

ELHA POLICY

Date Issued	May 2018
Last Reviewed	March 2025
Department	Corporate
Title	Privacy Policy
Objective	To ensure secure and safe data management, processing and storage
Responsible	Compliance Group
Next Review Date	March 2030

1.0 Introduction

- 1.1 We are committed to ensuring the secure and safe management of data we hold for our customers, staff and other individuals. Our staff members have a responsibility to comply with the terms of this Policy, and to manage individuals' data in accordance with this Policy and any documentation referred to.
- 1.2 We gather and use certain information about tenants, service users, our staff and other individuals who we have a relationship with. We manage a significant amount of personal data, from a variety of sources. This includes what are known as 'Special Categories of Personal Data' under the UK GDPR (see section 3.1.2) and 'Criminal Offence Data' (see section 3.1.3).
- 1.3 This Policy sets out how we look after Personal Data, our duties in processing that data, and the procedures for the management of such data.

2.0 Legislation

- 2.1 It is a legal requirement that we process Personal Data correctly and that we collect, handle and store Personal Data in accordance with the relevant legislation.
- 2.2 The relevant legislation in relation to the processing of data is:
 - (a) The UK General Data Protection Regulation ("the UK GDPR") as defined in the Data Protection Act 2018.
 - (b) The Data Protection Act 2018 (and regulations made thereunder)
 - (c) The Privacy and Electronic Communications Regulations 2003 (as amended).

- (d) All other legislation and regulatory requirements in force from time to time which apply to the processing of Personal Data.

3.0 Data

3.1 We hold a variety of Personal Data relating to individuals, including customers and employees (collectively referred to as 'Data Subjects'). The Personal Data held and processed by us is detailed within the Fair Processing Notice and the Data Protection Addendum of the Terms of and Conditions of Employment which has been provided to all employees.

3.1.1 Personal Data is that from which a living individual can be identified either by that data alone, or in conjunction with other data held by us.

3.1.2 We also hold Personal Data that is sensitive in nature (i.e. relates to or reveals a data subject's racial or ethnic origin, religious or philosophical beliefs, political opinions, trade union membership, physical or mental health, sex life or sexual orientation, genetic data, or biometric data used for identification purposes). These are collectively called "Special Categories of Personal Data" and require higher levels of protection.

3.1.3 Additionally, we hold Personal Data that relates to criminal convictions, allegations of criminal offences, sentencing or security measures related to a criminal sentence. This is known as 'Criminal Offence Data' and also requires higher levels of protection.

3.1.4 We also collect, use, and share Aggregated Data such as statistical or demographic data for any purpose. Aggregated Data could be derived from a Data Subject's Personal Data but is not considered Personal Data in law, as this data will not directly or indirectly reveal their identity. For example, we may aggregate Usage Data to calculate the percentage of users to elha.com accessing a specific website feature. However, if we combine or connect Aggregated Data with their Personal Data so that it can directly or indirectly identify an individual, we treat the combined data as Personal Data, which will be used in accordance with this Privacy Policy.

3.1.5 Where we need to collect Personal Data by law, or under the terms of a contract we have with a Data Subject, and they fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with them (for example, to be able to provide goods or services). In this case, we may have to cancel a product or service a Data Subject has with us, but we would notify them if this is the case at the time.

4.0 Processing of Personal Data

4.1 We are permitted to process Personal Data about Data Subjects provided we are doing so on one of the following grounds:

- Processing with the consent of the Data Subject (see Section 4.4)

- When processing is necessary for the performance of a contract between us and the Data Subject or for entering into a contract with the Data Subject
- When processing is necessary when complying with a legal obligation
- When processing is necessary to protect the vital interests of the Data Subject or another person
- When processing is necessary for the performance of a task carried out in the public interest or in the exercise of any official duties
- When processing is necessary for the purposes of our, or someone else's, legitimate interests, and these don't override the rights and freedoms of the Data Subject. For example, it is in our legitimate interests to investigate a customer's complaint about our service.

4.2 Fair Processing Notices

- 4.2.1 All new tenants are provided with our Fair Processing Notice (FPN) which is also available to all our customers on elha.com. Our FPN is available to all our customers from the outset of processing their Personal Data. See Appendix 1.
- 4.2.2 All new staff are issued with a FPN with their contract. See Appendix 2.
- 4.2.3 All Care and Repair clients are issued with an FPN from the outset of processing their Personal Data. See Appendix 3.
- 4.2.4 Our FPN's sets out the Personal Data processed by us and Care & Repair, and the basis for that Processing.

4.3 Employees

- 4.3.1 Staff Personal Data, including Special Categories of Personal Data and Criminal Offence Data, is held and processed by us. Details of the data we hold and processing of that data is contained in the Employee Fair Processing Notice which is given to staff at the same time as their Contract of Employment.
- 4.3.2 Staff members requesting copies of their Personal Data held by us may ask for this verbally or in writing from their Line Manager or the Data Protection Officer.

