

Data Protection Policy
Approved by: COG
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1. Statement of Intent

- 1.1 Radian¹ must collect, store and process information about its customers, employees, and other individuals in order to deliver the services people need and expect from us.
- 1.2 This personal data is a valuable asset which must be protected. It does not belong to Radian, but to the individuals who have entrusted it to our care.
- 1.3 The aim of this policy is to ensure that Radian fully complies with the General Data Protection Regulation (GDPR). We will do this by recognising and respecting the legal rights the GDPR grants to individuals, whilst incorporating the principles and responsibilities of the GDPR into all of our activities as a Data Controller.

2. This policy applies to

- 2.1 This policy applies to employees, non-executive board members, contractors, formally involved residents, and anyone else who may come into contact with personal data collected or processed by Radian.

3. Policy

- 3.1 Radian regards the fair and correct treatment of personal data to be essential to the success of its business and to maintaining the trust of customers, stakeholders and staff.
- 3.2 From 25 May 2018 the use of personal data in the UK will be governed by the General Data Protection Regulation (GDPR). The GDPR modernises and expands upon the principles of the Data Protection Act (DPA 1998).
- 3.3 Personal data is defined in GDPR Article 4.1:
- 3.4 *'personal data' means any information relating to an identified or identifiable natural 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 of more factors specific to the physical, physiological genetic, mental, economic, cultural or social identity of that natural person.*
- 3.5 This definition is broad enough to recognise that data can still be personal even if it does not in itself identify an individual, but can be combined with other data to do so.

¹ Radian will be used throughout this document to refer to the Radian Group as a whole and all companies that are part of the Group.

- 3.6 The GDPR also identifies the following special categories of data relating to an individual's:
- Race or ethnic origin;
 - Political opinions;
 - Religious beliefs;
 - Trade union membership;
 - Physical or mental condition;
 - Sexual life.
- 3.7 These special categories (also known as “sensitive personal data”) are considered to be those on which an individual may be unfairly discriminated against, and benefit from additional protections under the GDPR.
- 3.8 Organisations that decide how and why personal data is processed are known as “data controllers”. Radian Group Ltd is a data controller, as are each of its operating subsidiaries (including Drum Housing Association Ltd, Oriel Housing Ltd, Portal Housing Association Ltd, The Swaythling Housing Society Ltd, and Windsor & District Housing Association Ltd).
- 3.9 As the main employer and housing management agent, The Swaythling Housing Society Ltd (trading as “Radian”) will be the relevant data controller in almost all circumstances.
- 3.10 Contractors that process personal data on our behalf to provide services for Radian are known as “data processors”. They also have responsibilities under the GDPR, which our contracts and agreements with them should make clear.
- 3.11 We will work to proactively communicate and embed the principles of Data Protection in everything we do, ensuring all staff are made aware of their responsibilities under the GDPR and are given access to training and guidance, in response to evolving best practice and learning.
- 3.12 We will maintain a library of relevant and practical procedures for staff on issues such as the data subject's right over access, objection and rectification, document retention, and data security. Managers are expected to proactively apply these to their own areas and team responsibilities on an ongoing basis.
- 3.13 We will not store or process any personal data without a clear understanding of the legal basis for processing under the GDPR.
- 3.14 Data will be; processed for limited purposes; adequate, relevant, and not excessive; accurate; not kept longer than necessary; processed in accordance with people's rights; secure; and not transferred to countries without adequate protection.
- 3.15 Radian will be transparent about the way it collects and processes personal data, its reasons for doing so, and how any data may be shared. Clear, concise and relevant privacy statements (also known as “fair processing notices”) will accompany all data collection, and general information provided as appropriate on the external website and internal intranet.
- 3.16 We will continually review and maintain a record of the types of personal data we process, the legal basis of that processing, how this data is stored and secured, and with whom and on what basis this data is shared. This record will be collected in a

register maintained by the Data Protection Officer (DPO) and made available for inspection by the Information Commissioner's Office (ICO) upon request.

