

Data Protection Policy

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1 Policy Information

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2 Policy Scope, Background & Objectives

2.1 Scope

This Data Protection Policy sets out South Liverpool Homes' commitment and approach to data protection. The policy's objectives are:

- To provide a clear frame of reference for colleagues to determine South Liverpool Homes' standards, aims, and ideals in respect of data protection compliance;
- To provide information to data subjects, data processors and the regulatory authorities about how South Liverpool Homes approaches data protection compliance;

2.2 Background

The processing of personal data in the United Kingdom is regulated by law. The principle statutory instrument setting out the legal obligations of those handling personal data, the rights of data subjects who data is processed and the offences, penalties and remedies is the Data Protection Act 2018 ("the Act") and the General Data Protection Regulation ("GDPR"). This Policy is designed to accommodate both the Act and the GDPR. Other laws inter-relate with the Act and the GDPR including the Privacy and Electronic Communications Regulations (2003), the Freedom of Information Act (2000). These laws are collectively referred to in this Policy as Data Protection Legislation. Additionally various guidelines, codes or practice, case law and other information relating to data protection must be considered by South Liverpool Homes.

The Data Protection Legislation sets out legal responsibilities for processing personal data and provides for rights in the law for those people whose data is being processed. This Policy is a public statement describing South Liverpool Homes' approach to complying with its legal responsibilities in the Data Protection Legislation and how it enables individuals rights to be upheld and exercised. There are a number of criminal offences set out in the Data Protection Legislation and individuals can be held accountable and be sentenced by the courts for offences under the Legislation.

Related and connected laws;

- The Data Protection Act 2018
- The General Data Protection Regulations 2018
- The Common Law Duty of Confidentiality
- The Freedom of Information Act 2000
- Privacy and Electronic Communications Regulations 2003

- Computer Misuse Act 1990
- Human Rights Act 1998

3 Policy Statement

The Board and the Executive Management Team of South Liverpool Homes are committed to compliance with all relevant Data Protection Legislation and will formally delegate appropriate powers and responsibilities to its staff to ensure that it is fully able to comply with the Data Protection Legislation and its own defined standards in the field of data protection and information governance.

South Liverpool Homes will maintain a suite of policy documents setting out how it intends to implement management controls sufficient to ensure legal compliance and will ensure that these documents are reviewed periodically to:

- a) test their adequacy in meeting the legal standards as they change over time, and
- b) test South Liverpool Homes' compliance with them.

South Liverpool Homes will ensure that all relevant staff and/or other persons it commissions to process personal data on its behalf, either directly or indirectly, have received appropriate and sufficient training in the application of the South Liverpool Homes' policies.

The Executive Management Team will ensure that sufficient and appropriate resources are available to ensure that it meets both its legal obligations in respect of Data Protection Legislation and the standards that it sets through its policies.

The Executive Management Team will ensure that South Liverpool Homes works within the 6 data protection principles and that it will implement sufficient controls to ensure that it is able to demonstrate compliance with the Data Protection Legislation including the keeping of sufficient records of data processing activities, risk assessments and decisions relating to data processing activities.

South Liverpool Homes will uphold the rights and freedoms of people conferred on them by the Data Protection Legislation. It will ensure that those rights and freedoms are appropriately taken into account in the decisions it takes which may affect people and will ensure that it has sufficient controls in place to assist people who wish to exercise their rights.

This policy applies to all of South Liverpool Homes' activities or operations which involve the processing of personal data.

4 Responsibilities

4.1 Data Controller

South Liverpool Homes is the legal data controller under the Data Protection Legislation.

4.2 Management and supervisory staff

The Chief Executive is the accountable officer responsible for the management of South Liverpool Homes and ensuring appropriate mechanisms are in place to support service delivery and continuity. Protecting data and thus maintaining confidentiality is pivotal to South Liverpool Homes being able to operate.

Each Director, in their respective areas of responsibility, must ensure that all staff members are aware of this policy, other relevant policies and procedures, and their responsibilities concerning the processing of personal data. Each Director must ensure this policy is adhered to.

