

Customer Relationships



watford
community
housing

Policies & Procedures

Information Rights Policy

1.	Policy objectives
1.1	Watford Community Housing Group (WCH) 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") eg the right to object to direct marketing – see section 10 below; and 5. Assert certain rights regarding 'automated decision-making' (ie decisions made without human involvement) or profiling (ie 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 our Data Subject Access Request Policy.
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 WCH are managed appropriately.
2.	Legislative & regulatory requirements
2.1	<p><u>Legislative</u></p> <p>General Data Protection Regulation ("GDPR") (2016) & 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	Definitions
3.1.1	<p><u>Data Subject</u>: the identified / identifiable living individual to whom the personal information relates. WCH has relationships with various Data Subjects including our tenants, their household members, leaseholders, shared owners, private market</p>

	tenants, staff & job applicants, Group Board and Committee members, GMT members and contractors and suppliers.
3.1.2	<u>Information Rights Request (IRR)</u> : a request made by a WCH 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.
3.1.3	<u>Personal Data</u> : information relating to a living person who can be identified from either the information itself or other additional information we may have or receive held on digital records or in a structured filing system (eg: names, contact information including emails and usernames, photographs and vehicle registration plates). Personal Data may also be referred to as 'personal information' below.
3.1.4	<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.
4.	Format of Information Rights Requests
4.1	A Data Subject can make an IRR to any member of staff verbally or in writing and does not need to refer to Data Protection Law or be labelled as an IRR.
5.	Timescale for Responding to Information Rights Requests
5.1	All requests made by a Data Subject, including a SAR, must be responded to as soon as possible and within a maximum of one calendar month from their receipt. This time limit starts to run the same day as the request's receipt and ends on the corresponding calendar date the next month. Where the following month is shorter, the time limit ends on the last day of that month. If the last day is a weekend or bank holiday the time limit is extended to the next working day. <u>However the time period is paused for any length of time that proof of identity and/or clarification of the information being requested is clearly required, but not received, from the Data Subject. See section 5 below.</u>
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	(i) Where the request is ' complex ' (ie unclear or likely to involve a large volume of documentation held across WCH's systems & servers); or (ii) The Data Subject has made 'a number of requests'.
5.3	If we do consider the request to be complex we will inform the Data Subject within the one month original timescale and explain why we think the extension is necessary.
5.4	The timescale will not start to run until we receive proof of the Data Subject's identity where we require this under section 6 below.
6.	Obtaining Proof of Identity

6.1	<p>We need to be satisfied that the person making the IRR is the Data Subject they say they are before actioning the request. Where we are 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 eg utility bill, bank statement, DWP letter, employer's letter.
6.2	<p>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.</p>
6.3	<p>Lack of Response from Data Subject</p>
6.3.1	<p>Where we have asked the Data Subject to clarify the scope of their SAR 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. We advise the Data Subject of this in the SAR Acknowledgement Letter at Appendix 3.</p>

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	At least one of the following circumstances should apply: <ul style="list-style-type: none"> (i) The Personal Data is no longer required for the purpose(s) it was collected for eg 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 eg by opting out of direct marketing; (iii) The Data Subject is objecting to WCH processing their personal information under its legitimate interests; (iv) The Data Subject's personal information is being processed in breach of Data Protection Law; or (v) Erasure <u>has</u> to take place to comply with a legal obligation.
7.3	<u>Considerations Where Erasure Requests are Upheld</u>
7.3.1	Where an erasure request is accepted, we will ensure any personal information that has been published online is removed as far as possible. If this is not fully within our control we will take reasonable steps to inform the parties responsible (eg website hosts) to erase all relevant links and copies.
7.3.2	We will also delete the Personal Data from backups as well as WCH's 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 other 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 WCH that is held electronically</u> (this is to enable its easy transfer out of the organisation); and • WCH 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 (eg WCH's legitimate interest) 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
9.1	A Data Subject has the right to have inaccurate information rectified (ie completed or corrected ie because it was incorrectly or only partially collected). This does not necessarily mean the information will be deleted. It also would not cover a simply 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.

10.	Right to Object
10.1	Individuals can object to WCH's processing of their Personal Data at any time (ie 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 ie there are no grounds for refusal and the processing for this purpose must stop. However WCH 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 processing is carried out in the public interest – this generally does not apply to WCH's activities; - Where the processing is in exercise of an official authority vested in WCH; or - Where the processing is in WCH's legitimate interests / those of a 3rd party eg a local authority.
10.4	The Data Subject must give clear reasons why they are objecting. We can reject the request if we can show good reasons for processing the information despite the request.
11.	Rights About Automated Decision-Making
11.1	Automated decision-making is taking decisions about people without any human involvement at all eg 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.	Information Rights Requests Made of Third Parties
12.1	Data Subjects can make an IRR to either a Data Controller (ie WCH) or a Data Processor (a WCH contractor/ supplier) – this may depend on whom they perceive to be processing their personal information. WCH Data Processors are required to notify WCH if they receive an IRR from a WCH Data Subject so that we can then action it.
13.	Related documents
	Subject Access Request Policy
14.	Approval
	Approved by : EMT
	Date of approval: 14 May 2020
	Review date : May 2022
	Policy 'owner' : Head of Customer Relationships