Data Protection Policy

IMPAKT Housing & Support obtains, uses, stores and otherwise processes personal information about its Service Users, customers, housing applicants, trainees, staff, volunteers and business partners (collectively referred to in this policy as Data Subjects).

IMPAKT Housing & Support is registered with the ICO and is and fully committed to complying with the requirements of the Data Protection Act 2018 (DPA), the UK General Data Protection Regulation (UK GDPR) and the Privacy and Electronic Communications Regulations (PECR).

Principles

Personal information will be:

- Processed lawfully, fairly and in a transparent manner
- Collected only for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary for the purpose of the processing
- Accurate and where necessary kept up to date
- Retained only for as long as is necessary for the purpose of the processing
- Processed in a manner that ensures its security

Related Policies and Guidance:

- **IHS-IS-001-11** – Client and Customer Privacy Notice
- **IHS-IS-001-13** – Staff, Volunteer and Host Privacy Notice
- **IHS-IS-001-12** – Website Privacy Notice
- **IHS-HR-014-05** – IT Acceptable Use Policy
- **IHS-HR-014-14** – Confidentiality Policy
- **IHS-IS-001-04** – Guidance for Archiving Procedure
- **IHS-IS-001-10** – Data Retention Schedule
- **IHS-IS-001-01** – Information Security Policy

Accountability: IMPAKT Housing & Support is responsible for, and must be able to demonstrate compliance, with the above six data processing principles. This will be achieved by:

- Implementing and adhering to data protection policies
- Adopting a 'data protection by design and default' approach
- Maintaining a record of processing activities, security incidents, and consent.
- Ensuring the confidentiality, integrity and availability of the systems and services used to process personal information.
- Appointing a Data Protection Officer

Lawful Processing

In line with the first principle, IMPAKT Housing & Support is responsible for ensuring all processing of personal information meets one of the six lawful bases defined in the UK GDPR. The lawful basis must be determined before processing begins and documented in the Data Mapping Spreadsheet held by the DPO.

Lawful Basis	Explanation
Consent	Will be used where we can offer data subjects a choice as to whether or not we collect, store, share or otherwise process personal information. Data subjects have the right to withdraw consent at any time.
Contract	Will be used where there is a need to collect information in order to fulfil a contract
Legal Obligation	Will be used where there is a need to collect information in to fulfil a legal obligation
Vital Interests	Will be used where processing is necessary to protect an interest which is essential for the life of the data subject or that of another natural person.
Public Task	Will be used where we are working to assist with public law
Legitimate Interests	Will be used where we believe processing will assist data subjects when they are with us or using our services.

Special Category (Sensitive) Data

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data (where used for identification purposes)
- Health
- Person's sex life
- Person's sexual orientation

In addition to determining a lawful basis, Special category data can only be processed if one of the following conditions are also met. The condition must be determined before processing begins and documented in the Data Mapping Spreadsheet held by the DPO. It is necessary to identify whether an "appropriate policy document" and / or a Data Protection Impact Assessment (DPIA) is needed.

Conditions for processing special category data:

- Explicit consent
- Employment, social security and social protection (if authorised by law)
- Vital interests
- Not-for-profit bodies
- Made public by the data subject
- Legal claims or judicial acts
- Reasons of substantial public interest (with a basis in law)
- Health or social care (with a basis in law)
- Public health (with a basis in law)
- Archiving, research and statistics (with a basis in law)

Each condition has specific requirements that must be met in order for it to be relied on.

Criminal Offence Data

In addition to determining a lawful basis, criminal offence data can only be processed if the processing is either:

- Under the control of official authority; or
- Authorised by domestic law. This means you need to meet one of the conditions in Schedule 1 of the DPA 2018. http://www.legislation.gov.uk/ukpga/2018/12/schedule/1/enacted

The Schedule 1 condition must be determined before processing begins and documented in the Data Mapping Spreadsheet held by the DPO. Due to the risks associated with criminal offence data, it is necessary to identify whether an "appropriate policy document" and / or a Data Protection Impact Assessment (DPIA) is needed.

Rights of Data Subjects

IMPAKT Housing & Support is responsible for ensuring individuals' rights under data protection laws are protected. Where there is likely to be a high risk to individuals' rights due to a processing activity, a Data Protection Impact Assessment (DPIA) will be completed prior to processing in consultation with the ICO if necessary.