4.4 Consent

- 4.4.1 Sometimes we will require consent when processing Personal Data where no other alternative ground for processing is available. The consent provided by the Data Subject must be freely given and we will ask them to sign a consent form if they are willing to consent. Any consent we obtain must be for a specific and defined purpose (i.e. general consent cannot be sought).

- 4.4.2 Where consent is being relied on, Data Subjects are free to withhold their consent or withdraw it at any time in the future.

4.5 Processing of Special Category Data

- 4.5.1 In the event that we process Special Categories of Personal Data, we must do so in accordance with one of the following grounds of processing:

- The Data Subject has given explicit consent to the processing of this data for a specified purpose
- It is necessary for carrying out obligations or exercising rights related to employment or social security
- It is necessary to protect the vital interest of the Data Subject or, if the Data Subject is incapable of giving consent, the vital interests of another person
- It is necessary for the establishment, exercise, or defence of legal claims, or whenever court are acting in their judicial capacity
- It is necessary for the exercise of a function conferred on us by an enactment or rule of law
- It is necessary for reasons of substantial public interest under law
- It is necessary for archiving purposes, scientific or historical research purposes or statistical purposes and is carried out in the public interest subject to additional legal safeguards

- 4.5.2 When we have no grounds for processing Special Category Data other than explicit consent, customers will be asked to provide explicit consent by signing the appropriate forms attached at Appendix 4 & 5.

- 4.5.3 Personal Data is from time to time shared amongst us and third parties who require to process Personal Data that we process as well (e.g. These Homes). Both we and the third party will be processing that data in our individual capacities as data controllers.

- 4.5.4 Where we share in the processing of Personal Data with a third party organisation (e.g. for processing of an employees' pension), we shall require the third party organisation to enter into a Data Sharing Agreement with us.

4.6 Processing of Criminal Offence Data

- 4.6.1 In the event that we process Criminal Offence Data, we must do so in accordance with one of the following grounds of processing:

- The Data Subject has given explicit consent to the processing of this data for a specified purpose

- It is necessary for carrying out obligations or exercising rights related to employment or social security
- It is necessary for the exercise of a function conferred on us by an enactment or rule of law
- It is necessary for archiving purposes, scientific or historical research purposes or statistical purposes and is carried out in the public interest subject to additional legal safeguards
- It is necessary to prevent or detect unlawful acts and it would prejudice that purpose to require the Data Subject's consent
- It is necessary to protect a child or an individual at risk from neglect, physical, mental or emotional harm, or protect an individual's physical, mental or emotional wellbeing
- It is necessary to protect the vital interest of the Data Subject or, if the Data Subject is incapable of giving consent, the vital interests of another person
- It is necessary for the purpose of legal proceedings (including prospective legal proceedings), for the purpose of obtaining legal advice, or is otherwise necessary for the purposes of establishing, exercising or defending legal rights.

5.0 Data Sharing

5.1 Who we share our data with and why, is set out in the Fair Collection Notices (See Appendices 1,2,& 3). We share data in order that our day to day activities are carried out in accordance with our relevant policies and procedures. In order that we can monitor compliance by these third parties with Data Protection laws, we will require the third party organisations to enter into an Agreement with us governing the processing of data, security measures to be implemented and responsibility for breaches.

5.2 Data Processors

5.2.1 A Data Processor is a third party entity that processes Personal Data on behalf of us and are frequently engaged if some of our work is outsourced (for example, maintenance and repair works).

5.2.2 A Data Processor must comply with Data Protection laws. Our Data Processors must ensure they have appropriate technical security measures in place, maintain records of processing activities and notify us if a data breach is suffered.

- 5.2.3 If a Data Processor wishes to sub-contract their processing, prior written consent from us must be obtained. Upon a sub-contracting of processing, the Data Processor will be liable in full for the data protection breaches of their sub-contractors.
- 5.2.4 Where we contract with a third party to process Personal Data held by us, we must include specific instructions on what the processor may and may not do with the personal data, and arrangements for our respective obligations.

6.0 Data Storage and Security

- 6.1 All Personal Data held by us must be stored securely, whether electronically or in paper format.

We have put in place appropriate security measures to prevent Personal Data from being accidentally lost, used, or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to a person's Personal Data to those employees, agents, contractors and other third parties who have a business need to know. They will only process Personal Data on our instructions, and they are subject to a duty of confidentiality.

6.2 Paper Storage

- 6.2.1 If Personal Data is stored on paper, it should be kept in a secure place where unauthorised personnel cannot access it. Employees should make sure that no Personal Data is left where unauthorised personnel can access it. When the Personal Data is no longer required it must be disposed of by the employee to ensure its destruction.

6.3 Electronic Storage

- 6.3.1 Personal Data stored electronically must also be protected from unauthorised use and access. Examples of our security include:

- Password protection of documents if appropriate
- Controlling access to systems and networks allows us to stop people who are not allowed to view the Personal Data we hold from getting access to it
- Training our staff to make them aware of how to handle Personal Data and how and when to report when something goes wrong
- Regular testing of our technology and ways of working including keeping up to date on the latest security updates (commonly called patches).

