

OPENNESS & CONFIDENTIALITY POLICY



APPROVED BY HHP BOARD:

EFFECTIVE DATE:
August 2023



CONTENTS

INTRODUCTION	2
DATA PROTECTION	2
FREEDOM OF INFORMATION ACT	7
GENERAL PRINCIPLES AND PRACTICE	7
PUBLICATION OF INFORMATION	8
ACCESS TO MEETINGS	10
CONFIDENTIALITY	13
BREACH OF POLICY	13
COMPLAINTS & APPEALS	13
LEGAL & REGULATORY FRAMEWORK	14
TRAINING	14
LINKS WITH OTHER POLICIES	14
MONITORING & REVIEW OF POLICY	15

INTRODUCTION

- 1.1 We aim to conduct our business in an open and accountable manner whilst, at the same time, ensuring that personal and commercial confidentiality is maintained where appropriate.
- 1.2 We believe that our members and any other interested parties should have access to information on how we conduct our business. As a general principle, information about HHP and our work should be widely and freely available. Requested information will be made available unless it is considered commercially sensitive, personally confidential or where disclosure is restricted by legislation.
- 1.3 Our staff and Board Members will:
 - a) treat all personal and sensitive organisational information as confidential to the Partnership;
 - b) comply with the law regarding the protection and disclosure of information including personal data;
 - c) not disclose or use personal data without obtaining the prior informed consent of the individual concerned, except in the circumstances outlined below in the section on disclosure or where otherwise permitted by law; and
 - d) not gain or attempt to gain access to information they are not authorised to have.

DATA PROTECTION

- 2.1 The UK's DPA 2018 (Data Protection Act 2018) enacted the EU GDPR requirements into UK law, however, with effect from 1 January 2021, the DPPEC (Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit)) Regulations 2019 amended the DPA 2018 and merged it with the requirements of the EU GDPR to form a new, UK specific data protection regime. This is known as "the UK GDPR".
- 2.2 All personal information relating to tenants, applicants, staff and Board Members that is not a matter of public record will be held in accordance with UK GDPR principles.

Lawfulness, Fairness & Transparency

2.3 Principle A of the GDPR states that personal data must be:

"processed lawfully, fairly and in a transparent manner in relation to individuals"

- 2.3.1 Under the GDPR we are required to identify valid grounds (known as a 'lawful basis') for collecting and using personal data.
- 2.3.2 Our Information Asset Register (IAR) outlines the various types of personal data of individuals that we process and shows the lawful basis for each information type. The IAR also identifies conditions for processing special category or criminal offence data. The IAR is reviewed regularly to ensure it remains accurate and up to date.
- 2.3.3 The GDPR also requires that we should only handle personal data in ways that people would reasonably expect and not use it in ways that have unjustified adverse effects on them. Prior to carrying out any new type of processing a Data Protection Impact Assessment (DPIA) should be carried out.
- 2.3.4 The **Transparency** requirement is closely linked to the Right to be Informed which gives individuals extended rights in respect of being informed about the collection and use of their personal data.
- 2.3.5 Our Privacy Policy, Fair Processing Notice (FPN) (or Staff Fair Processing Notice (SFPN)) will be made available to all private individuals from the outset of our relationship with them, if we process any of their personal information.
- 2.3.6 As not everyone whose personal data we process will have access to the internet, we will ensure that any of our policy or procedural documents can be provided in hard copy. The Data Protection Officer (DPO) will be able to provide hard copies to anyone who requests one, subject to costs.
- 2.3.7 Individuals are entitled to ask for a copy of their personal information via a Subject Access Request (SAR), which we must respond to within 28 days.
- 2.3.8 We will be clear, open and honest with individuals from the start about how we use their personal data.

Purpose Limitation

2.4 Principle B of the GDPR states that personal data must be:

"collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes"

2.4.1 We have recorded our purposes for processing personal data in our Fair Processing Notices.

2.4.2 The personal data can only be used for a new purpose if this is either compatible with our original purpose, we get consent, or we have a clear basis in law.

2.4.3 Staff should familiarise themselves with our FPN and SFPN, and if any processing activity that is not documented in the Notices becomes a necessity, the DPO should be informed in good time to allow for updating the Notices and making them available to affected individuals.

2.4.4 Unauthorised and unidentified processing activities will be regarded as a Data Protection Breach and the Information Commissioner must be informed.

