

**Marlborough and District Housing  
Association Limited**

**GDPR Review  
2018**

# Marlborough and District Housing Association Limited

## GDPR review

### Introduction

The new General Data Protection Regulation (GDPR) will apply from 25 May 2018. To ensure that the association complies with these new Data Protection Rules the Information Commissioner's Office (ICO) recommend that all organisations complete a 12 step checklist.

These steps are:

- 1 Awareness  
*You should make sure that decision makers and key people in your organisation are aware that the law is changing to the GDPR. They need to appreciate the impact this is likely to have.*
- 2 Information you hold  
*You should document what personal data you hold, where it came from and who you share it with. You may need to organise an information audit.*
- 3 Communicating privacy information  
*You should review your current privacy notices and put a plan in place for making any necessary changes in time for GDPR implementation.*
- 4 Individuals' rights  
*You should check your procedures to ensure they cover all the rights individuals have, including how you would delete personal data or provide data electronically and in a commonly used format.*
- 5 Subject access requests  
*You should update your procedures and plan how you will handle requests within the new timescales and provide any additional information.*
- 6 Lawful basis for processing personal data  
*You should identify the lawful basis for your processing activity in the GDPR, document it and update your privacy notice to explain it.*
- 7 Consent  
*You should review how you seek, record and manage consent and whether you need to make any changes. Refresh existing consents now if they don't meet the GDPR standard.*
- 8 Children  
*You should start thinking now about whether you need to put systems in place to verify individuals' ages and to obtain parental or guardian consent for any data processing activity.*
- 9 Data breaches  
*You should make sure you have the right procedures in place to detect, report and investigate a personal data breach.*

- 10 Data Protection by Design and Data Protection Impact Assessments  
*You should familiarise yourself now with the ICO's code of practice on Privacy Impact Assessments as well as the latest guidance from the Article 29 Working Party, and work out how and when to implement them in your organisation.*
- 11 Data Protection Officers  
*You should designate someone to take responsibility for data protection compliance and assess where this role will sit within your organisation's structure and governance arrangements. You should consider whether you are required to formally designate a Data Protection Office.*
- 12 International  
*If your organisation operations in more than one EU member state (i.e. you carry out cross-border processing), you should determine your lead data protection supervisory authority. Article 29 Working Party guidelines will help you with this.*

The aim of this document is to complete this checklist and hence form the Association's General Data Protection Regulation Policy.

## **1 Awareness**

The changes to the law due to GDPR have been discussed at Board meetings and this document has been distributed to all board members.

## **2 Information you hold**

### **A Residents**

We hold the following personal data on residents:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of Birth
- Gender
- Marital Status
- Name, address and telephone number of Next of Kin
- Name of doctor
- Medical report
- Detail of income and savings
- Previous tenancy details and landlord reference

The above information is kept on a master spreadsheet which is saved on Google Drive and can be accessed by the Secretary and Treasurer. The computers used to access this information are all password protected. A passworded backup of this spreadsheet is also kept on a USB stick which is stored in a locked filing cabinet.

In addition details are maintained on CCH Central at David Owen & Co which can be accessed by the Treasurer and staff members of David Owen & Co.

Per <https://cloud.google.com/security/compliance/privacy-shield/> Google Drive is certified under both the EU-U.S. and Swiss-I.S. Privacy Shield frameworks and is therefore GDPR Compliant. (Appendix B)

David Owen & Co have also confirmed that they are compliant with GDPR and a copy of their compliance statement is included in Appendix C.

This information is collected when an application is made to become a resident. It is then kept during the entire time that they are resident and for up to 6 years after.

Application forms and tenancy agreements are kept in paper form in a locked filing cabinet.

In addition to the above keys are held for all flats at 126 High Street are kept in a locked filing cabinet at David Owen & Co. The codes for key safes for each flat are also held by the Secretary on Google Drive and by the Voluntary Site Warden.

All of the information collected is considered necessary for us to fulfil our duties as caring landlords and to assist the Secretary and Voluntary Warden in supporting the residents.

## B Employees

Details of the Secretary and Voluntary Site Warden are kept for payroll purposes at David Owen & Co.

## C Board members

The name, address and date of birth of all board members is kept at David Owen & Co to enable the annual FCA Return to be completed. In addition, a copy of photo ID for all board members is kept by David Owen & Co for money laundering purposes.

The National Insurance number of the Chair, Treasurer, Secretary and Vanessa Gist are held at David Owen & co as they are signatories on the bank accounts and the banks request this information when they carry out online identity checks.

## 3 Communicating privacy information

All personal information is provided by residents and applicants voluntarily.

The Associations updated Privacy Policy is included in Appendix C and will be sent to all tenants.

## 4 Individuals rights

The GDPR includes the following rights for individuals:

- The right to be informed;
- The right to access;
- The right to rectification;
- The right to erasure;
- The right to restrict processing;
- The right to data portability;
- The right to object; and
- The right not to be subject to automated decision-making including profiling.