- 6.3.2 If Personal data is stored on removable media (CD, DVD, USB memory stick) then that removable media must be encrypted and stored securely at all times when not being used. Personal Data should not be saved directly to mobile devices and should be stored on designated drives and servers.

7.0 Breaches

- 7.1 A data breach can occur at any point when handling Personal Data. We have procedures in place to deal with any suspected Personal Data breach and will notify the Data Subject and any regulator of a breach where we are legally required to do so.

Anyone suspecting that their personal information or that of others may have been at risk of a data protection breach should tell us by reporting it to enquiries@elha.com

7.2 Internal Reporting

- 7.2.1 We take the security of Personal Data very seriously and in the unlikely event of a breach will take the following steps:

- As soon as the breach or potential breach has occurred, and in any event on the same working day that it has occurred, our Data Protection Officer (DPO) must be notified in writing of (i) the breach; (ii) how it occurred; and (iii) what the likely impact of that breach is on any Data Subject(s)
- We will seek to contain the breach by whatever means available.

Our DPO must consider whether the breach is one which requires to be reported to the Information Commissioner's Office (ICO) and all Data Subjects affected. If a breach poses a risk to the rights and freedoms of a Data Subject then our DPO will report any such breaches to the ICO within 72 hours of it being reported.

- We will notify third parties in accordance with the terms of any applicable Data Sharing Agreements.

8.0 Data Protection Officer ("DPO")

- 8.1 A Data Protection Officer is an individual who has an over-arching responsibility and oversight over compliance by us with Data Protection laws. We have elected to appoint Jackie Robinson, Service Manager, R3 Repairs Limited as our Data Protection Officer. The DPO can be contacted on 01620 825032 or enquiries@elha.com.

- 8.2 Our DPO is responsible for:

- Monitoring our compliance with Data Protection laws and this Policy

- Co-operating with and serving as our contact for discussions with the ICO
- Reporting breaches or suspected breaches to the ICO and Data Subjects

8.3 The DPO will be a member of the Compliance Group who monitor and report on overall data protection issues within the Group.

9.0 Third-Party Marketing

9.1 We do not share Personal Data with any third party for marketing purposes.

10.0 Opting Out (elha.com)

10.1 Data Subjects can ask us to stop sending marketing messages at any time by following the opt-out links on any marketing message sent to them or by contacting us at any time.

10.2 If a Data Subject has an account with us they can also opt out by logging into the website and checking or unchecking relevant boxes to adjust their marketing preferences.

10.3 Where a Data Subject opts out of receiving marketing messages, this will not apply to Personal Data provided to us as a result of service purchase or other transactions.

11.0 Cookies (elha.com & These Homes)

11.1 A cookie is a piece of data from a website that is stored within a web browser that the website can retrieve at a later time. Cookies are used to tell the server that users have returned to a particular website. When users return to a website, a cookie provides information and allows the site to display selected settings and targeted content. Data Subjects can set their browser to refuse all or some browser cookies, or to alert them when websites set or access cookies. If a Data Subject disables or refuses cookies, they should note that some part of these websites may become inaccessible or not function properly. For more information about Cookies please refer to our Cookie Policy.

12.0 Change of Purpose

12.1 We will only use Personal Data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. A Data Subject can contact us at our Head Office if they require an explanation as to how the processing for the new purpose is compatible with the original purpose.

- 12.2 If we need to use a Data Subject's Personal Data for an unrelated purpose, we will notify them and will explain the legal basis which allows us to do so.
- 12.3 We may process Personal Data without a Data Subject's knowledge or consent, in compliance with the above rules, where this is required or permitted by law, e.g. information shared with the police or social work because of suspected tenant abuse or neglect.

13.0 Data Subject Legal Rights

- 13.1 Under certain circumstances, Data Subjects have rights under data protection laws in relation to Personal Data. Data Subjects have the right to:

13.1.1 Request Access to Personal Data (Subject Access Requests)

Data Subjects can view their Personal Data held by making a written or verbal request (a Subject Access Request). If someone asks a staff member for some or all of the information we hold about them, the staff member must email that information as well the person's name and contact details to the DPO without delay. We must respond to the Subject Access Request within one month of the date of receipt of the request and:

- We must provide the Data Subject with an electronic or hard copy of the personal data requested, unless any exemption to the provision of that data applies in law
- Where the Personal Data comprises data relating to other Data Subjects, we must take reasonable steps where it is appropriate to seek consent from those Data Subjects to the disclosure of that Personal Data to the person who has made the Subject Access Request
- Where we do not hold the Personal Data sought by the Data Subject, we must confirm that we do not hold any Personal Data sought by them as soon as practicably possible, and in no later than one month from the date on which the request was made

It should be noted that for most tenants, all the Personal Data we hold can be viewed in their My Home account, by accessing the My Documents section of their My Home account. This contains copies of all the documents we hold, have issued or have received in relation to that tenancy. Only documents or data that would be fully or partially redacted (if requested) are not kept in these folders.

