



POLICY DOCUMENT

Group Member: Progress Housing Group

Service Area: Data Protection

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1. INTRODUCTION

- 1.1 Progress Housing Group Limited and its subsidiaries companies (the Group) and Concert Living) process personal and special categories* of personal information about many individuals. This includes tenants, customers, clients, service users, applicants and prospective customers, employees, board members, volunteers, and employees of local authorities, support providers and suppliers. The Group processes this data in order to carry out its business and provide the services to the public and organisations it supports.
- 1.2 All individuals have a right to privacy and these rights are upheld by the UK General Data Protection Regulation and the Data Protection Act 2018 (GDPR) (as amended by statutory instruments), and other legislation. These laws give a framework to ensure legal, fair and transparent data processing and that data is handled securely.
- 1.3 This policy is therefore concerned with the collection, storage, processing, sharing and security of personal information held and managed by the Group, whether in electronic or physical format.

* *see definitions*

2. SCOPE OF THE POLICY

- 2.1 This policy applies to all data held in relation to natural (human as opposed to corporate persons), personally identifiable individuals and information processing, including collection, storage and destruction, for data held in both physical formats (i.e. paper) and digital formats (i.e. on computers, mobile devices, etc.).
- 2.2 This applies to all processing of personal data by, within, or on behalf of Progress Housing Group and any members of the Group including (at the time this policy was issued): Progress Housing Group Limited; Progress Housing Association Limited; Reside Housing Association Limited; Key Unlocking Futures Limited; Concert Living Limited; and New Progress Housing Association Limited (non-trading company).
- 2.3 This policy does not apply to non-personal business data, but equivalent privacy, confidentiality and security measures from this policy should be applied.
- 2.4 Under the UK GDPR and the Data Protection Act 2018, rights do not apply to deceased persons. A duty of confidentiality persists in many areas, particularly health and social care, and as such special care is needed to ensure that the requestor and or recipient of data

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concerning deceased persons have a legitimate right to that information. In addition, data regarding a deceased person may have implications for the confidentiality of living persons (e.g. relatives or partners with regard to health information or other circumstances). As such, adequate care is needed to ensure that such information is not unduly revealed.

NOTE: When disclosing information pertaining to a deceased individual, proof of death must be sought, e.g. a death certificate, and secure identification of the requesting individual must be put in place, to facilitate disclosure to a next of kin, executor of a will or similar (see 4.14.2 relating to secure identification for disclosures to 3rd parties). Data must not be disclosed to a person without a valid right to access that data.

3. RESPONSIBILITY

- 3.1 Responsibility for ensuring data protection compliance falls to the executive board and senior leadership team.
- 3.2 This policy is written and overseen by the Data Protection Officer.
- 3.3 All staff (including temporary staff, casual staff, volunteers, apprentices and work experience) and non-executive directors must comply with this policy. Managers have a duty to ensure staff have read this policy before starting to process any personal data.
- 3.4 All staff have a duty to report a breach of this policy to the Data Protection Officer, and where appropriate, to their line manager
- 3.5 Data Processors (contractors, suppliers and sub-contractors) and joint controllers or partners, will have contractual terms drawn up based on this policy to ensure a level of compliance with it, ensuring they manage data in an transparent, appropriate, secure and legal manner

4. POLICY

4.1 Aims & Objectives

The UK GDPR outlines six principles for data processing, specific legal bases for processing personal data and special categories of personal data, as well as specific rights for Data Subjects. The below outlines those elements, explains their practical application for the

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Group and the subsequent policies, procedures and actions required to support them.

4.2 The Principles

- 4.2.1 The Group will process personal data in a lawful, fair and transparent manner (*'lawfulness, fairness and transparency'*);
- 4.2.2 The Group will only process personal data for specific, explicit and legitimate purposes, which it will document (*'purpose limitation'*);
- 4.2.3 The Group will only process data that is adequate, relevant and limited to what is necessary for the purposes for which they are processed (*'minimisation'*);
- 4.2.4 The Group will ensure all data processed is accurate and up-to-date to the best of its ability (*'accuracy'*);
- 4.2.5 The Group will not keep personal data for longer than it is necessary for the purposes for which it is processed (*'storage limitation/retention'*);
- 4.2.6 The Group will process data in a secure manner ensuring protection against unauthorised or unlawful processing, accidental loss, destruction or damage, using appropriate technological or organisational measures (*'integrity and confidentiality/security'*);
- 4.2.7 The Group shall be responsible for and demonstrate compliance with the above principles (4.2.1-4.2.6) (*'accountability'*);