Managers and supervisory staff are responsible for ensuring that all data processing operations under their control or sphere of responsibility or commissioned by them are undertaken in compliance with this policy and other relevant data protection policies. They are responsible for ensuring that anyone processing data is sufficiently aware of this policy and how it applies to their job role and sufficiently trained to carry out their duties in compliance with this policy.

4.3 Data Protection Officer & Senior Information Risk Officer (SIRO)

SLH's Data Protection Officer (DPO) and Senior Information Risk Officer (SIRO) is the Director of Innovation, Technology & Risk, who will lead and implement the information governance risk assessment programme and advise the Board on the effectiveness of information risk management across South Liverpool Homes. They are responsible for providing the policies, guidance and training needed to ensure that South Liverpool Homes is both compliant with Data Protection Legislation and risk assessed. They will monitor and report to the Executive Management Team in respect of compliance with this policy, investigate any breaches, and maintain suitable records of processing activities. They may co-opt other individuals to assist with the management of data protection obligations. The DPO is responsible for monitoring the evolution of the Data Protection Legislation, case law, guidance, and codes of practice and incorporating relevant changes into South Liverpool Homes' policy

4.4 Employees, volunteers, casual/temporary workers, directors and officers

Anyone who is directly engaged by South Liverpool Homes to undertake data processing activities including but not limited to employees, volunteers, casual/temporary workers, directors and officers etc. involved in the receipt, handling or communication of personal data must adhere to this policy. Anyone who is not confident in or has concerns about data handling practices that they are undertaking or witnessing should contact the DPO. Individuals are expected to complete appropriate training from time to time. Everyone within South Liverpool Homes has a duty to respect data subjects' rights to confidentiality.

Disciplinary action may be imposed on staff for non-compliance with the relevant policies and legislation.

4.5 Partner & Third-Party Responsibilities

Any partner or third party of South Liverpool Homes that is commissioned to process data or receives data from the South Liverpool Homes, or is able to access any personal data **must** complete an Information Sharing Protocol with South Liverpool Homes, the nature of which will be determined by the level of involvement with the data that is held/shared/accessed. Any such agreement must be approved by the DPO.

5 Policy Detail

5.1 Fair lawful and transparent processing

The processing of all personal data by South Liverpool Homes will only be undertaken in a fair, lawful and transparent manner meaning:

Fairness – no data collection activities will be undertaken or commissioned without an appropriate privacy notice being provided to the person from whom data is being collected, and also to the people who the data is about if personal data is collected from sources other than the data subject. All privacy information and any changes to privacy information must be approved by the DPO.

Lawfulness – no data collection activities will be undertaken or commissioned without there being a lawful ground for the data processing activities intended to be applied to the personal data. The DPO is responsible for determining the lawful grounds for processing. Where the lawful grounds are consent, the consent policy will apply. Where the lawful grounds are legitimate interests a legitimate interests assessment (LIA) will be undertaken and documented. The information process owner is responsible for ensuring that there are lawful grounds for all data processing activities that fall under their sphere of control, that the consent policy is adhered to and a LIA is properly undertaken where necessary. The DPO will provide advice regarding lawful processing conditions.

Transparency – South Liverpool Homes will endeavour to provide sufficient information about how personal data is being processed to enable sufficient transparency about its handling of personal data. The DPO is tasked with periodically reviewing the apparent transparency.

5.2 Data processing purposes

Personal data will only be collected, created or otherwise obtained for specific, explicit and legitimate purposes. No data processing will be undertaken or commissioned without the approval of the DPO who shall maintain a register of data processing activities and their purpose. Data process owners are responsible for ensuring that all of the data processing activities that they undertake and/or commission have been approved by the DPO. No personal data will be used for any purpose other than that which it was collected and/or created for without the approval of the DPO.

5.3 Data minimisation

South Liverpool Homes will strive to use a minimum of personal data in its data processing activities and will periodically review the relevance of the information that it collects. Data process owners are responsible for ensuring that no unnecessary, irrelevant or unjustifiable personal data is collected or created either directly or indirectly through the data processing activities they are responsible for and/or engage in. The DPO will provide advice regarding the justification of personal data collected or created.