The right to data portability only applies:

- to personal data an individual has provided to a controller;
- where the processing is based on the individual's consent or for the performance of a contract; and

- when processing is carried out by automated means.

Any requests for copies of the information held by the board in electronic format will be responded to within one calendar month. A copy of the relevant Excel file or Word file will be sent to the requestor using the secure David & Owen & Co portal.

## **5 Subject Access Requests**

In most cases the board will not charge for complying with a data portability request.

Requests will be responded to within one calendar month.

In accordance with the GDPR the board will refuse or charge for requests that are considered unfounded or excessive.

If a request is refused, the resident will be informed why and that they have the right to complain to the supervisory authority and to a judicial remedy. This will also be done within one calendar month.

## **6 Lawful basis for processing personal data**

As mentioned above the personal data maintained in relation to residents is considered necessary for the Associations to fulfil its duties as caring landlords. In addition the personal data maintained in relation to employees is required for processing the payroll and personal data maintained in relation to board members is required for completion of annual returns and to be able to liaise effectively with the Associations banks.

No personal data will be shared unnecessarily. Apart from where requests have been received from residents it is unlikely that any personal data will need to be shared electronically. In the unlikely event that information does need to be shared electronically it is the Association's policy that no personal information be included in the body of an email or attached to an email. When personal information needs to be shared David Owen & Co have a GDPR compliant encrypted portal service which will be utilised.

## **7 Consent**

The receipt of an application form to become a resident is taken as consent for the information on the form to be utilised for the interview process.

When an application is accepted and a tenancy agreement is signed this is taken as consent for personal information to be held. In addition, the new tenant will be provided with details of their rights.

If an unsuccessful applicant requests to be kept on the waiting list this is taken as consent for the personal information on the application form to continue to be held. Otherwise application forms are securely shredded.

Acceptance of a position as Secretary or Voluntary Warden is taken as consent for information to be held for payroll purposes.

The Association does not communicate with residents by email and hence no specific consent is required for this.

## **8 Children**

None of the residents, board members or staff are children and this section is not considered applicable to the Association.

## **9 Data Breaches**

The GDPR introduced a duty on all organisations to report certain types of data breach to the ICO, and in some cases, to individuals. You only have to notify the ICO of a breach where it is likely to result in a risk to the rights and freedoms of individuals.

Due to the level of information maintained by the Association it is considered unlikely that a reportable data breach could occur.

## **10 Data Protection by Design and Data Protection Impact Assessments**

The Association has reviewed its data processing systems and does not believe there are areas which are high risk and hence does not believe any Data Protection Impact Assessments need to be carried out.

## **11 Data Protection Officers**

The Association has designated Rachel Atkins, The Treasurer, as being responsible for data protection compliance.

## **12 International**

As the Association only operates within the UK this section is not considered applicable.

## Standards, Regulations & Certifications

To help you with compliance and reporting, we share information, best practices, and easy access to documentation. Our products regularly undergo independent verification of security, privacy, and compliance controls, achieving certifications against global standards to earn your trust. We're constantly working to expand our coverage.

← [BACK](https://cloud.google.com/security/compliance/) (https://cloud.google.com/security/compliance/)



### Privacy Shield

A framework for complying with EU Data Protection Directive requirements.

In July 2016, the European Commission concluded that the EU-U.S. [Privacy Shield Framework](https://www.privacyshield.gov/welcome) (https://www.privacyshield.gov/welcome) provides an adequate mechanism to allow EU companies to comply with requirements under the Directive in connection with transfer of personal data from the European Union to the United States.

Google LLC is certified under both the EU-U.S. and Swiss-U.S. Privacy Shield frameworks and our certifications can be viewed on the [Privacy Shield list](https://www.privacyshield.gov/participant?id=a2zt000000001L5AAI)

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### Related Documentation

This [certification](https://www.privacyshield.gov/participant?id=a2zt000000001L5AAI) (https://www.privacyshield.gov/participant?id=a2zt000000001L5AAI) applies to Google LLC and its wholly-owned U.S. subsidiaries excluding Kaggle, Orbitera, and Apigee branded products.

### Additional Resources

[Privacy Shield Framework](https://www.privacyshield.gov/welcome) (https://www.privacyshield.gov/welcome)



## GDPR COMPLIANCE STATEMENT

David Owen and Co have a dedicated GDPR team committed to ensuring compliance with the GDPR and a Data Compliance Officer who can be contacted at [devizes@davidowen.co.uk](mailto:devizes@davidowen.co.uk).

All of our staff are familiar with GDPR and their personal responsibilities.

All staff are trained on induction and every year (or sooner if there is a major change in legislation).

We have a right to erasure policy. If you wish to be erased, please contact us via the contact us page on our website [www.davidowen.co.uk](http://www.davidowen.co.uk).

We have a privacy notice which informs people what we do with their personal data, this is available to view on our website.

No personal data is transferred outside of the EU.

