

HORIZON HOUSING ASSOCIATION LIMITED	CORPORATE POLICY
TITLE	DATA PROTECTION
DATE OF APPROVAL	FEBRUARY 2007 (revised April 2009)
DATE OF REVIEW	FEBRUARY 2010

1. INTRODUCTION

- 1.1 The purpose of this policy is to set out the Association's response to its obligations under the Data Protection Act 1998 (DPA).

2. DEFINITIONS

- 2.1 The DPA sets out a range of definitions of data and timetables by which data users must implement the requirements of the DPA.

- 2.2 Hence all the Association's personal data, whether computerised or manual, will be processed in accordance with the requirements of the DPA.

- 2.3 The DPA requires that:

- Personal data shall be processed lawfully and fairly;
- Personal data shall be obtained only for one or more specified and lawful purposes and shall only be used for that specified and lawful purpose;
- Personal data shall be adequate, relevant and not excessive in relation to the purpose(s) for which they are processed;
- Personal data shall be accurate and kept up to date;
- Personal data shall not be kept for any longer than is required – See Appendix One;
- Personal data shall be processed in accordance with the rights of Data subjects under the Act;
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction or damage to personal data;
- Personal data is not transferred to areas outwith the European Economic Area unless such places have adequate arrangements to protect data.

- 2.4 The Association is a Registered Data User with the Data Protection Commissioner. We will maintain a current registration at all times and revise our registration if required. At the present time, our registration permits us to process data in connection with:

- Staff Administration;
- Accounts and Records;
- Advertised Marketing and Public Relations;
- Property Management.

2.5 Association staff are Data Controllers within the terms of the DPA in that they process data in the furtherance of their duties. However they are also data subjects in respect of the data that the Association processes in relation to them as employees. Requests for access to Personnel files should be made to the Chief Executive.

3. PHYSICAL SECURITY

3.1 The Association will take appropriate physical security measures to prevent unauthorised access to, or loss, alteration or damage of personal data.

3.2 Physical security measures will include:

- Keeping the office secure, within and out with working hours such that unauthorised persons cannot access the Association's personal data records;
- Staff will log out of the computer network when leaving the office;
- Staff will lock their terminals when leaving their workstations for any length of time;
- Back-ups will be taken on a nightly basis and the back-up tape will be taken off site daily. Monthly back-ups (for use in the event of disaster recovery) will be stored securely off site with the Association's bank.
- No personal data will be stored in areas of the office where unauthorised persons have unsupervised access.
- Before any confidential correspondence or documents are removed from the work premises a file out card must be completed and signed by a colleague.
- Employees of agencies such as cleaners, software and hardware maintenance companies will agree to confidentiality conditions as a condition of contract.

4. TECHNOLOGICAL AND SYSTEMATIC SECURITY

4.1 The Association will use appropriate technological security measures to prevent unauthorised access to, or loss, alteration or damage to the Association's personal data.

4.2 These measures will include:

- All Association staff will be advised of the Association's Policy on Data Protection and their attention will be drawn to Condition C1 of their terms and conditions of employment that relate to confidentiality in the completion of their duties;
- The Association's computer system will require an individual user's password to gain access to the system;
- A system of layered access will be used, so that staff have access only to the data that they need to carry out their duties, and only authorised staff may change, alter or delete data;
- The system administrator will ensure that passwords are updated every 35 days and that staff who leave are deleted from the list of

- authorised users;
- Staff will advise the system administrator if they believe there has been a breach of security, or any accidental destruction, amendment or alteration of data;
- The Association will engage appropriate security measures to prevent access through the internet;
- Staff will not transfer or copy personal data from office files to home computers;
- Any software, programs, data files will be checked for viruses before being used on the Association's computer system.