This means that for the majority of tenants, a Subject Access Request is not necessary in order to see the Personal Data we hold.

Applicants registered with These Homes can access their Personal Data by logging into their registration.

13.1.2 Request Erasure (The Right to be Forgotten)

A Data Subject can ask us to delete or remove Personal Data where there is no good reason for us continuing to process it. They have the right to ask us to delete or remove their Personal Data where they have successfully exercised their right to object to processing (see Section 13.1.3), where we may have processed their information unlawfully or where we are required to erase their Personal Data to comply with local law. However, it should be noted that we may not always be able to comply with a Data Subject's request of erasure for specific legal reasons which we will notify them of, at the time of their request.

13.1.3 Object to Processing

A Data Subject may object to processing of their data where we are performing a public task in the public interest (i.e. providing social housing) or relying on our legitimate interest (or those of a third party) and there is something about their particular situation which makes the Data Subject want to object to processing on this ground as they feel it impacts on their fundamental rights and freedoms. In some cases, we may demonstrate that we have compelling legitimate grounds to process their information which overrides their rights to object.

The Data Subject also has a right to object where we are processing their Personal Data for direct marketing purposes. In this case, we must stop sending them direct marketing material as soon as possible.

13.1.4 Request Correction

A Data Subject may request correction of the Personal Data we hold about them. This enables them to have any incomplete or inaccurate data we hold about them corrected, though we may need to verify the accuracy of the new data provided to us.

13.1.5 Request Transfer

A Data Subject may request the transfer of their Personal Data to them or a third party. We will provide the Personal Data in a structured, commonly used, machine readable format. Note this right only applies to automated information which the Data Subject initially provided consent for us to use or where we used the information to perform a contract with them.

13.1.6 Withdraw Consent

A Data Subject can withdraw consent at any time where we are relying on consent to process their Personal Data. However, this will not affect the lawfulness of any processing carried out before they withdraw consent. If the Data Subject withdraws their consent, we may not be able to provide certain products or services to them. We will advise them if this is the case at the time they withdraw their consent.

- 13.2 If a Data Subject wishes to exercise any of their rights set out above, they should contact us by sending an email to enquiries@elha.com, [contact us on 01620 825032](tel:01620825032) or write to us at our registered office address 18-20 Market Street, Haddington, East Lothian EH41 3JL. If we receive a request by social media, we will ask the Data Subject to contact us by one of the above methods.
- 13.3 We may need to request specific information from a Data Subject to help us confirm their identity and ensure their right to access Personal Data (or to exercise any of their other rights). This is a security measure to ensure that Personal Data is not disclosed to any person who has no right to receive it. We may also contact them to ask for further information in relation to their request to speed up our response.
- 13.4 Individuals will not have to pay a fee to access their Personal Data (or to exercise any of the other rights). However, we may charge a reasonable fee if their request is clearly unfounded, repetitive, or excessive. Alternatively, we could refuse to comply with their request in these circumstances.
- 13.5 We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if the request is particularly complex or the Data Subject has made a number of requests. In this case, we will notify the Data Subject and keep them updated.

14.0 Data Protection Impact Assessments (“DPIAs”)

- 14.1 DPIAs are a means of assisting us to identify and reduce the risks that our operations have on the personal privacy of Data Subjects.
- 14.2 We shall:
- Carry out a DPIA before undertaking a project or processing activity which poses a “high risk” to an individual’s privacy. High risk can include, but is not limited to, activities using information relating to health or race, or the implementation of a new IT system for storing and accessing Personal Data
 - In carrying out a DPIA, we will include a description of the processing activity, its purpose, an assessment of the need for the processing, a summary of the risks identified and the measures that it will take to reduce those risks, and details of any security measures that require to be taken to protect the Personal Data
- 14.3 We will need to consult with the ICO if a DPIA identifies a high level of risk which cannot be reduced. DPO will be responsible for such reporting, and where a high level of risk is identified by those carrying out the DPIA they require to notify the DPO within five (5) working days.

15.0 Archiving, Retention and Destruction of Data

- 15.1 We will only retain Personal Data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, statutory, tax accounting, or reporting requirements. We may retain Personal Data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to the relationship we have with the Data Subject.
- 15.2 To determine the appropriate retention period for Personal Data, we consider the amount, nature and sensitivity of the Personal Data, the potential risk of harm from unauthorised use or disclosure of Personal Data, the purpose for which we process the Personal Data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting, or other requirements.
- 15.3 We will keep an individual's information for the duration of providing a service to them. When the service provided comes to an end we will keep Personal Data for a set time for auditing and reporting purposes, ad for legitimate interest purposes. After that time, we will either anonymise or destroy the information in line with our Data Retention Schedule.

