

Data Controller - Salix Homes is the legal data controller under Data Protection Legislation.

Chief Executive Officer - The Chief Executive is the accountable officer responsible for the management of the organisation and ensuring appropriate mechanisms are in place to support service delivery and continuity.

SMT, Managers and Team Leaders – All those with a management/ leadership role are responsible for ensuring that their team members are aware of this policy, other relevant policies and procedures, their responsibilities concerning the processing of personal data and that this policy is adhered to at all times.

Data Protection Officer (DPO) – The DPO retains oversight for maintaining the policies, guidance and training needed to ensure the organisation is compliant with Data Protection legislation. At Salix Homes, the DPO is the Executive Director of Resources.

Governance Team - shall monitor and report to the senior management in respect of compliance and arrange for the investigation of any security incidents and maintain suitable records of processing activities. It shall ensure that the DPO's details are recorded on the Register of Fee Payers maintained by the Information Commissioner's Office and shall ensure that the contact details of the DPO is provided to data subjects as necessary and maintained in other relevant documentation.

Process Owners - Process Owners are responsible for understanding what personal data is used in their business area and how it is used, who has access to it and why. As a result, they understand and address risks to the data and the organisation. At Salix Homes, Process Owners covers a variety of job roles in relation to ongoing operational activities.

9. Legal / Regulatory Links

- 9.1. This policy relates to the following legislation:

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- the Data Protection Act 2018 (DPA 2018);
- the UK General Data Protection Regulation (UK GDPR);
- the Data Protection Directive;
- the Electronic Communications Data Protection Directive;
- the Privacy and Electronic Communications Regulations 2003;
- the Gender Recognition Act 2022;
- the Human Rights Act 1998; and
- the European Convention on Human Rights

10. Equality, Diversity and Inclusion

10.1. Salix Homes is committed to promoting and embedding a culture of equality, diversity and inclusion (EDI) within our workplaces and the communities we serve.

- Equality is about ensuring that every individual has an opportunity to make the most of their lives and talents;
- Diversity is recognising difference and responding positively to those differences;
- Inclusion is about creating an environment where our services and employment opportunities are accessible to all.

10.2. We are committed to meeting our obligations and duties under the Equality Act 2010 and to promoting equal opportunities both in the provision of services and in our employment practices. We will consider all the protected characteristics of the Act which are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Race
- Religion or belief
- Sex
- Sexual orientation
- Pregnancy and maternity

10.3. We also recognise that Socio-economic background is an area where inequalities exist and commit to addressing this disadvantage and inequality in our communities where able to do so.

10.4. We are also mindful of our duties under the Public Sector Equality Duty, which is to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Equality Act 2010;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.5. Where reasonable to do so, Salix Homes will make any reasonable adjustment to ensure compliance with the Act.
- 10.6. We recognise that where a person is unable to access their rights under this policy, due to their physical, mental, or emotional wellbeing then advocates with a confirmed authority to act can exercise their rights on behalf of the individual.
- 10.7. We recognise those with a Gender Recognition Certificate (GRC) or an application in process and understands this information should not be shared. Once an application is in process, Salix Homes will make any reasonable adjustment to ensure compliance with section 22 of the Gender Recognition Act which states it is illegal for representatives of public bodies, services, businesses, or employers to share your previous name, gender history or transsexual identity without consent.

11. Related Documents

Information Security Policy
Acceptable Usage Policy
CCTV Policy
Data Protection Impact Assessment Procedure
Confidentiality Procedure
Data Breach Reporting Procedure
Individual Rights Procedure
Record Management Procedure
Access to Information Procedure

12. Definitions

Data Is information which:

- (a) is being processed by means of equipment operating automatically in response to instructions given for that purpose;
- (b) is recorded with the intention that it should be processed by means of such equipment;

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- (c) is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system, i.e. highly structured readily accessible paper filing system;
- (d) does not fall within (a), (b) or (c) above but forms part of an accessible record; or
- (e) is recorded information held by a public authority and does not fall within any of paragraphs (a) to (d).

Data Controller The person who (either alone, jointly or in common with other persons) determines the purposes for, and the manner in which, any personal data is processed. A Data Controller may also act jointly with another organisation to process personal data.

Data Processor In relation to personal data, a Data Processor refers to any person or organisation (other than an employee of the Data Controller) who processes the data on behalf of the Data Controller.

Data Security Breaches Is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to the shared personal data. Where the breach does not impact on the rights and freedoms of the data subject, it may be referred to as a data incident.

Data Subject An individual who is the subject of personal data

Data Subject Rights Data Subjects have rights in relation to their personal data under the UK GDPR. Those rights include:

- (a) the right to be informed;
- (b) the right of access;
- (c) the right to rectification;
- (d) the right to erasure;
- (e) the right to restrict processing;
- (f) the right to data portability;
- (g) the right to object; and
- (h) rights in relation to automated decision making and profiling.

Personal data Information which:

- (a) relates to a living individual who can be identified from the data, or
- (b) from the data and other information, which is in the possession of, or
- (c) is likely to come into the possession of the Data Controller and includes any expression of opinion about the individual and any indication of the intentions of the Data Controller or any other person in respect of the individual.

Privacy and Data Protection Legislation Includes all applicable laws and regulations relating to the processing of personal data and privacy, as follows (not necessarily exhaustive):

- a) the Data Protection Act 2018 (DPA 2018);
- b) the UK General Data Protection Regulation (UK GDPR);
- c) the Data Protection Directive;
- d) the Electronic Communications Data Protection Directive;
- e) the Privacy and Electronic Communications Regulations 2003;
- f) the Human Rights Act 1998; and
- g) the European Convention on Human Rights

Processing In relation to information or data, this means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data.

Special Category Personal Data This includes:

- political opinions;
- religious beliefs or other beliefs of a similar nature;
- ethnicity;
- trade union details;
- medical records/ health data ;
- genetic data; or
- sexual preferences.

Supervisory Authority The Commissioner or the Information Commissioner's Office (ICO) is the authority that oversees and upholds information rights in the United Kingdom