5. COLLECTION OF DATA

- 5.1 The Association must collect personal data in order to manage its housing stock and deliver services to tenants. However we will ensure that all collection of data is carried out in accordance with the requirements of the DPA.
- 5.3 Where the Association collects data, this data will be appropriate, relevant and not excessive in relation to the purpose for which it is required.
- 5.4 Where the Association collects personal data, the documents on which it is collected will contain a Data Protection Statement that will advise the data subject of the use to which the data will be put, their rights to access it and correct it if incorrect. The statement must be prominent and adjacent to the space for signature. Persons refusing to consent to the processing of data will not be able to receive the service for which the data is required. This covers application forms, survey sheets etc. Data that is truly anonymous, without codes is exempt. Where the Association collects and processes sensitive personal data, the subject must be asked to give their consent to the processing of this sensitive data in addition to the processing of data generally. In the event of the data subject being unable to give consent because of age or legal capacity, the consent of the guardian or agent will be required.
- 5.5 The Association will not use codes or passwords to indicate sensitive information. This information is only made known to authorised persons.

6. ACCESS TO DATA BY DATA SUBJECTS

- 6.1 The Association will maintain a list of "source" files containing personal data in order that the processing of personal data within the Association may be recorded. The list will contain details of the name of the file and an outline of the contents, along with a statement of the reasons for collection of the data. Files derived from these source files need not be recorded.
- 6.2 The Director of Corporate Services has been appointed to respond to requests for access to data. He/She will ensure that the request is responded to fully, upon receipt of proof of identification, within a maximum of 40 days of the request and is recorded in the register of access requests. Any

inaccuracies revealed as a result of such access will be reported to the line manager responsible for maintaining the data source within 7 days of the discrepancy/inaccuracy becoming known.

Data subjects wishing to exercise their rights of access must provide identification to confirm that they are the data subjects. The Association will provide access free of charge on two occasions within a 12 month period. A third, and each subsequent request within a 12 month period will incur a maximum charge of £10 which must be paid in advance.

- 6.3 The Association will refuse to disclose personal data where the disclosure would reveal information relating to another person, and that other person has not agreed to disclosure.

7. DISCLOSURE OF DATA

- 7.1 Association staff will not disclose data unless:

- The data subject has given consent in writing to the disclosure and the Association receives a copy of the consent. (In the event of the data subject being unable to give consent because of age or legal capacity, the consent of the guardian or agent will be required) or
- Where the disclosure is necessary to provide or facilitate the provision of housing management or maintenance services or
- The information is requested by the Police in connection with the prevention or detection of crime or
- Disclosure is requested to meet a statutory function eg. administration of the electoral register, or collection of the Council Tax, or ensuring the Health and Safety of employees or
- Where the Association must disclose the data in order to meet a regulatory obligation i.e. to Communities Scotland or the Financial Services Authority or
- Where the disclosure is solely for the purpose of research by bona fide academic institutions or
- Information which is already publicly available or
- Information that a court has directed we must disclose or
- The Disclosure is to our legal advisers or
- The Association has an established disclosure protocol with that agency, and it is satisfied that agency has policies and procedures to process the data in accordance with the DPA.

- 7.2 Requests for disclosure must be made in writing, and will be responded to in writing. Personal data must not be disclosed in phone calls.

- 7.3 The Association will only issue personal data to external agencies in sealed envelopes, marked private and confidential and sent to a named individual

- 7.3 The Association will not sell or dispose of for gain, any personal data.

- 7.4 The Association will not provide data to organisations or agencies based outside the EU

8. DISPOSAL OF DATA

- 8.1 The Association will dispose of data when no longer required. Appendix One gives a list of the appropriate periods of time for which data should be kept.
- 8.2 Paper data will be shredded on site, or disposed of as confidential waste.
- 8.3 Electronic media should be disposed of securely. A register will be maintained to record details of the media that has been disposed of, when it was disposed, how it was disposed and by whom.
- 8.4 PC equipment that is surplus to requirements will be disposed of securely.

Appendix One

National Housing Federation list of recommended retention and disposal times.

9. COMPLIANCE AND MONITORING

- 9.1 On an annual basis, before renewal of the Data Protection registration takes place, a review will be undertaken by the Director of Corporate Services to ensure that the Association continues to meet its obligations in relation to Data Protection. This will include a review of a register detailing all of the data disposed during the preceding year as well as the data that is scheduled to be disposed of in subsequent years. This will be in accordance with Appendix 1 of this policy.