- 3.17 Whenever Radian considers the use of a new technology or other initiative involving personal data, we will carry out a Data Protection Impact Assessment as part of our standard project management process, considering the potential privacy impact of that new activity and what may need to be done to address this.
- 3.18 Radian will at all times employ a nominated DPO, and respect the independence of the DPO when making decisions on data protection matters.
- 3.19 It will be the DPO's duty (with assistance from the wider Compliance team) to regularly review our data protection practices to ensure compliance with legislation and best practice.
- 3.20 The DPO will also be responsible for coordinating Radian's response to any alleged breach of the GDPR. The steps to be taken in the case of a suspected breach are outlined in the Data Security Breach Procedure, but Radian's overriding aim will always be to minimise, wherever possible, any potential risk to the data subject.
- 3.21 All staff that manage and handle personal information are responsible for following good data protection practices. Job roles that are customer-facing or involve the handling of personal data will be identified on a periodic basis, and a programme of mandatory training made available to staff in these roles, the take up and attendance of which will be monitored. Data Protection training will also be a compulsory element in inductions.
- 3.22 We will work to ensure adequate security of all information held and processed, with appropriate controls and technical measures in place to prevent unintentional disclosure of information, and ensure employees only access and use data that is necessary to perform their job.
- 3.23 Information will only be kept for as long as it is required (in accordance with our published Document Retention schedule) and will be securely destroyed when no longer required.
- 3.24 Any individuals who make a request to exercise their rights of subject access, rectification, objection, erasure or data portability will be treated with courtesy, and we will endeavour to satisfy their request wherever possible.
- 3.25 All requests must be notified to the DPO and will be dealt with promptly and effectively by the relevant department.
- 3.26 Any individual unhappy with our response to a request will be dealt with in accordance with our Complaints Policy and Procedure. They also have the option of informing the ICO.
- 3.27 Disclosure of personal information will only be made with the informed consent of the individual concerned, except where permitted under GDPR.
- 3.28 We will adhere to the Information Commissioner's good practice briefings and codes of practice when developing policies, procedures and guidelines.

3.29 We will ensure that any websites operated by Radian contain an appropriate privacy statement and comply with all legal and best practice requirements regarding the use of cookies and similar technologies.

4. Legal & Regulatory Framework

- Data Protection Act 1998
- General Data Protection Regulation
- Human Rights Act 1998
- Information Commissioner's Good Practice Briefings
- Information Commissioner's Codes of Practice

5. Related Policies

- IT Security Policy
- Equality & Diversity Policy

6. Related Procedures

6.1 This policy does not cover the actions, advice and assistance to be taken to ensure compliance with the GDPR, or when a data subject makes a subject access request. Any such advice, action and assistance will be covered in the relevant Data Protection procedures and other published guidance within Radian, which should be referred to in conjunction with this Policy.

- Data Security Procedure
- Data Protection Subject Rights Procedure
- Data Protection Breach Procedure
- CCTV Procedure
- Document Retention Procedure

7. Appendices

Appendix One	Data Protection Principles
Appendix Two	Fair Processing Code
Appendix Three	Data Subject Rights
Appendix Four	Fee charging

Appendix One

Data Protection Principles

Article 5 of the GDPR requires that personal data shall be:

- (a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals;
- (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Further to this, Article 5(2) requires that:

“the controller shall be responsible for, and be able to demonstrate, compliance with the principles.”

Appendix Two

Fair Processing Code

When collecting personal information we must notify the data subject of:

- The identity and contact details of the data controller (Radian) and its data protection compliance officer.
- The purposes of the processing including the legitimate interests pursued by Radian if that is one of the conditions for lawful processing relied upon to legitimise the processing.
- The period for which the personal data will be stored.
- Countries or organisations that Radian may transfer the data to and the level of protection afforded by that country.
- The source of the personal data if it has not been collected from the data subject themselves.
- Whether providing personal data is voluntary or obligatory and the possible consequences of not providing the information.
- Any other information necessary to guarantee the fair processing in respect of the data subject.
- Recipients or categories of recipients with whom the personal data are likely to be shared with.
- The data subjects' rights including: right of access to one's own personal data, right of correction, erasure and to object to processing, and the right to lodge a complaint with the ICO.

General public and staff facing statements incorporating the above will be available on the Radian website and staff intranet respectively.

Specific versions of these statements will be produced for particular purposes as required.

Appendix Three

Data Subject Rights

The GDPR provides the following rights for individuals:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling.

The first right will be upheld by the proper use of clear privacy statements (see appendix two).

Procedures to cover the application and execution of the other rights will accompany this policy.

Appendix Four

Fee charging

Until the formal introduction of the GDPR on 25 May 2018, Radian may charge a standard flat fee of £10 for any subject access request made under the Data Protection Act.

From 25 May 2018 onwards, this fee will not be payable and must not be charged.

The GDPR does however allow for a reasonable administrative fee to be charged for duplicates of information already provided, or for requests which are manifestly unfounded or excessive. Radian's Subject Rights Procedure details when and how this should be applied.