

Technology and Information Services Policies & Procedures



Information Rights Policy

1.	Policy objectives
1.1	Watford Community Housing ("WCH") Group recognises and respects the 'Information Rights' of "Data Subjects". These are their rights to do the following: -
1.1.1	<ol style="list-style-type: none"> 1. Have their personal information erased / deleted ("the right of erasure") - see section 7 below; 2. Have their personal information transferred to another person / organisation ("the right of portability") – see section 8 below; 3. Have their personal information corrected if it is incorrect or has changed ("the right of rectification") – see section 9 below; 4. Object to the processing of their personal information at all or in a particular way ("the right to object") e.g. the right to object to direct marketing – see section 10 below; and 5. Assert certain rights regarding 'automated decision-making' (i.e. decisions made without human involvement) or profiling (i.e. assessing people's circumstances or behaviour) – see section 11 below.
1.1.2	Data Subjects also have the right to access their personal information. This is covered in the Data Subject Access Request Policy & Procedure available on Grapevine.
1.2	<p>The objective of this Policy is to:</p> <ul style="list-style-type: none"> • Ensure that all information rights requests received by the Group are managed appropriately.
2.	Legislative & regulatory requirements
2.1	<p><u>Legislative</u></p> <p>General Data Protection Regulation (UK "GDPR" 2021) & Data Protection Act 2018 (together "Data Protection Law").</p>
2.2	<p><u>Regulatory</u></p> <p>Regulator of Social Housing Governance and Viability Standard (para 1.1): "Registered providers shall ensure effective governance arrangements that..... comply with all relevant law."</p>

3.	Scope and definitions
3.1	This Policy applies to anyone working on behalf of the Watford Community Housing Group, including its subsidiary and joint venture companies.
3.2	Definitions
3.2.1	<u>Data Subject</u> : the identified / identifiable living individual to whom the personal information relates. The WCH Group has relationships with various Data Subjects including tenants, tenants' household members, leaseholders, shared owners, private market tenants, staff & job applicants, Group Board and Committee members, GMT members and contractors and suppliers.
3.2.2	<u>Information Rights Request (IRR)</u> : a request made by a WCH Group Data Subject to exercise one of the rights outlined at section 1.1.1 above. These are explained in more detail at sections 5 to 12 below.
3.2.3	<u>Personal Data</u> : information relating to a living person who can be identified from either the information itself or other additional information the Group may have or receive held on digital records or in a structured filing system (e.g.: names, contact information including emails and usernames, photographs and vehicle registration plates). Personal Data may also be referred to as 'personal information' below.
3.2.4	<u>Qualified Rights</u> : all of the Information Rights, other than the right to object to the processing of Personal Data through direct marketing, are qualified rights under Data Protection Law. This means the Data Subject can exercise the right <i>in principle</i> but that there are exemptions which may restrict the scope of their right in practice. Further information on this is provided in the sections dealing with each right below.
3.2.5	<u>Rectification</u> : a right for Data Subjects to have their inaccurate personal data corrected or completed where it is incomplete.
4.	Format of Information Rights Requests (IRR)
4.1	<p>A Data Subject can make an IRR to anyone working on behalf of the Group verbally or in writing and does not need to refer to Data Protection Law or be labelled as an IRR.</p> <p>The recipient must immediately forward the request to the DPO @wcht.org.uk mailbox and must log the request in the Feedback Module.</p> <p>All IRR's will be recorded in the Information Rights Register and acknowledged by the Data Protection Team using the template acknowledgment letter at Appendix 1.</p>
5.	Timescale for Responding to Information Rights Requests
5.1	There is one month from receipt of an IRR to comply with it. This time limit starts to run the same day as the Request's receipt and ends on the corresponding calendar date the next month e.g. if we receive a request on 3 September, the timescale to comply with-it would-be 3 October. If the last day is a weekend or bank holiday the time limit is extended to the following working day.
5.2	There is <u>limited scope</u> to extend this timescale by a further two months (taking the total timescale for response to a maximum of three months) from the request's receipt in the following circumstances: -
5.2.1	<p>(i) Where the request is 'complex' (i.e. unclear or likely to involve a large volume of documentation held across the Group's systems & servers); or</p> <p>(ii) The Data Subject has made 'a number of requests'.</p>