HORIZON HOUSING ASSOCIATION	CORPORATE POLICY
TITLE	APPENDIX – DATA PROTECTION
DATE OF APPROVAL	FEBRUARY 2007
DATE OF REVIEW	FEBRUARY 2010

The following information was produced by the National Housing Federation in October 1999, for use by Registered Social Landlords. There has been no changes made to the document by the NHF since October 1999.

Document	Statutory Retention		Recommended	Comments
	Period	Source	Retention Period	
1. Incorporation Documents				
Certificate of Incorporation	N/A	N/A	Permanently	Implied by CA, Sec.13.
Certificate of change of company name	N/A	N/A	Permanently	Implied by CA, Sec.117.
Memorandum and articles of association (original)	N/A	N/A	Permanently	Best practice.
Memorandum and articles of association (current)	Permanently	CA	Permanently	Best practice.
Governance Documentation; Constitution, Aims and Objectives	N/A	N/A	Permanently	Required for charitable status.
Letter of charitable registration	N/A	N/A	Permanently	Best practice.
Registration documentation (I & P Societies)	Permanently	IPSA	Permanently	Best practice.
Certificate of registration with Housing Corporation	N/A	N/A	Permanently	Best practice.
2. Meetings				
Notices of meetings	N/A	N/A	6 years	In case of challenge to validity of meeting or resolutions.
Board and committee minutes (companies); Board resolutions (companies)	Permanently	CA	Permanently	Signed originals must be kept.
Minutes and resolutions of trustees (charities)	N/A	N/A	6 years	Charity Commission requirement.

Document	Statutory Retention		Recommended	Comments
	Period	Source	Retention Period	
3. Registrations and Statutory Returns:				
Annual returns to Housing Corporation	N/A	N/A	5 years	Best practice.
Annual returns to Housing Corporation - working papers	N/A	N/A	3 years	Best practice.
Audited company returns and financial statements (including I & P Societies' Annual Returns to Registrar of Friendly Societies)	N/A	N/A	Permanently	Best practice.
Declarations of interest	N/A	N/A	6 years	Limitation for legal proceedings.
Register of directors and secretaries	Permanently	CA	Permanently	
Register of Board members	Permanently	CA	Permanently	Records may be removed from register 20 years after membership ceases.
Register of seals; Register of share certificates	N/A	N/A	Permanently	Best practice.
List of shareholding members (I & P Societies)	N/A	N/A	Permanently	Required by Registrar of Friendly Societies.
Nursing home and residential care homes registration certificates	N/A	N/A	Permanently	Best practice.
Nursing home and residential care homes inspection reports	N/A	N/A	6 years following end of management	Limitation for legal proceedings. Reports are public documents.
4. Strategic Management				
Business plans & supporting documentation (e.g. organisation structures, aims, objectives, funding issues)	N/A	N/A	5 years after plan completion	Best practice.

Document	Statutory Retention		Recommended	Comments
	Period	Source	Retention Period	
5. Insurances				
Current and former policies	N/A	N/A	Permanently	Limitation can commence from knowledge of potential claim, not cause of it. N.B. RSL Boards must annually reaffirm formally their continuation of the Voluntary Board Members Liability Policy (automatically provided via NHF membership).
Certificates of Employers' Liability Insurance	40 years	EL(CI)R	Permanently	The Employers Liability (Compulsory Insurance) Act 1998 came into force on 1 January 1999. Authorised inspectors now have the power to require employers to provide them with a copy of both current and past certificates.
Annual Insurance schedule	N/A	N/A	6 years	Best practice.
Claims and related correspondence	N/A	N/A	2 years after settlement	Zurich Municipal recommendation.
Indemnities and guarantees	N/A	N/A	6 years after expiry	Limitation for legal proceedings. 12 years if related to land.
Group health policies	N/A	N/A	12 years after cessation of benefit	Best practice
5. Finance, Accounting & Tax Records				
Accounting records for Limited Company	3 years	CA	10 years	TMA Sec.20. may require any documents relating to tax over 6 (plus) years.
Accounting records for I & P Society or Charity	N/A	N/A	6 years	Required by Registrar of Friendly Societies and Charity Commissioner.
Balance sheets and supporting documents	N/A	N/A	6 to 10 years	Best practice. To relate to accounting records.
Loan account control reports	N/A	N/A	6 years	Best practice.