5.4 Data accuracy

We recognise that the accuracy of data is important and that some data is more important to keep up to date than others. South Liverpool Homes will use its reasonable endeavours to maintain data as accurate and up to date as possible, in particular data which would have a detrimental impact on data subjects if it were inaccurate or out of date. Data process owners are responsible for ensuring that personal data they have collected or created either directly or indirectly through the data processing activities they are responsible for and/or engage in is accurate and up to date and that personal data whose accuracy cannot reasonably be assumed to be accurate and up to date are treated appropriately through erasure or anonymisation. The DPO will provide advice regarding data accuracy.

5.5 Data retention

South Liverpool Homes will ensure that it does not retain personal data for any longer than is necessary for the purposes for which they were collected and will apply appropriate measures at the end of the data's useful life such as erasure or anonymisation. Data process owners will be responsible for determining the retention period for personal data under control or sphere of influence and the DPO will maintain a data retention schedule setting out approved retention periods and end of life treatment. The DPO must approve all retention periods for personal data. Because data retention is a vitally important issue as both the over-retention and under-retention of personal data could have a detrimental impact on both the data subject and South Liverpool Homes, the DPO will undertake regular data retention audits.

5.6 Information security

South Liverpool Homes will ensure that any personal data that it processes or commissions the processing of is 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. In particular an Information Security Policy will be maintained setting out specific policies in relation to maintaining personal data secure, confidential, available and with integrity. The Head of ICT will be responsible for the formulation of the policy and must consult the DPO in regard to it. The DPO is authorised to challenge the policy and is required to report any concerns to the Board that they may have about it.

5.7 Record keeping and accountability

In order to fulfil its responsibility to be able to demonstrate compliance with Data Protection Legislation, South Liverpool Homes will maintain records of the processing activities that it controls, undertakes or otherwise commissions as

required by the Data Protection Legislation and specifically those required in Article 30 of the GDPR, which is included as Appendix A.

5.8 Information rights

South Liverpool Homes recognises the legal rights of those whose data it is processing or intends to process and will ensure that appropriate information is provided to them advising them of their rights, and that policies and procedures are maintained to ensure that South Liverpool Homes is able to recognise information rights requests and handle them appropriately when they are exercised. These rights include:

- Right to information about data processing operations
- Right of access to personal data
- Right to portability of personal data
- Right of rectification of personal data
- Right of erasure of personal data
- Right to restriction of processing
- Right to object to direct marketing
- Right to object to data processing operations under some circumstances
- Right not to be subject to decisions made by automated processing under some circumstances
- Right of complaint about South Liverpool Homes' processing of personal data and the right to a judicial remedy and compensation

5.9 Data Subject Rights (DSR)

South Liverpool Homes clearly provides data subject(s) with its Privacy Policy by publishing it on its website(s), clearly under the 'Contact us' section and relative to the DSR and complaints form submission.

South Liverpool Homes recognises that data subjects have the right:

- a. To be provided with any and all information held about them, within one month and free of charge – see DSR Checklist.
- b. To delete or erase their personal data, within one month and free of charge – see Data Deletion section of DSR Checklist.
- c. To have incorrect or incomplete information rectified, within one month and free of charge – the information in question is rectified and the data subject informed in writing, when the request has been completed.
- d. To have any or all processing of their personal data restricted – processing is suspended until the processing in question has been resolved or the restriction has been lifted.

- e. To object to processing, including marketing, automated decisions and profiling – when such a request is received from a data subject South Liverpool Homes will comply and cease the processing without delay.
- f. To have their personal data provided in a readable format, or, if requested, transferred to another organisation. South Liverpool Homes responds to such requests by providing the requested information in a Comma Separated Variable (CSV) file format. Where it is not technically feasible to transfer the data to another organisation, South Liverpool Homes treats the request for data portability as it would a Data Subject Access Request.
- g. To lodge a complaint in line with South Liverpool Homes' Customer Feedback Policy.
- h. To a fair judicial remedy if their complaint is not resolved or handled to a satisfactory standard – the Data Protection Officer handles any such complaints, taking legal advice, including liaison with the Information Commissioner or the applicable appointed court of law.
- i. To claim compensation from the controller, processor or the supervisory authority for infringement of their rights – the Data Protection Officer handles any such complaints, taking legal advice, including liaison with the supervisory authority or the applicable appointed court of law.