5.3	If we do consider the request to be complex, the Data Subject must be informed within the one- month original timescale and an explanation as to why the extension is considered necessary must be given.
5.4	The timescale will not start to run until we receive proof of the Data Subject's identity, where required under section 6 below.
5.5	Where the Data Subject has been asked to clarify the scope of their IRR and/or subject proof of identification and they do not respond within four weeks of our correspondence, or latest correspondence to them, we will treat the SAR as closed. The Data Subject will have been advised of this in the SAR Acknowledgement Letter.
5.6	The CTO or the DPO will enter the maximum response timeframe in the Information Rights Register and diarise a preliminary deadline five working days before the maximum deadline to finalise the information for disclosure.
6.	Obtaining Proof of Identity
6.1	<p>The Group needs to be satisfied that the person making the IRR is the Data Subject they say they are before actioning the request. Where it is not reasonably certain that they are the Data Subject in question, we will ask to obtain a copy of: -</p> <ul style="list-style-type: none"> - Their birth certificate, driving licence or passport; or - Two recent proofs of residence e.g. utility bill, bank statement, DWP letter, employer's letter.
6.2	<p>A Data Subject is entitled to make a SAR via a third party e.g. friend/advocate, a solicitor acting on their behalf, the Citizens Advice Bureaux, an appointee under the Mental Capacity Act 2005, or a parent/guardian acting on behalf of a child under 13. In these cases, you must be satisfied that the third party making the request is entitled to act on the Data Subject's behalf and that the third party has provided relevant proof of their authority to make the request such as: -</p> <ul style="list-style-type: none"> (i) a letter of authority signed by the Data Subject; (ii) an original or certified copy power of attorney document or Court of Protection Deputyship Order; (iii) a signed letter from the parent/guardian with proof of parental responsibility for the child will be needed e.g. a copy birth/adoption certificate or court order.
6.3	It is the third party's responsibility to provide evidence of this entitlement.
6.4	If the request is from a child aged 13 or over, we can respond directly to the child. As provided at section 5.4, the timescale for responding to the IRR will not start to run until we have received necessary proof of identity.
7.	Right to Erasure / Deletion of Personal Data
7.1	The right to erasure is also referred to as the 'right to be forgotten'. As a Qualified Right it will only apply in certain circumstances.
7.2	<p>At least one of the following circumstances should apply:</p> <ul style="list-style-type: none"> (i) The Personal Data is no longer required for the purpose(s) it was collected for e.g. a landlord reference received for a now completed mutual exchange; (ii) The processing is carried out with the Data Subject's consent, which they are now withdrawing e.g. by opting out of direct marketing and no other lawful basis applies;