Data Minimisation

2.5 Principle C of the GDPR states that personal data must be:

"adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed"

2.5.1 We can only retain information that is sufficient to properly fulfil our stated purpose, has a rational link to that purpose, and we do not hold more than we need for that purpose. We also need to be able to demonstrate that we have appropriate data minimisation practices in place.

2.5.2 We cannot collect personal data on the off-chance that it might be useful in the future. However, we may be able to hold information for a foreseeable event that may never occur if we can justify it. For example, it is reasonable for us to retain relevant information on individuals who are no longer tenants if they have left and have an outstanding arrear, in order that we might pursue that debt if they become tenants at a later date. If we are unable to pursue that debt, i.e. in a bankruptcy case, we would not be able to retain the information.

- 2.5.3 For special category or criminal offence data extra care should be taken to ensure that we only retain the absolute minimum amount of data that we need.

Accuracy

- 2.6 Principle D of the GDPR states that personal data must be:

"accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay"

- 2.6.1 We need to ensure that the personal information we process is not incorrect or misleading, and we need to keep it as accurate and up-to-date as possible.
- 2.6.2 If we discover that any personal data is incorrect or misleading we must take reasonable steps to correct or erase it as soon as possible.
- 2.6.3 We will also consider any challenges to the accuracy of personal data and a Request for Rectification actioned as necessary.
- 2.6.4 Staff and Board Members' personal details are checked annually when they complete Disclosure of Interest Forms and we request an annual update in respect of personal information from our Membership prior to the AGM.

Storage Limitation

- 2.7 Principle E of the GDPR states that personal data must be:

"kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals"

- 2.7.1 We cannot keep personal data for longer than we need it. Our Data Retention Schedule outlines how long we should retain personal data.
- 2.7.2 In addition, our *Maintenance of House Files* procedure gives guidance on the personal data of tenants that we should retain.

Integrity & Confidentiality

2.8 Principle F of the GDPR states that personal data must be:

"processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures"

2.8.1 In accordance with this principle, we must ensure that we have appropriate security measures in place to protect the personal data we hold.

2.8.2 Our Privacy Policy outlines our approach to storage of personal data in paper and electronic formats:

Paper Storage

If Personal Data is stored on paper, we should ensure that it is kept in a secure place where unauthorised personnel cannot access it. When the Personal Data is no longer required it must be disposed of by the employee so as to ensure its destruction. If the Personal Data requires to be retained on a physical file then the employee should ensure that it is affixed to the file which is then stored in accordance with our storage provisions.

Electronic Storage

Personal Data stored electronically must also be protected from unauthorised use and access. Personal Data should be password protected when being sent externally to our data processors or those with whom we have entered into a Data Sharing Agreement. If Personal data is stored on removable media (laptop, tablet, DVD, USB memory stick) then that removable media must be stored securely at all times when not being used.

2.8.3 In accordance with the above, and with our Information Communication Technology (ICT) Security Policy, access to personal information is controlled to ensure that it is only granted to users based on role, operational requirements, and the duration for which access is required. Any personal information which is in hard copy is stored in locked cabinets with restricted access. Any personal information which is held in electronic format is protected and appropriate security measures installed to only allow permitted usage. These measures include the use of multi-factor authentication, passwords, firewalls, secure networks and encryption.

- 2.8.4 Never send any controlled, confidential/sensitive personal information by email to an external address unless it is encrypted.. Failure to comply with this requirement could result in serious consequences.

FREEDOM OF INFORMATION ACT

- 3.1 Since 11 November 2019, Registered Social Landlords (RSLs) are classed as public bodies for the purposes of the Freedom of Information (Scotland) 2002 Act (FOISA).
- 3.2 Tenants and other individuals can request information from RSLs that may not previously have been available to the public at large.
- 3.3 The Data Protection Officer is responsible for responding to FOI requests.
- 3.4 A FOI request must be responded to within 20 working days.
- 3.5 A Guide to Information, which is an index of the information we publish and how to access it, is available on our website at the following link:

[Hebridean Housing Partnership - Guide to Information](#)

GENERAL PRINCIPLES AND PRACTICE

Communication of Information

- 4.1 Information will be available through a range of channels considered appropriate to the information in question. This will include our website (www.hebrideanhousing.co.uk), social media, Tenants Handbooks, regular newsletters and in document form on request from our Head Office, and where practicable, Area Offices.
- 4.2 We will also provide an opportunity prior to our AGM for tenants to ask questions about performance, service standards and other general matters.
- 4.3 We will ensure that, wherever possible and practicable, information available to the public will be written in Plain English. Every effort will be made to avoid unexplained acronyms, jargon and technical language where Plain English alternatives exist.
- 4.4 In order to overcome barriers caused by sensory impairment, language difficulties, literacy issues and other particular needs, we will in all reasonable circumstances make information available on request in a variety of information formats and in translation. Policy documents will contain in the English version the following sentences:

"We will provide this policy on request at no cost, in large print, in Braille, on tape or in other non-written format, and in the main community languages".

