



**West  
Granton**

Housing Co-op

sustaining and championing the co-operative way

## **West Granton Housing Co-operative General Data Protection Policy**

This policy was approved by the Committee of Management on 20<sup>th</sup> May 2020.

It should be reviewed again no later than 2024.

We can produce this document in different formats such as larger print or audio-format; we can also translate the document into various languages, as appropriate.

# GENERAL DATA PROTECTION POLICY

## 1. INTRODUCTION

This Data Protection Policy sets out how West Granton Housing Co-operative handles the personal data of our customers, suppliers, employees, workers and other third parties.

This Data Protection Policy applies to all personal data we process regardless of the media on which that data is stored or whether it relates to past or present employees, workers, customers, clients or supplier contacts, shareholders, website users or any other data subject.

This Data Protection Policy applies to all West Granton Housing Co-operative staff. All staff must read, understand and comply with this Data Protection Policy when processing personal data on our behalf and attend training on its requirements. Staff compliance with this Data Protection Policy is mandatory. Any breach of this Data Protection Policy or related policies could result in disciplinary action.

## 2. SCOPE OF THIS POLICY

We recognise that the correct and lawful treatment of personal data will maintain confidence in the organisation and will provide for successful business operations. Protecting the confidentiality and integrity of personal data is a critical responsibility that we take seriously at all times. WGHC is exposed to potential fines of up to EUR20 million (approximately £18 million) depending on any breach, for failure to comply with the provisions of the General Data Protection Regulations (“GDPR”).

The Depute CEO is responsible for overseeing this Data Protection Policy and, as applicable, developing related policies and guidelines. WGHC employs an external consultant to carry out its Data Protection Officer functions. That organisation is: RGDP LLP, Level 2, One Edinburgh Quay, 133 Fountainbridge, Edinburgh, EH3 9QG.

## 3. PERSONAL DATA PROTECTION PRINCIPLES

We adhere to the principles relating to processing of personal data set out in the GDPR which require personal data to be:

- Processed lawfully, fairly and in a transparent manner (**Lawfulness, Fairness and Transparency**).
- Collected only for specified, explicit and legitimate purposes (**Purpose Limitation**).
- Adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed (**Data Minimisation**).
- Accurate and where necessary kept up to date (**Accuracy**).
- Not kept in a form which permits identification of data subjects for longer than is necessary for the purposes for which the data is processed (**Storage Limitation**).

- Processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful Processing and against accidental loss, destruction or damage (**Security, Integrity and Confidentiality**).
- Not transferred to another country without appropriate safeguards being in place (**Transfer Limitation**).
- Made available to data subjects and data subjects allowed to exercise certain rights in relation to their Personal Data (**Data Subject's Rights and Requests**).

We are responsible for and must be able to demonstrate compliance with the data protection principles listed above (**Accountability**).

#### 4. **LAWFULNESS AND FAIRNESS**

Personal data must be processed lawfully, fairly and in a transparent manner in relation to the data subject.

We may only collect, process and share personal data fairly and lawfully and for specified purposes. The GDPR restricts our actions regarding personal data to specified lawful purposes. These restrictions are not intended to prevent processing but ensure that we process personal data fairly and without adversely affecting the data subject.

The GDPR allows processing for specific purposes, some of which are set out below:

- (a) the data subject has given his or her consent;
- (b) the processing is necessary for the performance of a contract with the data subject;
- (c) to meet our legal compliance obligations;
- (d) to protect the data subject's vital interests;
- (e) for the performance of a task carried out in the public interest or in the exercise of official authority;
- (f) to pursue our legitimate interests for purposes where they are not overridden because the processing prejudices the interests or fundamental rights and freedoms of Data Subjects. The purposes for which we process personal data for legitimate interests are set out in our Privacy Notice.

If WGHC relies upon (f) "legitimate interests" as the legal basis for processing, we will complete a Legitimate Interest Assessment.

The legal bases set out above **do not** apply to the following categories of personal data which are referred to as "special categories of personal data":

- Racial or ethnic origin
- Political opinions
- Religious/philosophical beliefs
- Health data
- Trade Union membership
- Sex life/sexual orientation

- Genetic/biometric data for identification
- Criminal convictions and alleged offences

If we are processing a special category of personal data we must have one of the following justifications:

- (a) explicit consent from the data subject;
- (b) for the purposes of carrying out obligations or rights in the field of employment and social security and social protection law providing for appropriate safeguards for the fundamental rights and interests of the data subject;
- (c) to protect the data subject's vital interests;
- (d) to pursue legitimate activities by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on the condition that the processing relates solely to the members of the body or persons with regular contact and the data is not disclosed outside that body;
- (e) the personal data is manifestly made public by the data subject;
- (f) it is necessary for legal claims;
- (g) it is necessary for substantial public interest and measures to safeguard the rights of the data subject are provided;
- (h) it is necessary for preventative or occupational medicine, for the assessment of working capacity of the employee, medical diagnosis, provision of health or social care or treatment or the management of health or social care systems and services;
- (i) necessary for public interest in public health such as protecting against serious cross-border threats to health;
- (j) it is necessary for archiving in the public interest, scientific or historical research purposes or statistical purposes.