	<p>(iii) The Data Subject is objecting to the WCH Group processing their personal information under its legitimate interests and no other lawful basis applies;</p> <p>(iv) The Data Subject's personal information is being processed in breach of Data Protection Law; or</p> <p>(v) Erasure <u>has</u> to take place to comply with a legal obligation.</p>
7.3	<u>Considerations Where Erasure Requests are Upheld</u>
7.3.1	Where an erasure request is accepted, the Data Protection Team will validate the request to determine its applicability and may consult with the DPO for advice. Where it is deemed that the right is applicable, we will ensure any personal information that has been published online is removed as far as possible. If this is not fully within the WCH Group's control, reasonable steps to inform the parties responsible (e.g. website hosts) will be taken to erase all relevant links and copies.
7.3.2	We will also delete the Personal Data from backups as well as live systems if this is possible.
8.	Right to Portability of Personal Data
8.1	The right to data portability is the right of Data Subjects to obtain and reuse a copy of their Personal Data for their own purposes or so they can take up other services. They can ask for it to be released to them, a third party or another organisation. It will only apply where both the circumstances below apply:
8.1.1	<ul style="list-style-type: none"> • <u>The request relates to Personal Data the Data Subject originally provided to the WCH Group that is held electronically</u> (this is to enable its easy transfer out of the organisation); and • The WCH Group is processing it under the Data Subject's <u>consent</u> or to comply with a <u>contractual obligation</u>. If the processing is carried out under any other legal ground (e.g. the Group's legitimate interests) the Personal Data cannot be part of the request.
8.1.2	The right to portability is therefore different to a Subject Access Request; it is not a general right to all information relating to the Data Subject and only relates to information provided by the Data Subject.
9.	Right to Rectification (Correction or Completion of Data)
9.1	A Data Subject has the right to have inaccurate information rectified (i.e. completed or corrected i.e. because it was incorrectly or only partially collected). This does not necessarily mean the information will be deleted. It also would not cover a simple request to update information such as a customer's contact or bank details.
9.2	A Data Subject may make a rectification request following a Subject Access Request or, if we ourselves become aware that information is inaccurate, we should proactively correct it. Where a customer has requested their name to be changed/corrected, they must be asked to complete the Change of Name Form available on Grapevine which should be securely passed onto the DPO @wcht.org.uk mailbox to action.
9.3	It should be borne in mind that there is a difference between a Data Subject asking for information to be corrected because it is incorrect and a Data Subject asking for a decision to be revisited or a different outcome to be taken in a particular circumstance.
10.	Right to Object
10.1	Individuals can object to the Group's processing of their Personal Data at any time (i.e. by asking us to stop processing some or all of it) in certain circumstances.

10.2	There is an absolute (rather than Qualified) right to object to processing of personal information for direct marketing i.e. there are no grounds for refusal and the processing for this purpose must stop. Direct marketing refers to direct communication with consumers to sell products or services. However, the WCH Group does not engage in direct marketing activity.
10.3	In other situations (below) the right to object is only a Qualified Right: - <ul style="list-style-type: none"> - Where the processing is in the Group's legitimate interests / those of a 3rd party e.g. a local authority.
10.4	The Data Subject must give clear reasons why they are objecting. We can reject the request if we have a lawful basis for processing the information despite the request. Further guidance as to whether we have a lawful request can be found in our Data Asset Register Policy.
11.	Rights About Automated Decision-Making
11.1	Automated decision-making is taking decisions about people without any human involvement at all e.g. a computer credit-scoring a person. WCH uses profiling software to identify and monitor customers at risk of rent arrears but we do not make any decisions in this area (or any other) solely through automated decision-making.
12.	Third Parties
12.1	Data Subjects can make an IRR to either a Data Controller (i.e. WCH) or a Data Processor (a WCH Group contractor/ supplier) – this may depend on whom they perceive to be processing their personal information. Data Processors are required to notify us if they receive an IRR from a WCH Group Data Subject so that we can then action it.
12.2	We are not obliged to disclose information under a SAR where it involves information about other people unless that other person consents or it is reasonable and proportional to disclose the information without their consent. This often involves balancing the right of the Data Subject to receive the information they are requesting against the right to privacy of third parties named in or identified by the information.
12.3	Members of Parliament, local councillors and other elected representatives are entitled to request personal data concerning their constituents without providing evidence of explicit consent from the constituent Data Subject. However, the identity of the elected representative must still be verified before proceeding with our response.
13.	Related documents
	Subject Access Request Policy & Procedure Data Protection Policy & Procedure Data Asset Register Policy Change of Name Form
14.	Appendices
	Appendix 1 - Template IRR Acknowledgement Letter
15.	Approval
	Approved by EMT: March 2024
	DPO review date : March 2024
	Next Review date : March 2029
	Policy 'owner' : Chief Technology Officer