

Privacy Notice

Waythrough Housing

This privacy notice is for Waythrough Housing residents/occupiers. Waythrough Housing is part of Waythrough Charity.

UK Data Protection law says that we must provide you with information about what we do with your personal data. Personal data is data which can identify you.

We provide you with this notice at the time of data collection or within one month if we have received your data from someone else.

We must provide extra protection for data, which is more sensitive, known as special category data. This includes data about your health, race, ethnicity, political views, religion, beliefs, trade union membership, genetic data, biometric data, gender data and data about your sex life. We do not collect all of these types of data and will highlight what we do collect in this notice.

Please note if you have been a resident prior to 1st October 2022, most of your data will have been processed under the lawful basis of Consent and our previous privacy information will apply to your data. Please contact us if you have any queries.

Managing Your Information

Waythrough is a Data Controller which means that we decide how data is processed and the purpose for the processing. We are accountable for ensuring that your rights are respected and that the data is processed lawfully. Should a breach occur, it is our responsibility to report it to the Information Commissioner's Office (ICO) if there is a high risk to your rights or freedoms as per the UK General Data Protection Regulation (UK GDPR).

What We Use and Why

We use the following personal identifiable data in order to deliver the service to you:

- Name
- Telephone number
- Address
- Email address
- National Insurance Number
- Age

We may use the following special category personal data including:

- Health data to assess accessibility needs
- Sexual orientation data as part of equality monitoring
- Sex life and relationships as part of equality monitoring
- Race and ethnicity as part of equality monitoring
- Religion and beliefs as part of equality monitoring
- Gender data as part of equality monitoring

We use the following criminal offence data including:

- Offending history to inform the risk management plan

How We Collect Your Data

You may also ask us directly to provide you with housing.

Sometimes partners, professionals, or people who know you may share your information with us. This is called a referral from a 'third party'. We often receive referrals from:

- Social workers
- Advocacy organisations
- Local authority housing teams
- Support and advice agencies
- Family members/friends
- Other Waythrough services

If the referral has not come directly from you, we will contact you to check that you want the service we provide. We tell third parties to only refer to us if you have agreed to it, but we do not have control over whether third parties will do this. Third parties are accountable for ensuring the information they share with us is done lawfully.

In most circumstances, should you tell us that you do not wish to start using our service, we will erase your data.

Lawful Reasons for Processing

The lawful reasons (known as lawful bases) for processing are set out in the UK General Data Protection Regulation (UK GDPR). At least one of these must apply whenever we process personal data.

We use the lawful basis of **Contract** when we process your data in order to provide you with a license agreement. We use **Legitimate Interests** to process all data which is not required as part of your license agreement (for example, when we process special category data in order to reduce barriers and tailor our support to your individual needs).

We process your health data under the **Health or Social care condition of the UK GDPR**. We only process what is necessary for the purpose; and processing is overseen by a health professional bound by the common law duty of confidentiality.

In addition to health data, we process a minimal amount of other special category data such as data about your racial or ethnic origin, religious or philosophical beliefs, sex life, sexual orientation/relationships and we use this data for demographic purposes and statistical analysis and to meet individual health and social care needs.

Where we are processing criminal offence data, we rely on special conditions under the Data Protection Act 2018 relating to health and social care, preventing or detecting unlawful acts and safeguarding

Sharing Your Information with Others ('Third Parties')

There are times when we may share your information under the lawful bases of **Legal Obligation and/or Public Task**, to third parties without your knowledge or consent, such as:

- to inform the police in order to report or prevent a criminal activity (including acts of terrorism).
- to inform social services and/or the police if we suspect that a child or adult is at risk of abuse and/or neglect.
- to inform social services to request a welfare check if we are concerned about your safety or the safety of others.
- to inform mental health services if we identify that you are in a crisis/at serious risk.
- if you are on a criminal justice order (ATR etc.) we will inform your Offender Manager of your attendance and engagement.
- to inform the police if we are aware that you are driving under the influence of drugs or alcohol.
- to share information in multiagency settings should you be subject to MARAC/MATAC (a meeting where information is shared on the highest risk domestic abuse cases).
- to share information in multiagency settings should you be subject to MAPPA (Meetings that require the local criminal justice agencies and other agencies dealing with offenders to work together in partnership to protect the public from serious harm by sexual and violent offenders.).
- and any other instances where we are required by law to share your information (for example if we receive a disclosure request from the police or a court of law).

If you were in a life-or-death situation, we use the lawful basis Vital Interests to provide your personal data to the emergency services so that they may save your life.

We rely on the lawful basis Legitimate Interests to share your personal data with:

- social care to determine any previous/current involvement they may have
- your GP in order to prescribe you medication
- the prison to share prescribing information and/or arrange ongoing support, if you have recently been released or are going into custody
- housing options services and housing providers in support of your application for housing to us or another housing provider

- agencies who provide personalised support (for example your support worker)
- where you are a service user with another Waythrough service we will share your data where necessary and proportionate for legitimate interests (for example to manage risks to you and others and to offer you a joined-up service)
- We may share your personal data if you have had a mental capacity assessment and do not have Mental Capacity. We may need to share your information with other agencies so that we can provide suitable housing to you and support, which is in your best interests.

We will only share the information that is needed, and we only share the minimum information for this purpose.