4.3 The Legal basis for processing Personal Data

Personal data shall only be processed if one of the following legal basis can be met:

- 4.3.1 The Data Subject has given consent to the processing of their data; or

NOTE: If and when relying on consent the following must apply:

- Consent must be demonstrable;
- Consent in the form of a clear and unambiguous recorded declaration must be distinguishable from other matters, and requested in an intelligible and easily accessible form, using clear and plain language;

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- The Data Subject may withdraw consent at any time, and withdrawal must be as easy as giving consent;
- When processing the data of Children (under 16 years of age) consent to process should be sought from the child and a parent or guardian, with the exception of 'online services' delivered to the child, where the age of consent is 13 according to UK law. There may be exceptions to this if it is clear that the individual is aware of and understands the consequences for processing the information and is competent to make decisions based on that or in situations where parental permission would serve as an undue barrier for accessing services. For services to residents in Scotland, the age for data protection consent is 12.

- 4.3.2 The processing is necessary for a contract the Data Subject is party to, or in order to take steps prior to entering into a contract (e.g. a Tenancy Agreement, or applying for a tenancy); or
- 4.3.3 The processing is necessary for compliance with a legal obligation to which the Group is subject; or
- 4.3.4 The processing is necessary to protect the vital interests (life) of the data subject or another natural person (e.g. in an emergency life and death situation, disclosing an employee's allergies); or
- 4.3.5 The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; or
- 4.3.6 The processing is necessary for the purposes of a legitimate interest of the Data Controller or by a third party except where such interests are overridden by the interests or rights and freedoms of the Data Subject, in particular where the Data Subject is a child.

Where possible the Group will refrain from using 4.3.1 'consent' as in most cases for our work, this basis is not the most appropriate choice and includes 'the right to withdraw consent', which could hinder our ability to provide our services. This should not be confused with 'permission' which should still be sought where practical, appropriate, and possible.

Where using 'Legitimate Interests', that interest must be documented using a DPIA (Data Protection Impact Assessment) or equivalent documentation and an appropriate risk assessment carried out to

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ensure the rights and freedoms of the affected Data Subjects are protected.

4.4 Conditions for processing Special Categories of Data

In order to process Special Categories of Personal Data (see [Definitions](#) for clarification) one or more of the additional grounds below must also be met:

- 4.4.1 The Data Subject has given explicit consent for the processing for specific purposes; or
- 4.4.2 For employment, social security and social protection law processes, as set out in UK or constituent nation law and providing appropriate safeguards for the rights and freedoms of subjects are in place; or
- 4.4.3 To protect the vital interests (life) of Data Subjects or another natural person where the Subject is physically or legally incapable of giving consent; or
- 4.4.4 Processing carried out as part of the legitimate activities of a non-for-profit organisation with a political, philosophical, religious or trade union aim, where the processing is solely for members or former members of the body or to persons who have regular contact with it in connection to its purposes and that the personal data is not disclosed outside that body without the subject consent; or
- 4.4.5 Processing related to personal data made public by the subject; or
- 4.4.6 Processing necessary for the establishment, exercise or defence of a legal claim or for courts acting in a judicial capacity; or
- 4.4.7 Processing is necessary for the purpose of substantial public interest, on the basis of UK or constituent nation Law which will be proportionate to the aim pursued, respect the essence of the Data Protection rights and provide for suitable and specific safeguarding measures to the rights and interests of the subject; or
- 4.4.8 Processing is necessary for preventative or occupational medicine, the assessment of the working capacity of employees, medical diagnosis, provision of health or social care or treatment or the management of health or social care

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services based on state law or pursuant of a contract with a health care professional; or

4.4.9 Processing is necessary for the reasons of public interest in relation to public health such as cross-border threats to health, ensuring high quality of health care, medical devices or medicinal products based on UK or constituent nation law that safeguards the rights and freedoms of subjects, particularly professional secrecy; or

4.4.10 Processing for archival purposes in the public interest, scientific or historical research or statistical purposes (where appropriate safeguards are in place and data is either pseudonymised or anonymised completely).