16.0 Policy Review

- 16.1 The Compliance Group will review this Policy every five years, unless changes in law or practice require an earlier review. Any recommended changes to the Policy will be submitted to our Management Committee for approval.

East Lothian Housing Association

GDPR Fair Processing Notice

(How we use your personal information)**Introduction**

This notice explains what information we collect, when we collect it and how we use it. During the course of our activities, we will process personal data (which may be held on paper, electronically, or otherwise) about you and we recognise the need to treat it in an appropriate and lawful manner. The purpose of this notice is to make you aware of how we will handle your information.

Who we are

East Lothian Housing Association is a Scottish Charity (Scottish Charity Number SC028900), a registered society under the Co-operative and Community Benefit Societies Act 2014 with Registered Number 2266R(S) and having our Registered Office at 18-20 Market Street, Haddington, EH41 3JL ("We" or "us"). We take the issue of security and data protection very seriously and strictly adhere to guidelines published in the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 and any other applicable laws relating to privacy and the protection of personal data.

We are notified as a Data Controller with the Office of the Information Commissioner under registration number Z6072420 and we are the data controller of any personal data that you provide to us.

Our Data Protection Officer is Jackie Robinson, Service Manager, R3 Repairs Limited.

If you have any concerns or questions relating to this notice, our privacy practices or about how we look after your personal information please contact us by email to enquiries@elha.com or call us on 01620 825032.

How we collect information from you and what information we collect

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you.
- When you apply for housing with us, become a tenant, request services or repairs, enter in to a factoring agreement with ourselves or otherwise provide us with your personal details.
- When you apply to become a member.

- From your use of our online services, whether to report any tenancy / factor related issues, make a complaint or otherwise.
- From your arrangements to make payment to us (such as bank details, payment card numbers, employment details, benefit entitlement and any other income and expenditure related information).
- Request marketing to be sent to you.
- Give us feedback or contact us.
- **Automated technologies** or interactions. As you interact with our website, we will automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. Please see our [cookie policy](#) for further details.
- **Third parties** or publicly available sources. We will receive personal data about you from various third parties and public sources as set out below:
- Benefits information, including awards of Housing Benefit and Universal Credit
- Payments made by you to us
- Complaints or other communications regarding behaviour or other alleged breaches of the terms of your contract with us, including information obtained from Police Scotland
- Reports as to the conduct or condition of your tenancy, including references from previous tenancies, and complaints of anti-social behaviour.

We collect the following information about you:

- Name
- Address
- Telephone number
- Emergency Contact Details
- E-mail address
- National Insurance Number
- Bank account and payment card details
- Details about payments to and from you
- Next of Kin and family members
- Information about your health and that of family members
- Information about alleged or actual criminal offences and convictions
- Information about your tenancy including any complaints made by or about you
- Information about your employment, income and any benefits you receive

- Recordings of your voice when you call our service desk
- Technical data such as internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access this website
- Usage data such as information about how you use our website, products and services
- Marketing and communication data such as your preferences in receiving marketing from us and our third parties and your communication preferences.

Why we need this information about you and how it will be used

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- To undertake and perform our obligations and duties to you in accordance with the terms of our contract with you
- To enable us to supply you with the services and information which you have requested
- To enable us to respond to any repair requests, housing applications and complaints made
- To analyse the information we collect so that we can administer, support and improve and develop our business and the services we offer
- To contact you in order to send you details of any changes to our products or services which may affect you
- For all other purposes consistent with the proper performance of our operations and business
- To contact you for your views on our products and services
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests
- Where we need to comply with a legal obligation.

Sharing of Your Information

We may disclose your information to other third parties who act for us for the purposes set out in this notice or for purposes approved by you, including the following:

- If we enter into a joint venture with or merge with another business entity, your information may be disclosed to our new business partners or owners
- If we instruct repair or maintenance works, your information may be disclosed to any contractor

- If we are investigating a complaint, information may be disclosed to Police Scotland, Local Authority departments, Scottish Fire & Rescue Service and others involved in any complaint, whether investigating the complaint or otherwise
- If we are updating tenancy details, your information may be disclosed to third parties (such as utility companies)
- To East Lothian Council in relation to:
 - Any application you may make for Housing Benefit
 - Council Tax - so that they can send your Council Tax Bill
 - Antisocial behaviour either by or against you
 - Re-housing Applications
 - Child protection (Social Work Department)
 - Adult protection (Social Work Department)
 - Tenancy Support
 - Criminal Justice
- If we are investigating payments made or otherwise, your information may be disclosed to payment processors, East Lothian Council and the Department of Work & Pensions
- To Payment Agencies such as your / our bank, and Allpay in connection with rent and other payments made to us
- With Experian to enable rent payments to count towards your credit rating
- If we are conducting a survey of our products and / or our service, sending information about our products and services, or are using our online help service, your information may be disclosed to third parties assisting in the compilation and analysis of the survey results, managing e-mail preferences, sending postal mailings or storing online chat records
- To Welfare Rights or advice services to enable them to offer you help
- To Support providers so that we can help you access support you may need to maintain your tenancy
- If we need to collect money owed to us (such as debt collectors);
- In the event that we need to take action against you for breach of your tenancy agreement (such as our solicitor)
- To other Landlords to provide tenancy references or when negotiating mutual exchanges or other re-housing options
- With Wyser Ltd, who provide a software system to us that uses speech recognition, help us transcribe calls to our service desk and Artificial Intelligence to help us automate some of our systems, to help improve our efficiency and our tenants experience.

