



# General Data Protection Regulation (2016) and Data Protection Policy

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Department:

Organisation

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Version:

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Author:

CEO

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## Contents

1. INTRODUCTION
2. DEFINITIONS
3. AIMS & OBJECTIVES
4. POLICY STATEMENT
5. LEGISLATION, REGULATION & GUIDANCE
6. CONFIDENTIALITY
7. MONITORING & REPORTING

## **1. INTRODUCTION**

- 1.1. The EU General Data Protection Regulation 2016 (“GDPR”) replaced the EU Data Protection Directive of 1995 and superseded the laws of individual Member States that were developed in compliance with the Data Protection Directive 95/46/EC.
- 1.2. The purpose of the GDPR is to protect the “rights and freedoms” of natural persons (i.e., living individuals) and to ensure that personal data is not processed without their knowledge, and, wherever possible, that it is processed with their consent
- 1.3. Hill Homes recognises the importance of GDPR legislation and strives to ensure that all its activities are compliant with this legislation.
- 1.4. Hill Homes encourages any worker suspecting a breach of compliance to raise the issue with their line manager or the CEO.

## **2. DEFINITIONS**

- 2.1. Hill Homes refers to the group of companies comprising Hill Homes Housing Association and Hill Homes Care Ltd.
- 2.2. Workers refers to employees, agency workers and contractors.
- 2.3. “Personal data” is defined as any information relating to an identified or identifiable natural person.
- 2.4. A “data controller” is the person, or business, who determines the purposes for which, and the way in which, personal data is processed.
- 2.5. A “data processor” is anyone who processes personal data on behalf of the data controller, excluding the data controller’s own employees.
- 2.6. A “data subject” is any living individual who is the subject of personal data held by an organisation.
- 2.7. A “personal data breach” is 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. There is an obligation on the controller to report personal data breaches to the supervisory authority where the breach is likely to adversely affect the personal data or privacy of the data subject.
- 2.8. “Data subject consent” means any freely given, specific, informed and unambiguous indication of the data subject’s wishes by which they, by a statement or by a clear affirmative action, signify agreement to the processing of personal data.
- 2.9. A “data protection impact assessment” is a process to help identify, and minimise, the data protection risks of a project.

### **3. AIMS AND OBJECTIVES**

- 3.1. The objective of this policy is to provide a framework within which Hill Homes can process, and manage, personal data in accordance with the GDPR principles.
- 3.2. This policy applies to all of Hill Homes' personal data processing functions, including those performed on tenants', clients', employees', suppliers' and partners' personal data, and any other personal data the organisation processes from any source.

### **4. POLICY STATEMENT**

- 4.1. Hill Homes is committed to compliance with GDPR legislation and the protection of the rights and freedoms of individuals whose information Hill Homes collects and processes in accordance with this legislation.
- 4.2. Hill Homes will establish a data inventory and data flow process as part of its approach to address risks and opportunities with its GDPR compliance.
- 4.3. Hill Homes will carry out data protection impact assessments in relation to its processing of personal data, and in relation to processing undertaken by third parties on behalf of Hill Homes.
- 4.4. Hill Homes will provide GDPR and data protection training to all employees.
- 4.5. The CEO is Hill Homes' Data Compliance Officer.
- 4.6. Hill Homes will maintain a register of processing, which will be held by the CEO.
- 4.7. The CEO is responsible for reviewing Hill Homes' register of processing annually in light of any changes to Hill Homes' activities.
- 4.8. Partners, and any third parties, working with, or for, Hill Homes, and that have or may have access to personal data, will be expected to have read and understood this policy, and to comply with it. No third party may access personal data held by Hill Homes without having first entered into a data confidentiality agreement which imposes on the third-party obligations no less onerous than those to which Hill Homes is committed, and which gives Hill Homes the right to audit compliance with the agreement.
- 4.9. Responsibilities for developing, encouraging and following good information handling practices within Hill Homes will be set out in individual job descriptions.
- 4.10. All employees of Hill Homes are responsible for ensuring that any personal data about them, and supplied by them to Hill Homes, is accurate and up to date.
- 4.11. Hill Homes will take any complaints from data subjects about the processing of their personal data, or the handling of a request from a data subject, seriously. All complaints will be fully investigated, with a written response being provided to the complainant.

- 4.12. Hill Homes will not process any data without the consent of the data subject. The data subject can withdraw their consent at any time.
- 4.13. Hill Homes will ensure that personal data is not disclosed to unauthorised third parties, which include family members, friends, government bodies and, in certain circumstances, the police.
- 4.14. All workers are responsible for ensuring that any personal data that Hill Homes holds, and for which they are responsible, is kept securely and is not under any circumstances disclosed to any third party unless that third party has been specifically authorised by Hill Homes to receive that information and has entered into a confidentiality agreement.
- 4.15. Hill Homes will not retain data for a period any longer than is necessary in relation to the purpose(s) for which the data was originally collected.
- 4.16. Hill Homes will dispose of all personal data securely.
- 4.17. Hill Homes will take any breach of this policy seriously. Any such breach may be dealt with under Hill Homes' disciplinary policy and may also be a criminal offence, in which case the matter will be reported as soon as possible to the appropriate authorities.

## **5. LEGISLATION, REGULATION AND GUIDANCE**

- 5.1. The European General Data Protection Regulation ("GDPR") came into effect on 25<sup>th</sup> May 2018.
- 5.2. The GDPR is supplemented by the Data Protection Act 2018.

## **6. CONFIDENTIALITY**

- 6.1. All concerns will be treated in confidence and every effort will be made not to reveal the identity of any complainant, if that is their wish.
- 6.2. Details of concerns and breaches of compliance will be reported to the Finance, Risk and Audit Committee and the relevant board.

## **7. MONITORING AND REPORTING**

- 7.1. Hill Homes register of processing is available for inspection on request.
- 7.2. The Finance, Risk and Audit Committee will review the register of processing on an annual basis.
- 7.3. Any breaches of compliance will be recorded on Hill Homes' compliance register and reported to the Finance, Risk and Audit Committee at their next meeting.