When handling Special Categories of personal data, 4.4.2 'employment and social security' may be the more appropriate option as housing services, disability support services, and 'old-age' services are set out as in-scope of this condition in Schedule 1 of the DPA 2018.

When handling special categories of data on the basis of 4.4.5 (known as public domain), re-use and dissemination of that data must ordinarily cease in the event that the subject concerned has made a request under the right to be forgotten for this to cease.

Condition 4.4.6 'legal claims' cannot be relied upon for the collection, processing, or retention of data merely on a 'just-in-case' basis.

4.5 Criminal Conviction Data

Criminal conviction data cannot be collected or processed unless there is a legitimate legal basis to do so or a legal authority imposed upon the organisation.

4.5.1 We may process criminal data in relation to employment, under the terms of the Rehabilitation of Offenders Act, in relation to specific and designated roles within the organisation, which meet the criteria set out by the Disclosure and Barring Service.

4.5.2 Criminal data must be collected and processed in-line with the above principles (4.1), including being the minimum data to accomplish its purpose, updated regularly and/or disposed of once it is used for its specific purpose and kept secure – only being visible to those that require access to it.

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4.5.3 Criminal conviction data can be processed for other purposes, but they must be carried out under a specific legal requirement or authority bestowed upon us or an employee, or must meet the substantial public interest requirements of the Data Protection Act 2018. When looking to process data on this basis, the process must be documented and an appropriate risk assessment carried out, preferably using a DPIA and must be reviewed by the Data Protection Officer, due to the potential risks and requirement to notify the ICO of any potentially high risk processing we plan to carry out (see 4.7.1).

4.6 Data Subject Rights

4.6.1 The UK GDPR also gives Data Subjects the following Rights in relation to their personal data:

1. The right to be informed about the processing of their personal data (see the section on Data Collection for more information);
2. The right to access a copy of their data (Subject Access Request);
3. The right to rectification of their data if it is incorrect;
4. The right to erasure (a.k.a. 'the right to be forgotten');
5. The right to the restriction of processing;
6. The right to data portability (transfer from one similar supplier/service provider to another);
7. The right to object to automated decision making;

4.6.2 All above Rights must either have a specific procedure for their management or are written into other procedures where applicable action may be carried out in relation to these rights.

4.7 Data Protection Impact Assessment (DPIA)

4.7.1 Where carrying out any new data collection, processing that may have a potential impact on Data Subjects, or to change the way in which data is collected, processed or purposes for which it is used a Data Protection Impact Assessment must be completed to ensure accountability for the proposed processing and to ensure all Data Protection risks are

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documented and managed. The Data Protection Officer will make a template document available with guidance on how to complete this, or record the appropriate information for a DPIA.

1. For all new internal projects a DPIA must be completed alongside the business case.
2. If the piece of work or change does not flag one of the screening questions within the DPIA, the rest of the form does not need completing, but the screening questions must be recorded as showing the form is not required.
3. For smaller changes, a reduced format DPIA form may be completed, for expediency, but it must record how the proposed change will meet the principles of the legislation and demonstrate that the larger form is not necessary.
4. Where there is a discernibly high risk to individuals' data or where a large amount of special category personal data is being processed, and these risks have not been adequately mitigated, the DPIA should be shared with the ICO, to potentially provide additional consultation or advice on how to manage the processing and ensure that rights and the law are upheld.
5. The DPIA risk map should be used to capture any data risks and produce an action plan for remedying or mitigating these risks. These should be managed by the data owner.

4.8 Consultation

- 4.8.1 When planning to engage in potentially high impact or high risk processing, a method of consulting impacted data subjects or their representatives should be used to address potential concerns and risks. Consideration should be given to prior consultation for all new data processing activities or any substantial changes to existing activities.
- 4.8.2 This should be carried out in-line with the DPIA and recorded therein, alongside the raised risks and how these will be mitigated.
- 4.8.3 This may be done as a survey, a community consultation or an internal consultation with a tenant based group or committee.