The Rights of Data Subjects	
All requests will be actioned only by Data Protection Officer. Requests can be made verbally or in writing. All received requests must be forwarded to privacy@impakt.org.uk without delay. Requests made regarding these rights must be responded to within one month of receipt.	
1. The right to be informed	Data Subjects must be provided with 'privacy information' including the purposes for processing their personal data, the legal basis for processing, retention periods, who it will be shared with, and their associated rights. It must be provided at the time of collection, or if obtained from other sources, within a reasonable period of obtaining the data and no later than one month. This information is contained within the Organisation's Privacy Notices.
2. The right of access	Data Subjects have the right to access and receive a copy of their personal data, and other supplementary information, unless an exemption or restriction applies, or if the request is manifestly unfounded or excessive.
3. The right to rectification	Data Subjects have the right to have inaccurate personal data rectified or completed if it is incomplete.
4. The right to erasure	In certain circumstances Data Subjects have the right to have personal data erased, also known as 'the right to be forgotten'

5. The right to restrict processing	In certain circumstances Data Subjects have the right to have the processing of their personal data restricted or suppressed.
6. The right to data portability	In certain circumstances Data Subjects have the right to obtain and reuse their personal data for their own purposes across different services, allowing them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without affecting its usability.
7. The right to object	In certain circumstances Data Subjects have the right to object to the processing of their personal data. However, individuals have an absolute right to stop their data being used for direct marketing.
8. Rights in relation to automated decision making and profiling	In certain circumstances Data Subjects have the right to object to automated individual decision-making (making a decision solely by automated means without any human involvement) and profiling (automated processing of personal data to evaluate certain things about an individual.
Related Policy and Guidance: **IHS-IS-001-17** – Data Subject Access Request Policy	

Responsibilities

As the **Data Controller**, IMPAKT Housing & Support is responsible for establishing policies and procedures in order to comply with data protection law.

The **Data Protection Officer** (contactable on privacy@impakt.org.uk) is tasked:

- To inform and advise of obligations
- To monitor compliance
- To provide advice with regards to data protection impact assessments
- To monitor performance
- To cooperate and liaise with the Information Commissioner's Office
- To have due regard to risk associated with processing operations
- To ensure the provision of data protection training in conjunction with HR

Staff and Volunteers who process personal information must comply with the requirements of this policy, and in particular ensure that:

- Data Subjects are provided with 'privacy information' the time of personal information being collected – by way of the Organisation's Privacy Notices
- Consent is obtained where necessary and recorded appropriately
- All personal information is kept securely
- No personal information is disclosed either verbally or in writing, accidentally or otherwise, to any unauthorised third party
- Personal information is kept in accordance with the retention schedule
- Queries regarding data protection, including subject access requests and complaints, are directed to the Data Protection Officer without delay
- Potential breaches are brought to the attention of the data protection officer

- Contractors do not have access to any personal information beyond what is essential for the work to be carried out
- Where there is uncertainty around a data protection matter advice is sought from the Data Protection Officer

Information Security Incidents

IMPAKT Housing & Support is responsible for ensuring proper recognition, management and communication of information security incidents and personal data breaches.

An Information Security Incident is any event relating to the systems and services of the Organisation, that has potential to compromise the security and privacy of personal data and special category (sensitive) data managed by the Organisation.

By definition it is a breach of security leading to, or that may lead to, the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

There is a detailed Policy and Response Plan to manage actual or suspected information security incidents.

Related Policy and Guidance:

- **IHS-IS-001-05** – Information Security Incident Management Policy
- **IHS-IS-001-06** – Information Security Incident Response Plan
- **IHS-IS-001-07** – Personal Data Breach Notification Guideline

Training and Supervision

All staff and volunteers or other parties who will be handling personal information on behalf of IMPAKT Housing & Support will be appropriately trained and supervised where necessary.

Data Processors

Whenever IMPAKT Housing & Support use an external Organisation to process Data Subject's personal information (Data Processor), we will ensure they are competent to process personal data in line with the UK GDPR's requirements. The working relationship will be formalised by way of a contract.

Marketing and ePrivacy

IMPAKT Housing & Support will abide by The Privacy and Electronic Communications Regulations 2003 (as amended) (PECR). In particular, direct marketing including electronic mail will only be sent with the consent of the recipient.