For our business, the most likely justifications for processing a special category of personal data will be (a), (b) or (c) if this scenario occurs at all.

We must identify the legal ground being relied on for each processing activity and document it in WGHC's Data Map.

## **5. TRANSPARENCY (NOTIFYING DATA SUBJECTS)**

The GDPR requires us to provide detailed, specific information to data subjects depending on whether the information was collected directly from them or from elsewhere. Such information must be provided through appropriate Privacy Notices that must be concise, transparent, intelligible, easily accessible, and in clear and plain language so that a data subject can easily understand them.

Whenever we collect personal data directly from data subjects, including for human resources or employment purposes, we must provide the data subject with all the information required by the GDPR including: our company details as the data controller, the identity of the Data Protection Lead and DPO, how and why we will use, process, disclose, protect and retain that personal data when the data subject first provides the

personal data.

When personal data is collected indirectly (for example, from a third party), we must provide the data subject with all the information required by the GDPR as soon as possible after collecting/receiving the data but at the latest within one month. We must also check that the personal data was collected by the third party in accordance with the GDPR and on a basis that contemplates our proposed processing of that personal data.

## **6. PURPOSE LIMITATION**

Personal data must be collected only for specified, explicit and legitimate purposes. We cannot use personal data for new, different or incompatible purposes from that disclosed when it was first obtained unless we have informed the data subject of the new purposes and they have consented where necessary.

## **7. DATA MINIMISATION**

Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.

We will only collect personal data that is required by us. We will not collect excessive data. We shall ensure any personal data collected is adequate and relevant for the intended purposes.

When personal data is no longer needed for specified purposes, it will be deleted or anonymised in accordance with WGHC's policy.

## **8. ACCURACY**

Personal data must be accurate and, where necessary, kept up to date. It must be corrected or deleted without delay when inaccurate.

We will ensure that the personal data we use and hold is accurate, complete, kept up to date and relevant to the purpose for which we collected it. We must check the accuracy of any personal data at the point of collection and at regular intervals afterwards. We must take all reasonable steps to destroy or amend inaccurate or out-of-date personal data.

## **9. STORAGE LIMITATION**

Personal Data must not be kept in an identifiable form for longer than is necessary for the purposes for which the data is processed.

We must not keep personal data in a form which permits the identification of the data subject for longer than needed for the legitimate business purpose or purposes for which we originally collected it including for the purpose of satisfying any legal, accounting or reporting requirements.

WGHC will maintain a Data Retention & Disposal Policy to ensure personal data is deleted after a reasonable time for the purposes for which it was being held, unless a law requires such data to be kept for a minimum time.

We will ensure data subjects are informed of the period for which data is stored and how that period is determined in any applicable privacy notice.

## **10. SECURITY INTEGRITY AND CONFIDENTIALITY**

Personal data must be secured by appropriate technical and organisational measures against unauthorised or unlawful processing, and against accidental loss, destruction or damage.

We will develop, implement and maintain safeguards appropriate to our size, scope and business, our available resources, the amount of personal data that we own or maintain on behalf of others and identified risks. We will regularly evaluate and test the effectiveness of those safeguards to ensure security of our processing of personal data.

## **11. REPORTING A PERSONAL DATA BREACH**

The GDPR requires us to notify any personal data breach to the Scottish Information Commissioners Office and, in certain instances, the data subject. In the event of a breach or suspected breach, all evidence relating to the potential personal data breach shall be saved.

## **12. TRANSFER LIMITATION**

The GDPR restricts data transfers to countries outside the EEA in order to ensure that the level of data protection afforded to individuals by the GDPR is not undermined.

WGHC may only transfer personal data outside the EEA if one of the following conditions applies:

- (a)** the European Commission has issued a decision confirming that the country to which we transfer the Personal Data ensures an adequate level of protection for the data subjects' rights and freedoms;
- (b)** appropriate safeguards are in place such as standard approved contractual clauses, an approved code of conduct or a certification mechanism;
- (c)** the data subject has provided explicit consent to the proposed transfer after being informed of any potential risks; or
- (d)** the transfer is necessary for one of the other reasons set out in the GDPR including the performance of a contract between us and the data subject, reasons of public interest, to establish, exercise or defend legal claims or to protect the vital interests of the data subject and, in some limited cases, for our legitimate interest.