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4.9 Data Collection

- 4.9.1 When initially collecting data about a subject, gathering new data about a subject or as soon after being provided with a person's data (no later than 24 days afterward), we must provide a Data Protection Notice, as per the Data Notice procedure and template (see Appendix 1).
- 4.9.2 If we are supplied data about a person by a third party, we must supply an appropriate Data Protection Notice to the individual, including the categories of data we are processing and the source of the data, where this is feasibly and reasonably possible unless doing so would require the acquisition of additional data, would contravene UK or constituent nation law, or place a person at undue risk of harm.
- 4.9.3 If this notice has already been supplied to the individual, it does not need to be supplied again.

For example when a full Data Protection Notice has been supplied at tenant sign-up, we would not need to provide another copy of that notice which covers any of the standard tenants services therein. If, for example though, they were referred to the Financial Inclusion team, and that service and its related processing, is not included in the notice, an additional notice with the specifics of that data processing should be issued.

- 4.9.4 If the data subject has been informed by the third party providing us with their data that their data would be shared with us along with the rationale, lawful bas, details of their rights, etc., then it is not legally necessary to provide that data subject with a copy of the privacy notice. However, if it is practical to provide the notice in such circumstances, then it should still be provided.
- 4.9.5 If we change the way data is processed, we need to issue a renewed statement defining the new processing and legal basis, as per 4.9.1.
- 4.9.6 Version control must be maintained for old notices, to provide evidence of the changes.
- 4.9.7 Data Protection Notices must contain:

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1. The name and contact details of the Data Controller (either Progress Housing Group or a relevant subsidiary);
 2. The contact details of the Data Protection Officer;
 3. The purpose of the processing and the legal basis for it
 - If this is a 'legitimate interest', what that interest is;
 - If it is a 'contractual basis' whether the subject is obliged to provide the data and the potential consequences of not providing it;
 - If this is based on a legal obligation, what that obligation is;
 - If this is based on a task in the public interest, then what this interest is and how the processing furthers that interest;
 4. The recipients or categories of recipient for the data;
 5. Whether the data will be transferred to outside of the UK or international organisation, and if so, the protections applied to safeguard their data and their rights while the data is outside the UK;
 6. The retention period, or criteria for determining retention;
 7. The existence of the subjects rights, what they are (including the right to withdraw consent), and how to exercise those rights;
 8. The right to lodge a complaint to the supervisory authority and how to do so;
 9. If automated decision or profiling exists, meaningful information about the logic and envisaged consequences of such processing or how to exercise the right to a human decision maker/ human review.
- 4.9.8 If the data is provided by a third party you must also include:
1. The category(ies) of data provided;
 2. The source of the data.
- 4.9.9 Notices should also be available on the company's website (for tenant, customer and employment applicant data processing) and Intranet sites (for employee data processing), giving the details set out above.

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4.9.10 Where it is not practical to provide a written version of the Data Protection Notice, individuals should be directed to the website or intranet Data Protection pages.

4.10 Data Processing

- 4.10.1 Personal data must always be processed in-line with the data protection principles.
- 4.10.2 Records of processing must be maintained. These may include audit logs within computer systems, or as other digitally recorded logs held in another manner. These are to capture data changes and access, to ensure that any processing or actions that may have led or contributed to a breach can be captured and interrogated.
- 4.10.3 Changes to data processing, must be considered in-line with the DPIA documents and updated therein. Any changes which will have a significant impact on the rights or freedoms of subjects or involve a significant change in the amount of or nature of the data processed (such as adding special category personal data) may require a full DPIA review.
- 4.10.4 Appropriate risks must be logged and remedial action plans put in place, to ensure ongoing compliance.
- 4.10.5 DPIAs will be used as a basis for carrying out Data Protection audits on a team's compliance, ensuring processes are followed and risk mitigating elements are upheld

4.11 Retention, archiving and destruction

- 4.11.1 All data must be retained, archived and disposed of in-line with the corporate Retention, Archival and Disposal Policy and Retention Schedule unless there is a clear, documented, and lawful over-riding reason for deviation from that policy.
- 4.11.2 It is the responsibility of the Data Owning team's manager to ensure this is upheld and carried out on a regular basis.

4.12 Processing for other Data Controllers

- 4.12.1 **As a processor**

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1. Where the Group processes data for another organisation this must be defined within a contract, declaring in writing:
 - the processing that is required by the Controller;
 - a scope for the works and the data transferred between the organisations;
 - SLAs for responding to rights requests and breach incident notifications;
 - and the appropriate action required and at the end of the contract - whether and how data is to be removed or returned.
2. Where a contract is not supplied by the Data Controller, we may use our standard contractual terms for data processing as the basis for this.

