

# Data Protection, Confidentiality and Freedom of Information





# Data Protection, Confidentiality and Freedom of Information

WDHA receives government grants, and although we are not bound by the Freedom of Information Act 2000 (we are not a public authority within the terms of the Act) there is still a clear expectation that we will conduct our affairs in a manner that is open and transparent, and that certain types of information will be made freely available.

At the same time we hold personal information on a range of individuals (e.g. tenants and housing applicants) and confidential commercial information on our contractors and suppliers. We have an ethical duty to safeguard that information and we are also bound by The Data Protection Act 1998 which obliges us to protect confidentiality in certain defined 'sensitive' areas. The Data Protection Act identifies information that is to be treated as confidential and the procedures for collecting, storing, handling, disclosing and disposing of that information. It also sets out the rights of the person who is the subject of the data to access that data and correct it if it is wrong.

## Procedures

We have detailed procedures that describe how we safeguard confidentiality and how we aim to meet our responsibilities under the Data Protection Act and operate best practice on openness. It identifies the information that we must disclose to relevant individuals if they ask for it and it lists the information that we can and do make public. It deals with electronic and written information and the images that we hold on our CCTV security system. The procedure also aims to clarify the Association's approach where obligations of openness and confidentiality seem to conflict.

*This leaflet summarises how information is processed, what information is available to data subjects, Association members, service users and the public and how it may be accessed.*

## **Processing and disclosing information**

In order to process personal and sensitive information the Data Protection Act requires us to gain the consent of the data subject. As a result we make our service users aware of why we need the information asked for, and under what circumstances and to whom we may disclose that information. We do this by including an explanation and a mandate on the forms where the information is requested, or, where we feel more explicit consent is required, by means of separate signed mandates.

## **Disposing of information**

There are time limits on how long certain information can be kept, especially if it is no longer actively 'used'. Our Procedures indicate how long different types of information will be kept.

## **Requests to view information protected under the Data Protection Act**

The data covered by the Data Protection Act is personal 'sensitive' data, i.e. our files on you personally (e.g. a tenant's file or a housing applicant's file) and you may apply to view this data.

Requests for information made in accordance with the Data Protection Act must be made in writing to our Corporate Services Officer, who is our 'Data Controller'. You will be required to submit proof of your identity. We will charge a fee of £10.00 to cover administration, stationery and any postage, payable before the data is disclosed.

We are required by law to respond to your request within 40 days, but we aim to respond within 20 working days.

You will be permitted to view the data, know its source and to whom it has been disclosed, and if practical, receive a copy of the data. You may notify us of any incorrect data, and we have an obligation to correct any incorrect data. Our detailed procedures indicate how we will deal with disputed data. We are allowed to remove data that refers to other people or data that may compromise any ongoing negotiations or legal proceedings.

In accordance with our equalities policy we can provide information in other formats where necessary, e.g. large print, and there will be no additional charge for this service.

## Information available to Members and the general public

Some information is freely available to Members and some is freely available to the general public. There is no charge for this information. In some cases we can provide copies of the information in other cases it must be viewed in person only. Where copies can be provided these can be requested through our website, by e-mail, by phone or in person.

### Information available to Association Members (viewing only):

- The Register of Members and Office Bearers
- Minutes of Board and Committee Meetings (confidential or commercially sensitive items will be removed at our discretion)

### Information available to the public:

- The Association's Audited Accounts
- Section 7 Register (records specific 'benefits' permitted by legislation to board and staff members and their relatives) (viewing only)
- Policies and Procedures on governance and services to tenants and the public (a list of these by title is also available)
- Communities Scotland Inspection Reports
- Summary Complaints Register (viewing only)
- Summary Comments Register (viewing only)
- Data Protection Register (viewing only)
- List of Properties owned by WDHA

Our Data Controller is: Corporate Services Officer  
Our Data Protection Register Number is: Z773556X

## Further information

**Wishaw & District Housing Association Limited**  
55 Kirk Road, Wishaw ML2 7BL  
Tel: 01698 377200 • Fax: 01698 358712  
E-mail: [assoc@wishawdha.org.uk](mailto:assoc@wishawdha.org.uk)  
Web: [www.wishawdha.org.uk](http://www.wishawdha.org.uk)



Open: Monday – Thursday: 9.00am – 4.30pm and  
Friday: 9.00am – 4.00pm  
Closed for lunch: 12.30pm – 1.30pm