Unless required to do so by law, we will not otherwise share, sell or distribute any of the information you provide to us without your consent.

Transfers outside the UK and Europe

The majority of personal information is stored on systems in the UK. Where information is transferred outside the UK or EEA we ensure that there are adequate safeguards in place to protect your information in accordance with this notice, including the following:

- Survey Monkey, Used to collect survey information
- Live Person, Used for online chat records
- Mail Chimp, Used to send e-mails to multiple addresses

Security

When you give us information, we take steps to make sure that your personal information is kept secure and safe. Further information can be found in our Privacy Policy.

How long we will keep your information

We review our data retention periods regularly and will only hold your personal data for as long as is necessary for the relevant activity, or as required by law (we may be legally required to hold some types of information), or as set out in any relevant contract we have with you.

Our full retention schedule can be obtained on request by email to enquiries@elha.com or from our offices at 18-20 Market Street, Haddington, EH41 3JL.

Your Legal Rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data.

You have the right at any time to:

- **Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it (although most tenants can view all the data we hold in relation to their tenancy at any time by logging into their My Home account).
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or

remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your requested personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- **Request restriction** of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:
 - If you want us to establish the data's accuracy.
 - Where our use of the data is unlawful but you do not want us to erase it.
 - Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims.
 - You have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you would like to exercise any of your rights above, please contact us by sending an email to enquiries@elha.com, or sending a letter to our registered office address at 18-20 Market Street, Haddington, EH41 3JL or calling us on 01620 825032.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK regulator for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

The Information Commissioner's contact details are noted below:

The	Information	Commissioner's	Office	–	Scotland		
Queen	Elizabeth	House,	Sibbald	Walk,	Edinburgh,	EH8	8FT
Telephone:		0303		123			1115
Email:	Scotland@ico.org.uk						

The accuracy of your information is important to us - please help us keep our records updated by informing us of any changes to your email address and other contact details or by correcting the information in your My Home account.

Fair Processing Notice for Staff**Introduction**

This notice explains what information we collect, when we collect it and how we use this. During the course of our activities, we will process personal data (which may be held on paper, in call recordings, electronically, or otherwise) about you and we recognise the need to treat it in an appropriate and lawful manner. The purpose of this notice is to make you aware of how we will handle your information.

The Association (“we” or “us”) is committed to a policy of protecting the rights of individuals with respect to the processing of their personal data and adhere the rules of the UK General Data Protection Regulation (“the UK GDPR”) and the Data Protection Act 2018. To carry out our activities and obligations as an employer, we may collect, store, and process personal data relating to you, some of which we require to administer our employment relationship with you. We only process your personal data where applicable law permits or requires it, including where the processing is necessary for the performance of our employment contract with you, where the processing is necessary to comply with a legal obligation that applies to us as your employer, for our legitimate interests or the legitimate interests of third parties, to protect your vital interests, where it is necessary for the establishment, exercise or defence of legal claims, or whenever court are acting in their judicial capacity, or with your consent if applicable law requires consent; and for scientific research and statistical purposes – to train and deploy Artificial Intelligence speech recognition systems to help us develop and use technology to automate some of our systems, to help improve our efficiency and our tenants’ experience.

1. We are notified as a Data Controller with the Office of the Information Commissioner under registration number Z6072420 and we are the data controller of any personal data that you provide to us.

Our Data Protection Officer is Jackie Robinson, Service Manager, R3 Repairs Limited.

Any questions relating to this notice and our privacy practices should be sent to the Compliance Group.

2. We collect the following information from you through a variety of resources (i) directly from you; or (ii) third parties (including Employment Agencies, pensions service):

- Name
- Date of Birth
- Address
- Telephone Number
- E-mail address
- NI number
- Personal characteristics such as gender and ethnic group
- Qualifications
- Absence information
- The terms of your contract of employment
- References obtained during recruitment
- Bank account details for payment of salaries
- Health Reports if referred to Occupational Health in line with the Attendance and Absence Management Policy
- Driving information in line with our Driving Policy
- Disclosure Scotland checks in line with our Recruitment Policy and Disclosure Scotland Policy
- Details of duties
- Holiday records
- Appraisals
- Details of any disciplinary investigations and proceedings
- Training records
- Flexible working requests