4.12.2 As a Joint Data Controller

When entering into a Joint Controller situation, liability is held between both parties. In this instance appropriate terms must also be drawn up between both parties to ensure the rights and freedoms of affected data subjects are protected; subjects are appropriately informed of where their data is held and processed and where to go to enforce their rights as well as ensuring security of the data held and transferred between the companies, to ensure all methods are appropriate.

4.13 Data Processors (Contractors and suppliers)

- 4.13.1 Where the Group employs an organisation, or an individual acting as a sole trader, to process data on their behalf, as per the supplier set-up process, the processing must be defined within a contract, declaring in writing:
 - the processing that is require by the Controller;
 - a scope for the works and the data transferred both ways with the organisation;
 - SLAs for responding to rights requests and breach incident notifications,

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- the right to carry out appropriate audits and checks on their compliance with the contract and the data protection legislation;
- the appropriate action required at the end of the contract.

4.13.2 These contracts should be reviewed bi-annually to ensure they are fit for purpose and to address any changes in the processing requirements of the Group and the appropriateness of the agreement in relation to the data risk, propriety and relationship with the processor during that time.

4.13.3 Ad-hoc changes may need to be made if any issues arise with the supplier; their ability to ensure compliance with the law; if the contract changes hands under its terms to a different processor or; if there are changes in the data protection or other legislation that would impact on the risk to the Group or our data subjects whose data is processed by the processor. These changes must be approved by both parties, in writing.

4.14 Data Sharing and Disclosure

4.14.1 All data sharing and disclosure must be done in-line with the Group's Data Sharing and Disclosure Procedure.

4.14.2 An appropriate security check should be done whenever disclosing, amending, restricting or otherwise processing data, from a direct instruction from the data subject or a representative of theirs, in a method where immediate identification is not easy. Examples of these circumstances are such as face-to-face when the individual is unknown to you; over the telephone; via email; via webchat or any other similar method of communication. This is to prevent disclosing data to anyone misrepresenting an individual and in so doing, preventing a breach incident.

1. Security questions should be of a unique enough nature that they would not be publicly available and should ask for confirmation of data we possess, that is known to the data subject only. For example data of birth, postcode, address etc. are easily and readily available to many people on public registers, whereas someone tenancy reference number, how much their rent is or how they pay for their rent would not be.

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2. Each team, interacting with individuals, using methods where identification is an issue, should make specific procedures for how to manage such security identification. These may address any specific needs of their customers and the risks related to the data they process. Appropriate training should be delivered to ensure compliance with these procedures.
3. Managers have a responsibility to ensure that these security procedures are in place and are adhered to. They may do this through audits of communications.
4. Where staff are not adhering to these procedures and failing to check security, appropriate steps should be taken to address the risk of potential breach incidents
- 4.14.3 When sharing data with a third party, an appropriate legal gateway must be used to facilitate this, as per sections 4.3 and 4.4. Where consent is required, this must be demonstrable both for transparency to the subject and to ensure the transfer between the Group and the recipient has a legal basis.
- 4.14.4 Where systematic sharing is required to a third party in relation to service provision for a customer (e.g. a carer representing a disabled tenant or emergency contact), a data sharing consent form must be signed capturing information for the Group to be able to prove the identity of the third party when the contact us.
- 4.14.5 Where relying on legal provisions such as a Power of Attorney, similar information to the purpose as 4.13.2 should be gathered to ensure identification of the individual. Proof of the Power of Attorney or other legal basis must be sought to ensure the validity of the relationship.
- 4.14.6 Where disclosing data for the purposes of criminal investigation by the police, the data disclosed should be recorded. If the sharing is felt to be inappropriate (i.e. for 'fishing' purposes), this may be deferred back to the requesting officer and we may request that the appropriate warrant is sought.
- 4.14.7 When collecting data about third parties, these individuals become data subjects and should be informed as such, as per section 4.9.

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4.15 Third Country Data Sharing and Processing

4.15.1 Where possible, all data processed by a Data Processor on behalf of the Group, should be held and managed within the UK to ensure compliance with and coverage from the Data Protection legislation.