Document	Statutory Retention		Recommended	Comments
	Period	Source	Retention Period	
Social Housing Grant documentation	N/A	N/A	Permanently	Best practice.
Signed copy of report and accounts	N/A	N/A	Permanently	Best practice.
Budgets and internal financial reports	N/A	N/A	2 years	Best practice.
Tax returns and records	N/A	N/A	10 years	TMA Sec.20. may require any documents relating to tax over 6 (plus) years.
VAT records; orders and delivery notes; copy invoices; ; credit and debit notes; cash records & till rolls; journal transfer documents; creditors, debtors & cash income control accounts; VAT-related correspondence	6 years	VATA	6 years	Customs & Excise requirement for VAT registered bodies.
6. Banking Records (including Giro and BACS)				
Cheques and paying-in counterfoils; instructions to bank	N/A	N/A	6 years	Limitation for legal proceedings.
Bank statements and reconciliations	3 years	CA	6 years	Limitation for legal proceedings.
7. Contracts and Agreements:				
Contracts under seal and/or executed as deeds	N/A	N/A	12 years after completion (including any defects liability period)	Limitation for legal proceedings.
Contracts for the supply of goods or services, including professional services	N/A	N/A	6 years after completion (including any defects liability period)	Limitation for legal proceedings (12 years if related to land).
Documentation relating to small one-off purchases of goods and services, where there is no continuing maintenance or similar requirement	N/A	N/A	3 years	Best practice. Suggested limit: goods or services costing up to £10,000.

Document	Statutory Retention		Recommended	Comments
	Period	Source	Retention Period	
Loan agreements	N/A	N/A	12 years after last payment	Best practice.
Licensing agreements; rental and hire purchase agreements; indemnities and guarantees	N/A	N/A	6 years after expiry	Limitation for legal proceedings.
Documents relating to successful tender	N/A	N/A	6 years after end of contract	Best practice.
Documents relating to unsuccessful tenders	N/A	N/A	2 years after notification	Best practice.
Forms of tender	N/A	N/A	6 years	Best practice.
8. Charitable Donations				
Deeds of covenant	6 years after last payment	TMA	12 years after last payment	Limitation for legal proceedings if related to land.
Index of donations granted	N/A	N/A	6 years	Best practice.
Account documentation	3 years	CA	6 years	Best practice.
9. Application and Tenancy Records:				
Applications for accommodation	N/A	N/A	6 years after offer accepted	Best practice.
CORE data record form	N/A	N/A	None	Housing Corporation requires form to be destroyed immediately statistics have been recorded.
Housing Benefit notifications	N/A	N/A	2 years	Recommendation of Institute of Rent Officers (now merged with CloH).
Rent statements	N/A	N/A	2 years	Best practice.
Current tenants' Tenancy Files, including rent payment records, and details of any complaints and harassment cases	N/A	N/A	Indefinitely	Independent Housing Ombudsman (IHO) recommendation. For rent payment details, best practice suggests live system holds 2 years records plus current year.