- Recordings of your voice when you operate our service desk if you are engaged in any calls with our tenants and service users that are recorded

We collect and use the above information and personal data for:

- Administration of contracts of employment
- Payment of salaries
- Recruitment and selection
- Pensions and associated benefits, appraisal, training and development
- Membership of professional bodies
- Performing any obligations and exercising any rights imposed or conferred on us by law in connection with your employment
- Training and deploying Artificial Intelligence speech recognition systems to help us develop and use technology to automate some of our systems, to help improve our tenants' experience

3. We may disclose to and share information about you with third parties for the purposes set out in this notice, or for purposes approved by you, including the following:

- To process your monthly salary payments
- To allow your pension provider to process pensions information and handle your pension
- To allow your electronic payslips to be produced and issued to you
- Any person specified by you, where you ask us to provide a reference to that person
- Any person to which we are legally obliged to disclose any of your personal data
- Law enforcement and other regulatory, quasi-governmental and governmental bodies
- Our Internal Auditors
- Our IT, software and services providers
- If we enter into a joint venture with a third party or the Association is sold to or merged with another business entity, your information may be disclosed to our new business partners or owners

4. Your information will only be stored within the UK and EEA. In the very unlikely event where information is transferred outside the UK or EEA we ensure that there are adequate safeguards in place to protect your information in accordance with this notice.
5. When you give us information, we take steps to make sure that your personal information is kept secure and safe. For further information, refer to our Privacy Policy.
6. We review our data retention periods regularly and will only hold your personal data for as long as is necessary for the relevant activity, or as required by law (we may be legally required to hold some types of information), or as set out in any relevant contract we have with you.

Data retention guidelines on the information we hold are provided in our Data Retention Schedule.

7. You have the right at any time to:
 - Ask for a copy of the information about you held by us in our records
 - Require us to correct any inaccuracies in your information
8. If you would like to find out more about how we use your personal data or want to see a copy of information about you that we hold or wish to exercise any of your above rights, please contact your Line Manager or the Data Protection Officer.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK regulator for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

The Information Commissioner's contact details are noted below:

The Information Commissioner's Office – Scotland

Queen Elizabeth House, Sibbald Walk, Edinburgh, EH8 8FT

Telephone: 0303 123 1115

Email: Scotland@ico.org.uk

The accuracy of your information is important to us – please help us keep our records updated by informing us of any changes to your personal and contact details.



Care & Repair East Lothian GDPR Fair Processing Notice

(How we use your personal information)

1.0 Introduction

This notice explains what information we collect, when we collect it and how we use this. During the course of our activities, we will process personal data (which may be held on paper, electronically, or otherwise) about you and we recognise the need to treat it in an appropriate and lawful manner. The purpose of this notice is to make you aware of how we will handle your information.

2.0 Who we are

Care & Repair are part of East Lothian Housing Association which is a Scottish Charity (Scottish Charity Number SC028900), a registered society under the Co-operative and Community Benefit Societies Act 2014 with Registered Number 2266R(S) and having their Registered Office at 18-20 Market Street, Haddington, EH41 3JL. (“We” or “us”) take the issue of security and data protection very seriously and strictly adhere to guidelines published in the UK General Data Protection Regulation, the Data Protection Act 2018 and any other applicable laws relating to privacy and the protection of personal data.

East Lothian Housing Association are notified as a Data Controller with the Office of the Information Commissioner under registration number Z6072420 and we are the data controller of any personal data that you provide to us.

Our Data Protection Officer is Jackie Robinson, Service Manager, R3 Repairs Limited.

If you have any concerns or questions relating to this notice, our privacy practices or about how we look after your personal information please contact us by email to enquiries@elha.com or call us on 01620 825032.

3.0 How we collect information from you and what information we collect

We collect information about you:

- When you call us to request the use of our small repairs service

- When you ask us for advice and information (such as a plumber, builder, support organisations)
- When you self-refer for our adaptations and repairs service
- Where you are referred from East Lothian Council, the hospital, a carer, a friend / family member or any other organisation for use of our services.

We collect the following information about you:

- Name
- Address
- Telephone number
- Date of birth
- Emergency Contact Details
- E-mail address
- Next of Kin, Power of Attorney and family members contact details
- Information about your health and that of affected family members
- Financial details (for local authority disabled adaptation grants and charitable funding applications only)
- Previous employment (for charitable funding applications only)
- Title deeds (for local authority disabled adaptation grants only)
- Income and welfare benefits information, if required (for local authority disabled adaptation grants and charitable funding applications only)
- Housing tenure and property details
- Recordings of your voice when you call our service desk

We receive the following information from third parties:

- Referral letters from support organisations
- Health Report such as OT recommendation reports
- GP Letters
- Grant approval letter with grant award amounts

4.0 Why we need this information about you and how it will be used

We need your information and will use your information:

- To undertake and perform our obligations and duties to you in accordance with our service level agreement with East Lothian Council
- To enable us to supply you with the services and information which you have requested
- To enable us to respond to your small repair request
- To enable to deal with adaptations of your property and aid you in your grant application
- To analyse the information, we collect so that we can administer, support and improve and develop our business and the services we offer
- For all other purposes consistent with the proper performance of our operations and business
- For reporting and analytical purposes for ourselves, East Lothian Council and Care & Repair Scotland in line with our service level agreement

- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests
- Where we need to comply with a legal obligation.