4.15.2 If data is being processed outside of the UK, either:

1. The country or organisation must be approved by the ICO to ensure an adequate level of protection;
2. There must be a legally binding and enforceable agreement between both countries or organisations;
3. 'Binding corporate rules' are in place;
4. Standard Data Protection clauses are adopted, as laid out in the UK GDPR (Article 93) (as specified by the ICO);
5. There is an approved code of conduct or certification mechanism in place ensuring appropriate safeguards and a subject's rights can be upheld; or
6. The data is entirely and securely encrypted at all times when that data is outside of the UK or 'adequate' third countries and we retain the encryption keys or have entrusted these to a delegated third party who will ensure that these do not leave the UK or adequate jurisdictions and there is reasonable assurance that it is not possible for that data to be decrypted outside of the UK without the permission of the Group.

4.15.3 If the rules of 4.15.2 cannot be met, one of the following legal bases must be met for Third Country Data Processing; these apply only in so far as it is not compatible with the legitimate purpose for the processing to be contained entirely within the UK:

1. Explicit consent is given by the data subject after having been informed of any risks relating to the transfer or processing;
2. The processing is done in the performance of a contract between the subject and the controller or for pre-contractual measures;

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3. The processing is for the conclusion of a contract, in the interest of the subject, but where the contract is between the Controller and another natural or legal person;
4. The processing is for the reasons of substantial public interest;
5. The processing is in order to establish, exercise or defend a legal claim;
6. The processing is in the vital interest of the subject or another person, where the subject physically or legally cannot give consent;
7. The transfer is made from a public register established under State Law at the behest of the data subject. (For example, the data subject wishes to join a register of medical practitioners in another country and as part of the registration process, information is required from the Group regarding the data subject.)

4.16 Breach management

- 4.16.1 Data Breaches will be managed in line with the Data Breach Procedure.
- 4.16.2 Data Breaches or potential data breached, must be notified to the Data Protection Officer as soon as an individual in the organisation is aware of this happening, has happened, or is informed by a Data Processor, Data Recipient, or other party.
- 4.16.3 Where a breach needs to be disclosed to the ICO this must be done within 72 hours of the incident being identified, by the Data Protection Officer.
- 4.16.4 Where there is a high risk to the individual(s) affected, we must inform them, including any remedial action they need to take to additionally protect themselves.
- 4.16.5 Where a breach has occurred, the Senior Leadership Team must be informed.

4.17 Data Protection Officer (DPO)

- 4.17.1 The DPO is responsible for:

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1. Advising the Group on all matters in relation to Data Protection and as such should be involved in any issues as soon as practicable;
 2. Advise and facilitate training employees of their obligations under the Data Protection legislation;
 3. Advise on and implement policies and procedures for data protection tasks and duties;
 4. Cooperate with and act as a contact for the Information Commissioners Office.
- 4.17.2 The DPO shall have the tasks as laid out in Article 39 of the UK GDPR.
- 4.17.3 The DPO shall ensure compliance with the Data Protection legislation, having the protections laid out in the UK GDPR legislation and shall have reporting access to the highest level of management within the Group.
- 4.17.4 Data Subjects shall have a route(s) of direct access to the DPO to report issues, raise queries and make rights requests.
- 4.17.5 The DPO shall be bound by secrecy and confidentiality concerning the performance of their tasks.
- 4.17.6 The DPO shall be granted appropriate access to all data held by the Group in accordance with carrying out their tasks, primarily in order to facilitate rights requests and audit data processing, and investigation of data breaches.
- 4.17.7 The DPO will determine how to fulfil their statutory role and will not receive instruction in how to carry out their statutory tasks.
- 4.17.8 The DPO may have additional duties and tasks as determined by the needs of the organisation; however these may not result in a real or reasonably perceived conflict with the statutory tasks of the DPO.

4.18 ICO & Registration

- 4.18.1 The Group and any data processing subsidiaries have registered with the ICO, logging all required information, including the details of the DPO. This is renewed annually, on the anniversary of the original registration. The registration references are: Progress Housing Group: Z7945816;

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Progress Housing Association: Z7611446; Reside Housing Association Z8893471; Key Unlocking Futures: ZA076933.