Document	Statutory Retention		Recommended	Comments
	Period	Source	Retention Period	
Former tenants' Tenancy Files (other than tenancy agreements - see below), including rent payment records, and details of any complaints including racial and other harassment and RSL action taken	N/A	N/A	3 - 5 years (as judged appropriate by RSL)	IHO recommendation (but subject to DPA). 5 years is on an exception basis where the file contents are judged sufficiently important.
Former tenants' Tenancy Agreements, and details of their leaving	N/A	N/A	Permanently	IHO recommendation (but subject to DPA). Special care needed to protect individuals' confidentiality where joint tenancy replaced by single tenancy (also see below).
Care plans for children and related documents	75 years	Ch A	Permanently	Some documents may be transferred to subsequent caring agency.
Care plans for adults and related documents	N/A	N/A	Permanently	May be subject to DPA. Some documents may be transferred to subsequent caring agency.
Documentation, correspondence and information provided by other agencies relating to special needs of current tenants	N/A	N/A	While tenancy continues	Information held on 'need to know' basis. Medical and Social Services records liable to be confidential. To be returned or passed to subsequent agency at end of tenancy, or destroyed.
Records relating to offenders, ex-offenders and persons subject to cautions	N/A	N/A	While tenancy continues	Information held on 'need to know' basis. Probation and police sourced records may be confidential. To be dealt with as required by probation service and police.
10. Property Records				
Rent registrations	N/A	N/A	Permanently	Rent Officer recommendation.
Fair rent documentation	N/A	N/A	6 years	Rent Officer recommendation.
Leases and deeds of ownership	N/A	N/A	While owned	Best practice.

Document	Statutory Retention		Recommended	Comments
	Period	Source	Retention Period	
Copy of former leases	N/A	N/A	12 years after settlement of all issues	Limitation for legal action relating to land or contracts under seal.
Wayleaves, licences and easements	N/A	N/A	12 years after rights given or received cease	Limitation for legal action relating to land or contracts under seal.
Abstracts of title; planning and building control permissions; searches	N/A	N/A	12 years after interest ceases	Limitation for legal action relating to land or contracts under seal.
Property maintenance records; reports and professional opinions	N/A	N/A	6 years	Limitation for legal action .
Development documentation, disposals	N/A	N/A	12 years after settlement of all issues	Limitation for legal action relating to land or contracts under seal.
Invoices	6 years	VATA	12 years	Limitation for legal action relating to land or contracts under seal.
VAT documentation	See Finance, Accounting & Tax Records section	See Finance, Accounting & Tax Records section	See Finance, Accounting & Tax Records section	See Finance, Accounting & Tax Records section
Insurance	See Insurances section	See Insurances section	See Insurances section	See section on insurance.
11. Vehicles				
Mileage records; maintenance records, MOT tests; copy registrations	N/A	N/A	2 years after disposal	Best practice.

Document	Statutory Retention		Recommended	Comments
	Period	Source	Retention Period	
12. Employees: Tax and Social Security				
Record of taxable payments; record of tax deducted or refunded; record of earnings on which standard National Insurance Contributions payable; record of employer's and employee's National Insurance Contributions	6 years	TMA	6 years	Inland Revenue require retention of each payment for 3 years.
NIC contracted-out arrangements; copies of notices to employee (e.g. P45, P60); Inland Revenue notice of code changes, pay & tax details;	6 years	TMA	6 years	
Expense claims	N/A	N/A	6 years after audit	Best practice.
Record of sickness payments; record of maternity payments	3 years following year to which they relate	SSPR	6 years	Inland Revenue require retention of each payment for 3 years.
Income tax and NI returns	3 years following year to which they relate	IT(E)R	6 years	Best practice.
Redundancy details and record of payments & refunds	N/A	N/A	12 years	Institute of Personnel and Development (IPD) recommendation .
Inland Revenue approvals	N/A	N/A	Permanently	IPD recommendation .
Annual earnings summary	N/A	N/A	12 years	Best practice.

Document	Statutory Retention		Recommended	Comments
	Period	Source	Retention Period	
13. Employees: Pension Schemes				
Actuarial valuation reports	N/A	N/A	Permanently	IPD recommendation .
Detailed returns of pension fund contributions; annual reconciliations of fund contributions	N/A	N/A	Permanently	Best practice.
Money purchase details; qualifying service details	N/A	N/A	6 years after transfer or value taken	IPD recommendation .
Investment policies	N/A	N/A	12 years from end of benefits payable under policy	IPD recommendation .
Pensioner records	N/A	N/A	12 years after benefits cease	IPD recommendation .
Records relating to retirement benefits	6 years after year of retirement	RBS(IP)R	6 years after year of retirement	Statutory requirement.
14. Employees (Personnel Procedures):				
Terms and conditions of service, both general terms and conditions applicable to all staff, and specific terms and conditions applying to individuals	N/A	N/A	6 years after last date of currency	Limitation for legal proceedings.
Service contracts for directors (companies)	3 years	CA	6 years after directorship ceases	Best practice.
Remuneration package	N/A	N/A	6 years after last date of currency	Limitation for legal proceedings.
Former employees' Personnel Files	N/A	N/A	6 years	IPD recommendation .