Any use of data for any other purpose, such as research and planning, is submitted to our Caldicott Guardian for approval. We generally only use personal data for research or planning purposes if it has either been fully anonymised or where we have your explicit consent to use your personal data for this purpose. As an example, we anonymise personal data of residents when we report to our board of trustees.

Where we wish to share your story in a way that could identify you, we will always ask your permission to do this. This is called explicit consent.

All other third-party personal data sharing is decided by you with your explicit consent. You provide us with this information on the Sharing Consent form which we will review with you every 3 months.

You can update us at any point if you wish us to change the permissions for consent on your Sharing Consent form.

Please note that if we can use your data in a way that means nobody knows it is about you, this falls outside of the scope of the UK GDPR, and we may use this data for reporting (for example to give to the person or organisation which is funding our service).

We may share personal data with third parties that has been coded so that your name and other details don't show. Usually for research purposes. When we do this, we share this information under the lawful basis Legitimate Interests. We share your data securely and as part of a written agreement with the third party conducting the research.

Confidentiality

Information about you may be shared between team members; and recorded on your file and in other records to enable us to give you the best service that we can and get the best possible support for you.

Only what is necessary and proportionate is shared and we are bound by the common law duty of confidentiality. In some circumstance we may share your data in order to keep you or other people safe which is a legal obligation. Information sharing is explained in the section above titled Sharing Your Information with Third Parties.

Transferring Your Data Outside of the UK

As part of our day-to-day operations, we do not transfer your data outside of the UK unless with your explicit consent to do so (right to portability).

When a service closes and we archive data in line with our data retention period, we use a third-party Processor called Iron Mountain. Iron Mountain may in some instances, use sub-processors who are based in other countries. Iron Mountain ensures that where required, Standard Contractual Clauses are in place to protect data where it is transferred to another country as per the EU's adequacy decisions.

Keeping Your Information Safe

We have a range of systems, policies and processes in place which keep your information safe. This includes (but is not limited to):

- We only request the minimum information needed to deliver our service.
- We store all personal information with the appropriate level of physical and electronic security.
- Our workforce is data protection trained, and this training is updated annually.
- We use secure processes for data transfer and data storage (whether paper or electronic), applying pseudonymisation where we can.
- Everyone in the Waythrough workforce follows our policies and procedures.
- Only those that need to access your data will have access; and we are able to limit access to those who do not need to have it.
- We audit and monitor internal issues and incidents.

- We have an Information Governance team (including a Data Protection Officer and Caldicott Guardian who work to ensure data is processed legally and ethically)
- We have a Senior Information Risk Owner who oversees information is secure at a governance level.

Should an incident occur where we breach your data, causing a high risk to your rights or freedoms, we will inform you of this urgently and we will also report this to the ICO via our Data Protection Officer.

Retaining Your Information

We only keep your information for as long as is needed and as is reasonable for the purpose it was collected.

We will keep your information for 6 years. There may be some data which we keep for longer time periods in compliance with housing law depending upon specific circumstances (for example if you get into rent arrears). Please contact us if you would like more information.

Should our service close before the end of the retention period, your paper records will be archived using a contracted archiving company called Iron Mountain.

Your electronic data will be stored in a secure electronic area which is managed by Waythrough.

Destroying Your Information

Your data will be securely destroyed by a third-party contractor in line with our retention period. Any application that was never moved into housing is securely shredded after 12 months.

Your Data Rights

Under the Data Protection Act 2018 and GDPR, you have the following rights:

- to be informed about the collection and use of your personal data.
- to access your personal data (known as Subject Access Request).
- to have inaccurate personal data rectified; or completed if it is incomplete.
- to have personal data erased (known as the right to be forgotten).
- to request the restriction or suppression of your personal data.
- to data portability, which allows individuals to obtain and reuse their personal data for their own purposes across different services.
- to object to the processing of your personal data in certain circumstances.

We do not use any automated decision making (decisions made by a computer) or profiling (when we use your information to assess certain things about you) when we use your data.

Please note that some of these rights only apply in certain circumstances and we may not be able to fulfil every request. Where a request is declined, we will always explain our decision in full, within the timeframe that the law says.

To request access to your data or to contact us about any of the rights we have listed, you can request this through the service or contact our Caldicott Guardian (see below; Relevant Contacts).

How To Complain

If you are unhappy about an issue relating to your data you can complain to us through the service you attend; or if you would feel more comfortable, you can contact the Waythrough Caldicott Guardian (see below; Relevant Contacts).

To make a formal complaint to the independent regulator for personal data in the UK about the way we have used your data, contact the Information Commissioner's Office (ICO): <https://ico.org.uk/make-a-complaint/> or call ICO on 0303 123 1113

Relevant Contacts

You can write to us at:

Waythrough Housing,
Inspiration House,
Unit 22, Bowburn North Industrial Estate,
Bowburn, Durham,
DH6 5PG, Tel: 01325 731 160
Email: housing@waythrough.org.uk

Our Data Protection Officer (DPO) is Mark Burnett. You can contact our DPO by email dpo@waythrough.org.uk or by phone 01325 731 160.

Our Caldicott Guardian is Leesa Howes. You can contact our Caldicott Guardian by email caldicott.guardian@waythrough.org.uk or by phone 01325 731 160.