### **When processing data we undertake the following:**

- The processing is lawful, fair and transparent
- To be transparent about what the data is being used for
- Data is collected for a specific purpose
- The data is necessary for the purpose
- The data must be accurate and kept up to date
- Data is not kept for longer than necessary
- The data is kept safe and secure

All storage is secure and our suppliers have GDPR procedures in place.



## **Appendix C: Privacy Notice**

### **MARLBOROUGH AND DISTRICT HOUSING ASSOCIATION LIMITED PRIVACY NOTICE**

Marlborough and District Housing Association (MDHA) is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your relationship with us, in accordance with the EU's General Data Protection Regulation (GDPR).

It applies to all tenants, applicants for tenancy and former tenants renting property from MDHA.

MDHA is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under the GDPR to notify you of the information contained in this privacy notice.

In general, we use your personal information to comply with the law, carry out our obligations to you and to ensure you are and remain a suitable tenant able to fulfil your obligations to us. It is important that you read this notice so that you are aware of how and why we are using such information.

#### **DATA PROTECTION PRINCIPLES**

We will comply with data protection law. This says that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

#### **THE KIND OF INFORMATION WE HOLD ABOUT YOU**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We will collect, store, copy and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of Birth
- Gender
- Marital Status
- Name, address and telephone number of Next of Kin
- Name of doctor
- Medical report
- Detail of income and savings
- Previous tenancy details and landlord reference

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### HOW IS YOUR PERSONAL INFORMATION COLLECTED?

We collect personal information about you from your application form when you first become a tenant. We may collect additional personal information in the course of your tenancy.

### HOW WE WILL USE INFORMATION ABOUT YOU

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- Where we need to perform the contract we have entered into with you.
- Where we need to comply with a legal obligation.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest or for official purposes.

### Situations in which we will use your personal information

We need all the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with our legal obligations. In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below.

- Assessing your suitability and deciding about your application.
- Determining the terms on which you rent from us.
- Checking you are legally entitled to reside in the UK to comply with UK legislation including the Government's "Right to Rent" guide
- Receiving your rent and deposit.
- Administering the contract we have entered into with you.
- Business management and planning, including accounting and auditing.
- Making decisions about your continuing as a tenant when your tenancy expires.
- Making arrangements for the termination of your tenancy.
- Dealing with legal disputes involving you, including accidents at your leased premises.
- Complying with health and safety obligations.
- To prevent fraud.
- To conduct data analytics studies to review and better understand tenancy retention and attrition rates.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

### If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you or we may be prevented from complying with our legal obligations (such as to ensure your right to reside in the UK.)

### Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an

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unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **DATA SHARING**

We may have to share your data with third parties, including third-party service providers. We require third parties to respect the security of your data and to treat it in accordance with the law.

We do not anticipate transferring your personal information outside the EEA. If we do, it will be done in line with the GDPR.

#### **Why might you share my personal information with third parties?**

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so. "Third parties" includes third-party service providers and other bodies such as utility companies, local authorities and deposit protection companies.

#### **How secure is my information with third-party service providers?**

All our third-party service providers are either requested to take appropriate security measures in line with our policies or have their own obligations to protect your personal information. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

#### **What about other third parties?**

We may need to share your personal information with a regulator or to otherwise comply with the law.

### **DATA SECURITY**

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

Third parties are asked to only process your personal information on our instructions, to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

### **DATA RETENTION**

#### **How long will you use my information for?**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting

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requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

### Unsuccessful tenancy applicants

We will retain your data for up to 30 days from our notifying you that your application has been unsuccessful and you advising us that you do not wish to remain on our waiting list. We will securely destroy all your personal information to comply with the GDPR.

### Former Tenants

Except as explained below, once you are no longer a tenant we will keep your personal information for 6 years to comply with statutory retention requirements then we will securely destroy your personal information to comply with the GDPR.

However, if you are a former tenant whose details remain on an existing lease we will keep your contact information for longer than 6 years while the lease in which you had entered into remains in place between us and replacement tenant(s). Once the lease of which you were a tenant expires we will securely destroy your contact information to comply with the GDPR

## RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

### **Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during our relationship.

### **Your rights in connection with personal information**

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please write to Rachel Atkins, Treasurer, Marlborough and District Housing Association Limited, 126 High Street, Marlborough, SN8 1LZ.

### **No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly

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unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

### **RIGHT TO WITHDRAW CONSENT**

In the limited circumstances where you may have previously provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, write to Rachel Atkins, Treasurer, Marlborough and District Housing Association Limited, 126 High Street, Marlborough, SN8 1LZ. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another lawful basis for doing so.

### **OVERSIGHT**

Rachel Atkins, Treasurer will oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact Rachel Atkins, Treasurer, Marlborough and District Housing Association Limited, 126 High Street, Marlborough, SN8 1LZ.

### **CHANGES TO THIS PRIVACY NOTICE**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

**If you have any questions about this privacy notice, please contact** Rachel Atkins, Treasurer, Marlborough and District Housing Association Limited, 126 High Street, Marlborough, SN8 1LZ **or the Secretary, Anne Deuchar.**