Document	Statutory Retention		Recommended	Comments
	Period	Source	Retention Period	
References to be provided for former employees	N/A	N/A	20 years or until former employee reaches age 65 (whichever comes first)	Best practice.
Training programmes	N/A	N/A	6 years after completion	Best practice.
Individual training records	N/A	N/A	6 years after employment ceases	IPD recommendation .
Short lists, interview notes and related application forms	N/A	N/A	1 year	IPD recommendation .
Application forms of non-shortlisted candidates	Three months after notification	SDA & RRA	6 months	Recommendation of Commission for Racial Equality and Equal Opportunities Commission.
Time cards	N/A	N/A	2 years after audit	IPD recommendation .
Trade union agreements	N/A	N/A	10 years after ceasing to be effective	IPD recommendation .
Trust deeds, rules and minutes (for joint employee/employer sports/social clubs, etc., set up under trust); employer/employee committee minutes	N/A	N/A	Permanently	IPD recommendation .
Insurance claims	See Insurances section	See Insurances section	See Insurances section	See Insurances section.

Document	Statutory Retention		Recommended	Comments
	Period	Source	Retention Period	
15. Employees: Health and Safety				
Medical records relating to control of asbestos	40 years	CAWR	40 years	
Health and Safety assessments; records of consultations with safety representatives	N/A	N/A	Permanently	IPD recommendation .
Health and Safety policy statements	N/A	N/A	Permanently	Good practice.
Accident records, reports	3 years after date of occurrence	RIDDOR	6 years after date of occurrence	Limitation for legal proceedings.
Accident books	N/A	N/A	6 years after date of last entry	Limitation for legal proceedings.
Sickness records	N/A	N/A	6 years from end of sickness	Limitation for legal proceedings.
Health and safety statutory notices	N/A	N/A	6 years after compliance	Limitation for legal proceedings.

KEY TO STATUTORY RETENTION SOURCES

CA	-	Companies Act 1985
CAWR	-	Control of Asbestos at Work Regulations 1987
Ch A	-	Children's Act 1989
DPA	-	Data Protection Act 1998
EL(CI)R	-	Employers' Liability (Compulsory Insurance) Regulations 1998
IPSA	-	Industrial And Provident Societies Act 1965
IT(E)R	-	Income Tax (Employment) Regulations 1993
RIDDO	-	Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 1985
RBS(IP)R	-	Retirement Benefits Schemes (Information Powers) Regulations 1995
RRA	-	Race Relations Act 1976
SDA	-	Sex Discrimination Acts 1965 & 1975
SMPR	-	Statutory Maternity Pay Regulations 1982
SSPR	-	Statutory Sick Pay Regulations 1982
TMA	-	Taxes Management Act 1970
VATA	-	Value Added Tax Act 1994

FURTHER GUIDANCE

There are few sources of advice on document retention. The Housing Corporation does not have a specific view on the matter, but draws attention to Performance Standard B4, on Accountability. General guidance for companies is available from the Institute of Chartered Secretaries and Administrators (16 Park Crescent, London W1N 4AH; telephone 0171-580 4741). ICSA published 'A Short Guide to the Retention of Documents' in 1996, which includes advice on storage media and related matters, and produced an update supplement in 1997. Intercom Ltd. (Intercom House, 65-69 Coningsby Road, London W5 4HP; telephone 0181-567 2211) produced 'Business Documents - How Long do I Keep Them?' in 1996. There is no guidance specifically aimed at RSLs or indeed the not-for-profit sector.

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