"Faodar am pàipear-poileasaidh seo fhaighinn ann an Gàidhlig cuideachd. Airson tuilleadh fiosrachaidh, cuir fios gu Oifigear airson Riaghladh Coilionadh - aig Oifis HHP ann an Steornabhagh, air a fòn 0300 123 0773, neo cuir post-dealain gu info@hebrideanhousing.co.uk."

"In addition, where possible we will provide copies of any requested policy in a specified language, provided that a translator can be made available to translate the material. We will always endeavour to access a translation/translator service on request"

PUBLICATION OF INFORMATION

- 5.1 The following paragraphs outline the information that will be made available on our website and the steps we will take to ensure compliance with this policy. This list is not considered to be exhaustive.

Annual Report and Accounts

- 5.1.2 The Annual Report will contain standard information required by law and will also report Performance against Operational targets. Monthly performance information will be available on request. The degree that tenants feel they are kept appropriately informed will be explored in Tenant Satisfaction Surveys, and the Partnership will increase the amount of information being circulated if any of the surveys suggest this.

How to become a Board Member or influence decisions in other ways

- 5.1.3 A leaflet is available to explain the process of becoming a Board Member.
- 5.1.4 It is recognised that on occasion tenants may wish to influence certain decisions, or have their voice heard, without necessarily joining the Board. Community Liaison Meetings are held occasionally to facilitate this.
- 5.1.5 Furthermore, where tenant and stakeholder views are being sought, consultation documents will be posted on our website.

Policies & Procedures

- 5.1.6 We will make available all key policies on our website and at our offices' reception. Availability of this information will be publicised from time to time in our relevant publications.

Results of External Audit

- 5.1.7 The external auditor will present the audited accounts at the AGM and respond to any questions submitted prior to the AGM.

Registers

- 5.1.8 We maintain a number of Registers which are available for inspection at the following locations:

Available on our Website & Head Office	Available at our Head Office
Gifts & Hospitality Register	Register of Board Members
Controls of Payment & Benefits Register	Disclosure of Interest Register
Membership Register	

Board Agendas & Minutes

- 5.1.9 Non-confidential Board Agendas will be made available on the Partnership's website at least 3 days prior to Board meetings.
- 5.1.10 Non-confidential Board meeting minutes will be made available on the Partnership's website once they have been signed off by the Chair of the meeting. This will generally be after the next scheduled Board meeting.

Complaints

- 5.1.10 The outcome of complaints made to us will be available for viewing at our offices. Personal information pertaining to tenants or staff will not be displayed.

ACCESS TO MEETINGS

Annual General Meeting

- 6.1 In accordance with our constitution, we will hold an Annual General Meeting (AGM) to which all members of the Partnership will be invited. Our AGMs are also open to members of the public.

Ordinary Meeting

- 6.2 Our Rules and Standing Orders state that all agenda items at Board meetings shall be considered as non-confidential unless otherwise agreed.
- 6.3 Minutes, with any confidential items omitted, may be viewed on our website and at our offices by the general public. Printed copies of the minutes can be made available on request for individuals without access to the internet. Where such a request is made, we will provide the document(s) within 7 working days.

CONFIDENTIALITY

- 7.1 Our staff will generally have access to all information they require to carry out their work and are under a duty to respect the confidentiality of all personal information held by us.
- 7.2 Staff, wherever possible, must explain to individuals our purpose for processing that individual's personal data and, where it is likely to be disclosed to persons outside the Partnership, the people or organisations likely to have access to it before it is first processed, so that (where necessary) informed consent can be obtained. If this causes concern, special arrangements for recording and access will be made.
- 7.3 The following items are considered confidential and should, at no time, be divulged inappropriately – this is not an exhaustive list:
- a) Personal confidentiality of tenants and other members of the public will be respected. This means that the names, addresses, details on family composition or economic status (or any other means of identification) of individuals will not be given in Board reports or minutes or in any way divulged to anyone other than staff members, or other professionals, on a "need to know" basis;

- b) All data records (both paper and computer) will be kept confidential to the appropriate staff members. No Board Member will view an individual's data records; and
- c) Items adjudged, on an ad hoc basis, to be confidential.