4.18.2 The Group will, via the DPO ensure an open relationship with the ICO, referring to them for advice, recording relevant DPIAs and logging any breach incidents which meet the reporting requirements from the legislation.

4.19 Abbreviations

DPA – Data Protection Act 2018 (As amended)

DPO – Data Protection Officer

DPIA – Data Protection Impact Assessment

GDPR – UK General Data Protection Regulation

Group – Progress Housing Group Limited and its subsidiary companies

ICO – Information Commissions Office

4.20 Definitions

The below definitions are derived from the GDPR:

Personal Data - means any information relating to an identified or identifiable natural (living) person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

Special Categories of Personal Data - Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic or biometric data used for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

Processing - means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation,

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use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

Data Controller - means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law;

Data Processor - means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;

Third Party - means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data (also referred to as a 'recipient');

Pseudonymisation - means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person;

Consent - of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;

Personal data breach - means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed;

Supervisory authority - means an independent public authority which is established in law to regulate matters of data protection pursuant to Article 51 of the UK GDPR. Throughout the UK, this is the Information Commissioners Office;

4.21 References

UK General Data Protection Regulation

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Data Protection Act 2018 (as amended)

5. IMPLEMENTATION

5.1 Training

All staff require data protection training to outline the key principles, legal basis and rights under the legislation. This covers staff dealing with data directly or in order to spot potential breaches where staff are not directly dealing with personal data.

Before all new staff (permanent, temporary, voluntary, etc.) , whose roles require processing personal data start, they must read the policy and be trained by their manager in relation to the data protection and information security requirements of their specific role in line with any documented procedures.

5.2 Procedure references

This policy defines terms and a basis for the following procedures:

- Information Security Policy
- Data Breach procedure
- Disclosure and sharing procedure
- Archival, retention and disposal procedure
 - Retention Schedule
- Subject Access Procedure
- Data Protection Rights Procedures
- Privacy Impact Assessment Procedure
- Marketing Policy & procedure(s)
- CCTV and Surveillance Procedures

5.3 Linked documents

N/A

6. CONSULTATION

6.1 The Group Operational Team and Senior Leadership team have been consulted to ensure the suitability of this policy.

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7. REVIEW

- 7.1 This policy will be reviewed every three years or in-line with any changes in legislation.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 An equality impact assessment has been undertaken and the risk of the policy having an impact on the public or staff (with particular regard to potential impacts on minority groups) has been assessed as low.

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APPENDIX 1

Data Protection Statement Builder

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Instructions

Please use the 'Data Protection Statement' below this instruction box, as a template to create data protection collection statements for forms or other means of collecting personal data or to inform people what we are doing with their data.

We have a legal obligation to inform people why we're collecting their data and what we're going to do with it, the legal basis for doing so, who we will or may share the data with, how long we will hold it, how they can action their rights and lodge a complaint with the Information Commissioners Office.

It is advised that this information should be presented at the top of or before completing a form collecting information, to ensure the data is given freely and in an informed manner. If data has been supplied by a third party, we must disclose this statement to the data subject (the person the information is about), within 30 days of receiving it and in addition declare the categories of data we hold about them and where we got the data from.

- Sections that are highlighted need a response or action
- Sections in square bracket: [TEXT] need text entering
- Sections in curly brackets {text} are optional
- *Italic text* gives instructions
- Please ensure you change all highlighted sections back to normal/un-highlighted text and remove all the brackets, instructions and parenthesisise (" ") before publishing the statement. Read it thoroughly and consult a colleague or the Data Protection Officer to check it if needs be.

The options for Legal Basis and Special Categories of Personal Data Processing are as below. Cut and paste these in to the legal basis table, against the purposes for processing the data.

