

# Data Protection Policy



Lead Director: Governance and Assurance

Reference: POL 08

SMT Approval: 12<sup>th</sup> September 2024

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## 1. Introduction & Aim

- 1.1 The Cobalt Housing (“Cobalt”, “we” or “our”) Data Protection Policy provides guidance for all employees & Board Members on Data Protection issues to be considered when handling personal information and data.
- 1.2 Other documents referred to within this Policy do not form part of the Policy.
- 1.3 Cobalt needs to collect personal information about people with whom it deals in order to carry out its business and provide its services, including tenants, employees, suppliers and other business contacts. This information may include name, address, email address, date of birth, personal and sensitive or special category personal details. In addition, we may occasionally be required to collect and use certain types of personal information to comply with the requirements of the law. No matter how it is collected, recorded and used (e.g. on a computer or on paper) this personal information must be dealt with properly to ensure our compliance with the UK General Data Protection Regulation (UK GDPR) the Data Protection Act 2018 and any other legislation relating to the protection of personal data, including any amended, updated, replaced data protection and/or privacy legislation applicable in the UK, together the “**Data Protection Legislation**”.

## 2. Policy Statement

- 2.1 The Data Protection Legislation regulates the processing of information relating to identifiable, living individuals, including obtaining, retaining, use or disclosure of such information.
- 2.2 The lawful and proper treatment of personal information by Cobalt is extremely important to the success of our business and in order to maintain the confidence of our service users and employees. Cobalt must ensure it treats personal information lawfully and correctly, and it is Cobalt’s policy to comply with the principles of the Data Protection Legislation.
- 2.3 The Data Protection Legislation covers data processing of personal data within the UK and for UK based data subjects. The European Union General Data Protection Regulations (EU GDPR) is relevant across the European Economic Area (EEA) and applies to EU based data subjects. Certain countries are within the EEA but not members of the EU. Organisations that store or process personal data outside of the UK and / or the EEA should be aware that they may need to make special provisions for these processes.
- 2.4 All staff & Board Members within Cobalt must abide by this Policy and associated standards and procedures. Accessing personal data without a valid legal or business reason will constitute a breach of data and will be investigated under Cobalt’s disciplinary procedures.
- 2.5 This Policy relates to all personal data held by Cobalt, including hard copy documents and electronic records.

### 3. Policy Principles

- 3.1 The Policy principles are guided by legal and legislative requirements, together with good practice.
- 3.2 The details of how we manage the various elements of our obligations under the Data Protection Legislation in practical terms, is set out in our data protection procedures.

### 3.3. <sup>(OBJ)</sup> Definitions

3.4 **Data Subject** – An identified or identifiable natural person. This may include:

- Current, former and prospective employees and contractors
- Current, former and prospective tenants
- Temporary staff and contractors
- Suppliers

3.5 **Processing** – Any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

3.6 **Personal Data** – 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 or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. This may include:

- Name and address
- Age and date of birth
- Telephone numbers (mobile, landline, fax)
- Email addresses
- Next of kin
- Appraisal, disciplinary and holiday records
- Work history, training, qualifications and skills
- National Insurance details
- Identity documentation (passports, driving licence)
- Online identifiers such as IP address.

3.7 **Special Categories of personal data**- Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union

membership, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation.

**3.8 Data Protection Principles** - Cobalt will comply with the principles of the Data Protection Legislation, namely:

- Personal data shall be processed lawfully, fairly and in a transparent manner.
- Personal data shall be collected for specified, explicit and legitimate purposes.
- Personal data shall be adequate, relevant and limited to what is necessary.
- Personal data shall be accurate and, where necessary, kept up to date.
- Personal data shall not be kept for longer than is necessary.
- Personal data shall be kept secure and protected against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures. Personal Data shall not be transferred to another country without appropriate safeguards in place.
- Personal data shall be made available to the data subjects to exercise certain rights in relation to their personal data.

3.9 Cobalt is the data controller and shall be accountable and able to demonstrate compliance with all the above-listed principles.

**3.10 Information classification**

Cobalt will operate on the principle that all information we store and manage falls into one of the following categories:

- **Confidential** – Information which relates to our business, not people, which we do not want to be released outside of the organisation. This could include financial information, details of our IT network or commercially sensitive information about our plans to grow as an organisation;
- **Personal data or personal information** – Information about any individual which is able to identify that specific person;
- **Special Categories of information** – Information about an individual which meets the criteria defined in the Data Protection Legislation as a 'special category' of data, including ethnicity, sexuality, religious beliefs, etc.;
- **General information** – Any information which does not fall into any of the other 3 categories listed above

**Risk Management**

The business will monitor its compliance with Data Protection Legislation using the following indicators:

100% of all Access Requests completed within the timescales set out in the Data Protection Legislation.

Mandatory training on Data Protection Legislation will be implemented as part of the induction process.

100% of reportable incidents reported to the Information Commissioners Office (ICO) within the timescales set out in the Data Protection Legislation

The key risk associated with non-delivery of this Policy is:

Risk Register Ref:	Risk:
Ref ST08	<p>Failure to appropriately manage and securely store sensitive data results in fines, or other regulatory actions, loss of trust and reputational damage.</p> <p>There is also a risk of private claims/civil actions for breaches of Data Protection Legislation.</p>
Risk Consequences:	Management and Mitigation:
<p><b>Breach of Regulatory Requirements</b></p> <p>Significant Financial Penalties with Data Protection Legislation of up to 4% of annual turnover per breach.</p> <p>Reputational Damage</p>	<p>Awareness Raising and Training – including mandatory refresher training, induction, and ad-hoc updates including for any changes in legislation or internal changes and / or security concerns.</p> <p>Development of a suite of guidance documents, Policy and procedures</p>

## Regulatory & Legislative Compliance

The business will adhere to the following regulations and legislation:

- UK General Data Protection Regulations
- Data Protection Act 2018
- EU General Data Protection Regulations (GDPR)
- Privacy and Electronic Communications Regulations (PECR)
- Information Commissioner’s Office (ICO)
- The Human Rights Act of 1998 - UK Privacy Law
- Equality Act 2010

## **Links to Other Key Documents**

SLH Information security Policy 2022

Proc 001- Management of Data subject request (DSAR)

Proc 002- information security and management of data breaches

Proc 004- Internet Acceptable usage

Proc 060- Management of confidential waste

Proc 107- Conducting virtual meetings and use of messenger apps

Proc 145- clear desk and screen display rules

Egress email security

National Housing Federation (NHF) Retention of documents schedule

Cobalt Privacy policy

## Governance of this Policy

<b>Equality Diversity &amp; Inclusion (ED&amp;I)</b>	An Equality Impact Assessment (EQIA) was completed Date: 14 <sup>th</sup> August 2024
<b>Financial and Links to VfM</b>	Dealing effectively with personal data and special categories of personal data reduces the risk of reputational damage and the implementation of large fines following data breaches.
<b>Privacy and Data Protection</b>	This Policy relates to Data Protection and Privacy.
<b>Health and Safety</b>	Where there are matters of health and safety, that legislation will have primacy over Data Protection Legislation but only where it can be demonstrated that the due consideration has taken place.
<b>Development and Consultation</b>	The policy has been developed with input by Brabners, Solicitors. Circulated for staff consultation April 2024. TPC consultation August 2024