7.4 Exceptions to the items listed in paragraph 5.3 are:

- a) where a tenant or other member of the public complains or appeals to the us about an issue and a personal representation is being made to the Board as the final stage in the procedure. In these circumstances, it is impossible to withhold information on the person's identity.
- b) where we have a legal obligation to provide information to a third party, in respect of, for example, the prevention of fraud.

Regulation

7.5 Occasionally regulations may change and new/amended regulatory requirements are placed on social landlords, for example, the conducting of surveys as per the Scottish Social Housing Charter. For many social landlords the method of compliance with these regulatory requirements that best ensures Value For Money (VFM) for tenants means sharing information, with a third-party organisation, which is contracted for a short period of time. In such instances where information is shared, we will remain the Data Controller, and strict guidelines will be adhered to in respect of the handling and disposal of personal information, in order to ensure that we are not in breach of the UK GDPR.

Data Security

7.6 The following technical and organisational measures must be followed to protect personal data security:

- a) All computer held personal data should be protected by biometric and multi factor authentication where available (when not available passwords, in line with our corporate password criteria, are required) and accessible only to staff with a legitimate need to access or process the data;
- c) Computer systems should be secure, and sufficiently protected against unauthorised access, and documents should be encrypted where possible;

- d) Sufficient safeguards should be in place to protect computer held personal data from loss, destruction or damage. No sensitive personal information should be held on laptops, computers, tablets, USB/pen drives, or any electronic device that could be vulnerable to theft or loss or unauthorised access;
- e) All back up information should be held securely, and protected against unauthorised access;
- f) All personal data must be erased from PC's or other hardware and measures taken to protect it from subsequent retrieval by unauthorised persons on the disposal of such hardware;
- g) Manual files containing personal data should be kept in secure filing cabinets when not in use – this includes returning files to locked cabinets overnight;
- h) Care should be taken to ensure that manual files containing personal data are protected from loss or damage when removed from the office. Removing files from the office is discouraged and should only be done in exceptional circumstances. Under no circumstances should personal files be left unattended in vehicles;
- i) Staff members printing tenants' personal data must print using the 'User Authentication' facility on the network and not leave the printer unattended while printing these documents;
- j) All correspondence of a personal nature must have "Private and Confidential" clearly marked on the envelope;
- k) Regular audits should be in place to test that technical and organisational security measures are being adhered to;
- l) Staff working at home must work in a private environment ensuring conversations cannot be overheard.

Disposal of Personal Data

- 7.7 With regard to document retention schedules, when no longer required, all personal information, including computer printouts of rent accounts and arrears, must be shredded or destroyed
- 7.8 Data held on computers/electronic filing systems should be treated in the same manner as paper print-outs in respect of retention, and deleted accordingly.

- 7.9 The destruction of original records and documents, in both electronic and paper formats, should be authorised by managers and a file note must document this authorisation. The method of disposal should be appropriate to the confidentiality or sensitivity of the record.
- 7.10 Personal files should be checked regularly, and information only retained if still relevant to the purposes for which it was intended to be kept. This should be done as a matter of routine whenever files are in use.

BREACH OF POLICY

- 8.1 A breach of confidentiality, whether deliberate or inadvertent, will be considered a serious matter. All breaches will be dealt with via the Staff Disciplinary and Grievance procedures and the Board Code of Governance, taking all circumstances into account, and may result in:
- a) the staff member(s) being issued with a warning or dismissed; or
 - b) the Board Member(s) being requested to leave the Board.

COMPLAINTS & APPEALS

- 9.1 Complaints regarding the policy will be dealt with under our Comments, Compliment & Complaints Policy, a copy of which is available at our offices and on our website.

LEGAL AND REGULATORY FRAMEWORK

Legislation

- 10.1 In formulating and implementing this policy, statutory requirements have been incorporated, where required.
- 10.2 The legislation particularly relevant to this Policy includes:
- a) the UK General Data Protection Regulation (UK GDPR): provides rights to individuals in relation to personal data held about them; regulates the use of personal data.
 - b) Freedom of Information (Scotland) Act 2002: entitles members of the public to receive information that they request from a public authority, subject to certain exemptions. The Freedom of Information Act was extended to registered social

landlords from 11 November 2019. The Act supersedes the Access to Personal Files Act 1987.

