

Rosehill Housing Co-operative UK General Data Protection Regulation

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What is data protection?

- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018 (DPA 2018)
- Regulates how Rosehill handles and uses personal data about living individuals
- Personal data
- Special category personal data
- Criminal convictions and offences personal data
- All personal data covered, including paper and electronic
- Rosehill, as controller, is responsible for compliance, but individual staff members can be held responsible for own actions

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Data protection principles (DPPs)

1. Handle personal data lawfully, fairly and transparently
2. Need to specify purposes for which personal data will be used
3. Only handle and use as much personal data as needed for task at hand
4. Keep personal data accurate and up-to-date
5. Do not keep personal data for longer than necessary
6. Keep personal data secure

Data security

- Rosehill must put in place appropriate “technical” and “organisational” data security measures
- “Appropriate” depends on
 - state of art
 - costs
 - category of personal data
 - what personal data is being used for
 - risks to individuals

Data security breach

- Any circumstance in which security of personal data is compromised
- Must notify ICO of breaches within 72 hours of knowledge, if likely to give rise to risk for individuals
- If breach likely to give rise to “high risk” for individuals, then must also notify them “without undue delay”

Managing data security breaches

- Act with urgency
- Focus on cleaning up “the mess”
- Rosehill may need to notify ICO / Scottish Housing Regulator / affected individuals / Police
- Don’t dwell on the past – learn from experience and move on

Individual rights

- Right to receive transparency statement
- Right of subject access
- Right to rectification
- Right to restrict
- Right to erasure
- Right to data portability
- Right to object
- Rights in relation to automated decision-making and profiling

* Age of capacity in Scotland (DPA 2018)

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Data protection impact assessments (DPIA)

- = data protection risk assessment
- Rosehill must conduct DPIA when using technology to process personal data involving high risks to individuals e.g.
 - introduction of new housing management / finance systems / apps
 - vehicle / location tracking (lone working) / performance monitoring
 - CCTV installation / drones

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Engaging with service providers

- Must enter into written contract with service providers, contractors, consultants etc.
- Contract must include provisions on
 - data security
 - confidentiality
 - restrictions on passing personal data to sub-contractors
 - assisting Rosehill with compliance e.g. rights requests

Sanctions, penalties and offences

- Individuals can complain to ICO
- ICO has range of enforcement powers, including power to issue fines of up to £17.5m against Rosehill
- Individuals can sue Rosehill for compensation for financial and non-financial damage / loss
- Offences

Scenario

You and a colleague are discussing via e-mail a particularly difficult tenant who has made a complaint against us. She has been a tenant since 2001. In these e-mails, you mention to your colleague that the tenant is transferring her emotions around her daughter (who is terminally ill) towards us. When responding to the tenant, your colleague accidentally includes your e-mail trail as part of the response to the tenant's complaint. The tenant responds, clearly unhappy with the content of the e-mail exchanges between you and your colleague, and requests a copy of all of the personal data we hold on her. You have been less than kind in your comments about the tenant in previous e-mails that you have sent to your colleagues over the years, and are concerned about how the tenant will react if these e-mails are provided to her. You are thinking about destroying these e-mails before disclosure to the tenant.

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Scenario

Your kitchen table is where you work when working from home. It is also used by your partner for their work. You attend a video call with a colleague during which you complete your colleague's appraisal. Your colleague raises some personal issues during the appraisal to explain why their performance has not been good recently. These issues include their mental health, which took a hit during the pandemic due to lack of social interaction with friends and colleagues, and the passing of their father, who they were unable to be with during his final moments because of restrictions in place at the hospital he was admitted to. You do not use headsets during video calls because you find them uncomfortable.

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Scenario

You receive a telephone call from a housing applicant, requesting a housing application form. The applicant does not have Internet access and cannot download a form from the website. You post it to the applicant and he phones you 2 days later and says the form you sent him contains someone else's details. He does not mention this and you are not aware of this at the time, but the completed form notes the applicant's name is "Bruce Wayne" and in the "Other persons who live with you at present" section of the form, the applicant notes that "Oswald Cobblepot" is the applicant's civil partner.

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Scenario

You receive an e-mail from a local councillor, asking for information about why a named housing applicant was not allocated a house.

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Scenario

You go to the photocopier to print some documents and notice there are print-outs in the output tray. You place them on top of the printer, printed side up, but do not read them. A colleague notices the print-outs the next day, reads them while waiting for his files to be printed and notes they contain 3 pages of e-mails between two members of the management team about another colleague's performance. One of the e-mails notes: "We need to speak to her about her performance. She has been dragging her heels recently." Your colleague passes the print-outs to the colleague mentioned in the e-mail, who feels very distressed after reading it.

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Scenario

A tenant's daughter is looking to pay her mother's rent over the telephone using her mother's credit card.

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Scenario

A tenant has allegedly been the victim of anti-social behaviour from his neighbour's children. He has read about a "Ring" doorbell, which has a camera with video and sound recording facilities, and which would allow him to see outside his property on his mobile telephone. He wants to capture the children in the act and show the footage to his Housing Officer when she is next visiting him. He believes this will help support his case for a transfer.

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Scenario

You are visiting a tenant in their property and you hand the tenant a letter during the visit. The tenant opens the letter and says: "This isn't for me". You ask the tenant to return the letter to you and notice that it is addressed to another tenant, who you are visiting after this tenant. The letter is a response to the neighbour complaint that the other tenant recently submitted.

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Scenario

You hand deliver a letter to a tenant. Upon realising that the tenant is not home, you put the letter through their letterbox. When you return to the office, you see that the letter for the tenant is still sitting on your desk. You realise that you must have posted the incorrect letter through the tenant's letterbox.

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Scenario

You receive a telephone call from a Police Officer, asking you for any complaints made against a tenant by his neighbours and anything to do with "odd comings and goings" from the tenant's property.

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Scenario

You receive an e-mail from a debt collection agency, requesting immediate payment of a Scottish Power electricity bill for a property. The bill is for £350 and covers a 6 month period, during which the property was void for one month between two tenancies. You respond to the agency asking for an amended bill covering the void period only, noting we are only responsible for the electricity bill during that period, with the two tenants liable to pay their share during their occupancy of the property. The agency responds demanding payment of the full amount of the bill, unless we can prove the tenants' occupancy by providing the agency with copies of the tenants' SSTs.

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Scenario

We are considering using drones to carry out roof condition surveys. What should we think about before using them?

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