* Legal basis for processing personal data
As part of a contract or in order to enable a contract. False or inaccurate data may void the terms of the contract, so please ensure all data is accurate
The processing is necessary to comply with the law(s) - [Please state the relevant Law(s)]
To protect the vital interests of yourself or another person
With your given consent to the processing, understanding that consent enables the related processing to take place and that consent can be withdrawn at any time. Removal of consent will result in us not being able to provide the related services to you.
The processing is for the legitimate interest of the organisation, namely [enter the legitimate interest] and will not override your interests, rights or freedoms
Legal basis for processing Special Categories of Personal Data (race, ethnicity or nationality; religious or philosophical belief; sexual orientation or sexual life; medical or health information; trade union membership; political opinion; genetic or biometric data)
You give explicit consent to the processing specified in relation to your [enter data categories required, aligned to the purpose specified] in relation to this purpose
For the purpose of enabling [employment / social security / social protection] and to comply with related laws
To protect the vital interest of yourself or another individual in the event you cannot physically or legally give consent (e.g. in a life or death situation)
Processing related to personal data which is manifestly made public by yourself
Processing necessary for the establishment exercise or defence of a legal claim
Processing necessary for statistical purposes

If these do not fit the processing you wish to carry out or you have any issues, please speak to the Data Protection Officer Andrew Cramee

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Data Protection Statement Template

The below statement defines how your data will be managed and used, the legal reason for collecting and processing it, as well as other organisations the information may potentially be shared with. We care greatly about the security of your information and making sure it's processed in a legal, fair and transparent manner, ensuring we are compliant with Data Protection legislation. If you have any queries, issues or would like to act upon any of your rights mentioned below, please use the contact details provided.

The data is being collected and processed by **[ENTER COMPANY]**. *{If it's not PHG enter the following, otherwise delete "[ENTER COMPANY] is a subsidiary of Progress Housing Group Ltd}*. Our head office is at **[Sumner House 21 King Street, Leyland Lancashire, PR25 2LW {or enter address}]** and we are also contactable on telephone number **{03333 204555}**. Our Data Protection Officer is contactable on the above details or dataprotection@progressgroup.org.uk.

{If the data is collected from a 3rd party e.g. an emergency contact, "The data we have been supplied about you is made up of: [Categories]. This data was supplied by [Source]"}

Your data will be processed for the following purposes and legal basis:

Purposes for processing	Legal basis for processing [*]	Consent
<i>e.g. To manage the collection of rent and arrears</i>	<i>As part of a contract – namely our tenancy agreement</i>	

{If we are also collecting special categories of personal data or criminal records data (including allegations) include this section:

*We also collect 'Special Categories of personal data' 'Criminal Records data' about you. These are [Special categories *see table above]. We will process these for the following purposes and legal basis:*

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Purpose for processing Special Categories of Personal Data or Criminal Records Data	Condition for processing [#]	Consent (please tick)

{ If any of the above purposes for processing rely on Consent, please indicate you give consent to that processing by ticking the 'Consent' tick box alongside the processing purpose and sign the consent statement below. }

}

{ If you are relying on consent either as a processing basis or for processing special categories of data, a condition, please include the section below

Consent Statement

By signing below you:

- Give consent to the processing mentioned above, that is specifically done under the legal grounds of Consent.
- I understand I can withdraw consent at any time by contacting the organisation using the above details.
- I understand that any other processing declared above, that DO NOT rely on consent will be done under those legal basis.

If you do not sign below and therefore refuse consent, the above consent based processing cannot be carried out and the organisation cannot deliver those related services to me.

Name	Signature	Date

}

Your information will be held for the lifetime of our relationship with you, in connection with the above processing {plus the [RETENTION PERIOD], depending on legal requirements or to allow for legal cases or complaints to be handled and answered, if they are raised (consult the retention schedule for the appropriate retention period)}.

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Your data will potentially be shared with the following types of people, organisations or bodies. This falls under the processing reasons stated above, facilitating certain processing we cannot carry out ourselves or under a legal obligation:

Recipients – people we may share your data with
<ul style="list-style-type: none"> • Our parent organisation • Contractors and suppliers • Law enforcement agencies / the police • Local authorities (e.g. Councils) • National government departments •

}

Your data {If sent to another country (“may”) / if not (“will not”)} be shared outside of the UK.

You have the following rights under the Data Protection Law. To enact these rights please contact us using the contact details above.

- The Right to access you data;
- The Right to correction of data;
- The Right to portability of your data, to a similar service provider;
- The right to ask us to erase your data under certain circumstances;
- The right to object to or restrict processing we carry out on your data;
- The right to query automated decision making and profiling decisions made using your data.

You can also lodge a complaint with the Information Commissioners Office if you feel we are not handling your information in an appropriate manner, more details are available at ico.org.uk or you can call 0303 123 1113.