### **13. DATA SUBJECT'S RIGHTS AND REQUESTS**

Data subjects have rights when it comes to how we handle their personal data. These include rights to:

- (a) withdraw consent to processing at any time;
- (b) receive certain information about our processing activities;
- (c) request access to their personal data that we hold;
- (d) prevent our use of their personal data for direct marketing purposes;
- (e) ask us to erase personal data if it is no longer necessary in relation to the purposes for which it was collected or processed or to rectify inaccurate data or to complete incomplete data;
- (f) restrict our processing in specific circumstances;
- (g) challenge our processing where we have sought to justify it on the basis of our legitimate interests or in the public interest;
- (h) request a copy of an agreement under which we transfer the personal data outside of the EEA;
- (i) object to decisions based solely on automated processing, including profiling;
- (j) prevent processing that is likely to cause damage or distress to the data subject or anyone else;
- (k) be notified of a personal data breach which is likely to result in high risk to their rights and freedoms;
- (l) make a complaint to the supervisory authority; and
- (m) in limited circumstances, receive or ask for their personal data to be transferred to a third party in a structured, commonly used and machine readable format.

These rights may not be absolute and the details of the GDPR have more information about when they may or may not apply and when then can be refused and why.

The identity of an individual requesting data under any of the rights listed above must be verified.

### **14. ACCOUNTABILITY**

We must implement appropriate technical and organisational measures in an effective manner, to ensure compliance with data protection principles. We are responsible for, and must be able to demonstrate, compliance with the data protection principles.

In order to demonstrate that we have adequate resources and controls in place to ensure and to document GDPR compliance we have done the following:

- implemented privacy by design when processing personal data and completing Data Protection Impact Assessments where processing presents a high risk to rights and freedoms of data subjects;
- integrated data protection into internal documents including this Data Protection Policy,

- Data Retention & Destruction Policy, Data Security Policy and Privacy Notices;
- provided training to staff on the GDPR and how to maintain a record of our data processing activities and retained a record of such training; and
- committed to regularly testing the privacy measures implemented and conducting periodic reviews and audits to assess compliance, including using results of testing to demonstrate compliance improvement effort.
- appointed a Data Protection Lead and DPO to be responsible for data protection compliance

## **15. RECORD KEEPING**

The GDPR requires us to keep full and accurate records of all our data processing activities.

## **16. TRAINING AND AUDIT**

We are required to ensure all staff have undergone adequate training to enable them to comply with data privacy laws.

## **17. PRIVACY BY DESIGN AND DATA PROTECTION IMPACT ASSESSMENT (DPIA)**

We are required to implement Privacy by Design measures when processing personal data by implementing appropriate technical and organisational measures in an effective manner, to ensure compliance with data privacy principles.

We must also conduct Data Protection Impact Assessments (“DPIAs”) in respect to high risk processing. A DPIA must include:

- a description of the processing, its purposes and WGHC’s legitimate interests if appropriate;
- an assessment of the necessity and proportionality of the processing in relation to its purpose;
- an assessment of the risk to individuals; and
- the risk mitigation measures in place and demonstration of compliance.

## **18. AUTOMATED PROCESSING (INCLUDING PROFILING) AND AUTOMATED DECISION-MAKING**

WGHC are not involved in any data processing activities that involve profiling or automated decision-making.

## **19. DIRECT MARKETING**

WGHC are not involved in any direct marketing activities.



## **20. SHARING PERSONAL DATA**

Generally, we are not allowed to share personal data with third parties unless certain safeguards and contractual arrangements have been put in place.

The Personal Data we hold may only be shared with third parties, such as our service providers if:

- (a)** they have a need to know the information for the purposes of providing the contracted services;
- (b)** sharing the personal data complies with the privacy notice provided to the data subject and, if required, the data subject's consent has been obtained;
- (c)** the third party has agreed to comply with the required data security standards, policies and procedures and put adequate security measures in place;
- (d)** the transfer complies with any applicable cross border transfer restrictions; and
- (e)** a fully executed written contract that contains GDPR approved third party clauses has been obtained.

Such data transfer must be recorded in WGHC's Data Map.

## **21. CHANGES TO THIS DATA PROTECTION POLICY**

We reserve the right to change this Data Protection Policy at any time without giving notice to you. When we do update the policy, we will endeavour to publish the updated policy as soon as practically possible.

We last revised this Data Protection Policy on 20<sup>th</sup> May 2020.