5.0 Sharing of Your Information

The information you provide to us will be treated by us as confidential and will be processed only by our employees within the UK/EEA. We may disclose your information to other third parties who act for us for the purposes set out in this notice or for purposes approved by you, including the following:

- If we enter into a joint venture with or merge with another business entity, your information may be disclosed to our new business partners or owners
- If we instruct adaptation work, your information may be disclosed to any contractor, architect or other agency or contractor involved in the work
- In order to apply for a grant, your information will be disclosed to East Lothian Council
- When assisting with a privately funded adaptation or repair, data will be shared with contractors, architects etc.
- Supplying your information to support organisations that you have asked us to contact (such as BeGreen, Changeworks etc.)
- With Wyser Ltd, who provide a software system to us that uses speech recognition, help us transcribe calls to our service desk and Artificial Intelligence to help us automate some of our systems, to help improve our efficiency and our tenants experience.

Unless required to do so by law, we will not otherwise share, sell or distribute any of the information you provide to us without your consent.

6.0 Transfers outside the UK

Your information will only be stored within the UK.

In the very unlikely event where information is transferred outside the UK we ensure that there are adequate safeguards in place to protect your information in accordance with this notice.

7.0 How long we will keep your information

We review our data retention periods regularly and will only hold your personal data for as long as is necessary for the relevant activity, or as required by law (we may be legally required to hold some types of information), or as set out in any relevant contract we have with you.

We will generally keep your information for the following minimum periods:

- Adaptation information will be kept for a period of 10 years, as required by the conditions of the grant award, due to the Title Deed conditions applied
- Small Repairs Service information will be kept for a period of 5 years as part of the Service Level Agreement with East Lothian Council

The full Data Retention Schedule can be obtained for our offices at 18-20 Market Street, Haddington, EH41 3JL.

8.0 Your Rights

You have the right at any time to:

- Ask for a copy of the information about you, held by us in our records
- Request us to correct any inaccuracies in your information
- Make a request to us to delete what personal data of yours we hold
- Object to receiving any marketing communications from us

If you would like to exercise any of your rights above, please contact us by sending an email to enquiries@elha.com, writing a letter to our registered office address at **18-20 Market Street, Haddington, EH41 3JL** or calling us **on 01620 825032**.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive, or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK regulator for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance. The Information Commissioner's contact details are noted below:

The Information Commissioner's Office – Scotland
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Email: Scotland@ico.org.uk

The accuracy of your information is important to us - please help us keep our records updated by informing us of any changes to your email address and other contact details.

Explicit Consent Form

Collecting your Sensitive Personal Data (Special Category Data)

East Lothian Housing Association is responsible for keeping your information safe. This means we are the “data controller” for your personal information.

Our Fair Processing Notice explains what personal information we may collect from you, when we will collect it and how we will use it.

Sensitive personal information like ethnic origin, politics, religion, trade union membership, genetics, health, sex life or sexual orientation is known as ‘special category data’. Unless otherwise permitted by law, we must ask for your explicit consent to record this information. We will only ask if we absolutely must, to ensure that we understand your needs. We can also use it to help us improve our service.

By ticking the boxes below, you are giving us explicit consent to record special category personal data and to share this with _____ and our external auditors for the purpose of quality assurance and continuous improvement

☐ **Yes, I consent to East Lothian Housing Association recording special category data** (tick which of the special categories you agree to):

- ☐ Race ☐ Ethnicity ☐ Health Condition ☐ Religion ☐ Political Belief
☐ Sexual Orientation ☐ Sex Life ☐ Trade Union Membership
☐ Other type of sensitive information _____

for the following reason:

☐ **Yes, I consent to the sharing of my information with _____ and external auditors for the purpose of quality assurance and continuous improvement of the advice services provided.**

Name(s):		
Signature(s):		Date:

You can withdraw your consent at any time by contacting us. If you choose not to give consent or withdraw this, please be aware that this may result in some difficulties in providing services to you.

Explicit Consent Form



Collecting your Sensitive Personal Data (Special Category Data)

Care & Repair East Lothian are responsible for keeping your information safe. Our Fair Processing Notice explains what personal information we may collect from you, when we will collect it and how we will use it.

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☐ Sexual Orientation ☐ Sex Life ☐ Trade Union Membership

☐ Other type of sensitive information _____

for the following reason

☐ **Yes, I consent to the sharing of my information with _____ and external auditors for the purpose of quality assurance and continuous improvement of the advice services provided.**

Name(s):		
Signature(s):		Date:

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