- c) Housing (Scotland) Act 2001, 2006, 2010 & 2014: provide a statutory right to all tenants with Scottish Secure Tenancies to receive information about their landlord's policies and procedures, in addition to obliging landlords to consult and provide tenants with information in developing their Tenant Participation Strategy. The 2010 Act introduced the Scottish Social Housing Charter which obliges landlords to consult with tenants in respect of desired standards and outcomes.
- d) Scottish Public Services Ombudsman Act 2002: describes the statutory arrangements for conducting independent investigations of complaints relating to maladministration by a wide range of listed authorities, including Registered Social Landlords.
- e) Human Rights Act 1998: gives individuals a right to respect for their privacy.
- f) The Scottish Secure Tenants (Right to Repair) Regulations 2002.

TRAINING

- 11.1 The employee induction programme will include an overview of this policy, including responsibilities for the promotion and delivery of openness and confidentiality as relevant to their job descriptions.
- 11.2 Board Members and staff will receive updates on these issues and specific training on any specialised areas as required. Training needs are identified on an ongoing basis by various means including regular staff supervision sessions.

LINK WITH OTHER POLICIES

- 12.1 The use of Openness & Confidentiality Policy is supported by related policies and procedures and should be read in conjunction with, but not limited to, the following:
- Code of Conduct for Staff;
 - Code of Governance for Board Members;
 - Communication Policy;
 - Comments, Compliments & Complaints Policy
 - Disclosure of Interest Policy;
 - ICT Security Policy;
 - Membership Policy;
 - Privacy Policy; and
 - Tenant Participation Strategy.

MONITORING AND REVIEW OF POLICY

Performance Monitoring

- 13.1 A report will be prepared on an annual basis detailing how information has been made available and highlighting any improvements to be made to information provided. The report will be presented to the Board at the first meeting following the end of the financial year.
- 13.2 Customer surveys will be carried out on a regular basis and the results of these surveys will be used to inform policy and service reviews. The tenants newsletter will update tenants with how we have responded to survey feedback.

Review

- 14.1 We will review this policy every 4 years. More frequent reviews will be considered if, for example, there is a need to respond to new legislation/policy guidance.

INTERPRETATIONS & ABBREVIATIONS

The following interpretation and abbreviations are used in this policy:

WORD	INTERPRETATION
<i>HHP or Partnership</i>	Hebridean Housing Partnership
<i>Board</i>	Means the Board of the Hebridean Housing Partnership
<i>Board Members</i>	All Members of the Board including co-opted Members
<i>Data</i>	Information which is: a) processed by computer or information planned to be processed by computer b) stored or collected for storage within a "relevant filing system"
<i>Relevant Filing System</i>	Information which is structured in such a way that specific personal data may be readily accessed.
<i>Personal Data</i>	Data about a living individual who can be identified from the data or any other readily obtainable information – this includes even basic information such as names and telephone numbers.
<i>Sensitive Personal Data</i>	Sensitive Personal Data – Personal Data relating to: • Racial or ethnic origin • Religious beliefs and political opinions • Trade Union membership • Health data (e.g. physical and mental condition) • Sexual orientation • Criminal matters/Commission of offences
<i>Data processing</i>	The processing of data means any operation of data and includes: • Obtaining • Recording • Holding • Organising

	• Adapting & altering • Retrieving • Consulting • Disclosing • Combining • Erasing • Blocking • Destroying References to "process" and "processed" shall be construed accordingly in this policy.
<i>Commercially sensitive Data</i>	Any information (including personal data), the disclosure of which is likely to prejudice the business interests of the Partnership. It is the information that is not generally known within the social housing sector, and that has economic value from not being known. If disclosed, this information could have adverse implications for the Partnership or for future occupants.
<i>Data Controller</i>	A person, company, or other body that determines the purpose and means of personal data processing.
<i>AGM</i>	Annual General Meeting
<i>GDPR</i>	General Data Protection Regulation
<i>FOI</i>	Freedom of Information
All references to the masculine gender in this policy shall read as equally applicable to the feminine gender	



HHP is a registered society under the Co-operative and Community Benefit Societies Act 2014, Registered Number: 2644R(S), Registered Office: Creed Court, Gleann Seileach Business Park, Willowglen Road, Stornoway, Isle of Lewis HS1 2QP. It is a charity registered in Scotland, Charity Number: SCO35767, registered as Registered Social Landlord with the Scottish Housing Regulator, Registration Number: 359 and registered as a Property Factor, Registration Number PF000183

Email: info@hebrideanhousing.co.uk

Web: www.hebrideanhousing.co.uk