South Liverpool Homes recognises that data subjects can report a complaint about:

- how their personal data have been processed;
- how their request for access to data has been handled;
- how their complaint has been handled;
- appeal against any decision made following a complaint.

The Data Protection Officer handles any complaints in accordance with the Customer Feedback Procedure.

5.10 Consent

South Liverpool Homes will interpret consent to be as defined in the glossary at the end of this document and that any consent shall not be valid unless:

- there is a genuine choice;
- it has been explicitly and freely given, and represents a specific, informed and unambiguous indication of the data subject's wishes that signifies agreement to the processing of personal data relating to them;
- the consent was given through statement made by the data subject or by a clear affirmative action undertaken by them;
- South Liverpool Homes can demonstrate that the data subject has been fully informed about the data processing to which they have consented and is able to prove that it has obtained valid consent lawfully;

- a mechanism is provided to data subjects to enable them to withdraw consent and which makes the withdrawal of consent in effect as easy as it was to give and that the data subject has been informed about how to exercise their right to withdraw consent;

South Liverpool Homes recognises that consent may be rendered invalid in the event that any of the above points cannot be verified or if there is an imbalance of power between the data controller and the data subject. South Liverpool Homes recognises that consent cannot be considered to be forever and will determine a consent refresh period for every instance where consent is the lawful condition for processing.

5.11 Personal Data Breaches

South Liverpool Homes will maintain a Data Breach Reporting Procedure and will ensure that all employees and those with access to personal data are aware of it and this policy. All employees and individuals with access to personal data for which South Liverpool Homes is either data controller or processor must report all personal data breaches to an appropriate individual as set out in the Data Breach Reporting Procedure as soon as they become aware of the breach. South Liverpool Homes will log all personal data breaches and will investigate each incident without delay. Appropriate remedial action will be taken as soon as possible to isolate and contain the breach, evaluate and minimise its impact, and to recover from the effects of the breach. Data protection near misses will also be recorded and investigated in the same manner as data protection breaches. The breach reporting procedure will set out responsibilities, decision-making criteria and timescales for notifying data subjects, the Information Commissioner and the media about a personal data breach.

5.12 Data Processors

South Liverpool Homes reserves the right to contract out data processing activities or operations involving the processing of personal data in the interests of business efficiency and effectiveness. No third party data processors will be appointed who are unable to provide satisfactory assurances that they will handle personal data in accordance with the Data Protection Legislation. Colleagues wishing to appoint a data processor will ensure that appropriate due diligence is undertaken on the proposed data processor in the field of information governance and data protection compliance prior to their appointment. The DPO will provide advice and guidance in respect of this. A written agreement will be implemented between South Liverpool Homes and the data processor which at least meets the requirements of the Data Protection Legislation. The DPO will ensure that a register of such agreements/arrangements is maintained. The data processor agreement will specify

what is to happen to personal data upon termination of the data processing agreement.

No employee is permitted to commission or appoint a third party to process data on behalf of South Liverpool Homes without adhering to this policy.

5.13 Data sharing, disclosure and transfer

South Liverpool Homes will only share personal data with or otherwise disclose personal data to third parties where there is a legal basis for doing so and the data sharing is necessary for specified purposes. No data sharing or disclosure is permitted to occur without a suitable legally enforceable agreement satisfying the requirements for such agreements as set out in the Data Protection Legislation being in place. Data sharing agreements must be approved by the DPO who will maintain a register of all such agreements. Appropriate risk assessments will be undertaken prior to any data sharing taking place on those with whom we intend to share personal data. This policy extends to appointing others to process personal data on our behalf, sharing personal data with South Liverpool Homes, and providing information to ad hoc requests for information such as those which may be received from the police and other authorities.

South Liverpool Homes will provide information to all employees setting out safe and approved methods of transferring personal data to recipients. Employees are required to use only approved methods of data transfers. Disciplinary action will be taken against employees who fail to observe the data transfer policy and use unsafe and insecure methods of data transfer unless such methods have been approved in writing by the DPO.

5.14 Internationalisation of personal data

South Liverpool Homes will neither transfer nor process nor will it permit personal data to be transferred or processed outside the United Kingdom without the conditions laid down in the Data Protection Legislation being met to ensure that the level of protection of personal data are not undermined. Any transfer or processing of personal data that South Liverpool Homes undertakes or commissions whether directly or indirectly must be approved by the DPO and may only take place if one of the following is satisfied:

- The territory into which the data are being transferred is one approved by the UK's Information Commissioner;
- The territory into which the data are being transferred is within the European Economic Area;

- The territory into which the data are being transferred has an adequacy decision issued by the European Commission;
- The transfer is to the United States of America and the recipient is registered under the EU/US Privacy Shield scheme;
- The transfer is made under the unaltered terms of the standard contractual clauses issued by the European Commission for such purposes;
- The transfer is made under the provision of binding corporate rules which have been approved and certified by the European Commission;
- The transfer is made in accordance with one of the exceptions set out in the Data Protection Legislation.

5.15 Risk assessment

South Liverpool Homes will embrace the principles and foster a culture of privacy by design and by default. It will maintain a policy requiring data protection impact assessments (DPIA) to be undertaken and documented and ensure that appropriate resources are available to advise on DPIAs. The DPO is responsible for maintaining a risk register of data protection compliance risks that have been identified by South Liverpool Homes and for its periodic review.

5.16 Children's data

Special measures will be taken by South Liverpool Homes regarding the processing of personal data relating to children under the age of 13 including the nature of privacy information provided and approach to information rights requests. These special measures will be set out in a policy relating to children's data.

5.17 Training and awareness

South Liverpool Homes will ensure that all those who it engages to process personal data either directly or indirectly are provided with appropriate training in the application of this and other data protection policies and procedures and in their data protection responsibilities. It will also undertake data protection awareness raising activities from time to time to keep data protection front of mind. All training and awareness raising activities will be logged. Refresher training will be provided annually.

5.18 Audit and compliance checking

South Liverpool Homes will undertake periodic compliance checks to test whether its policies and procedures are being adhered to and to test the effectiveness of its control measures. Corrective action will be required where non-conformance is found. Records will be kept of all such audits and compliance checks including corrective action requests raised. Disciplinary action will be taken against individuals who fail to act upon the reasonable corrective action requests properly formulated



and raised through data protection audits. Audit & Risk Committee will be provided with a summary of audit findings periodically.

6 Glossary

Data Controller	means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law;
Data Processor	means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;
Data Subject	any living individual who is the subject of personal data held by South Liverpool Homes;
Data Process Owner	The person responsible for the instigation or on-going maintenance of a data process or data processing operation;
Personal Data	means any information relating to an identified or identifiable living individual;
Identifiable Living	
Individual	means a living individual who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data or an online identifier, or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual;
Special Categories	means any personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation;
Processing	means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, structuring, storage, adaptation or alteration,

	retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;
Information Incident	means an identified occurrence or weakness indicating a possible breach of information security or failure of safeguards, or a previously unknown situation which may be relevant to the security of information;
Personal Data Breach	means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed;
Risk	The chance of something happening, which will have an impact upon objectives. It is measured in terms of consequence and likelihood;
Risk Management	The culture, processes and structures that are directed towards the effective management of potential threats and opportunities and their adverse effects;
SIRO	Senior Information Risk Officer - An Executive Director or member of the Board with overall responsibility for the South Liverpool Homes' information security strategy;
Corporate Data	Corporate data relates to any sensitive corporate information including meeting schedules, agendas and minutes of meetings; financial accounts; contracts; and South Liverpool Homes' policies and procedures.
Recipient	means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing;

Third Party	Means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data;
Profiling	Is any form of automated processing of personal data intended to evaluate certain personal aspects relating to a natural person, or to analyse or predict that person's performance at work, economic situation, location, health, personal preferences, reliability, or behaviour. This definition is linked to the right of the data subject to object to profiling and a right to be informed about the existence of profiling, of measures based on profiling and the envisaged effects of profiling on the individual;
Consent	Means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data;