



## Data Subjects Rights Procedure

**1. Purpose:** We collect, use, handle, store and share personal data fairly and legally. We will always process and protect personal data belonging to our customers in accordance with the General Data Protection Regulation (GDPR) 2018 and the Data Protection Act 2018.

Articles 12-23 of the General Data Protection Regulation (GDPR) deal with transparency and the rights of individual data subjects.

The purpose of this policy is to define what customer's data access rights are and how they can exercise them.

**2. Scope:** This procedure applies to all T&D:

- Customers;
- Colleagues;
- Board and Committee members; and
- Contractors who process personal data on Trent & Dove's behalf.

**3. Content:**

1. Your rights under GDPR legislation;
2. What do we do with personal data;
3. How do we let you know what we do with your data;
4. Exercising your data rights;
5. Things to note when making a Data Subjects Rights request;

**4. Legislative Requirements:** We will comply with all relevant laws, including:

- a) The [General Data Protection Regulations \(GDPR\) 2018](#)
- b) The Privacy and Electronic Communications Regulations (EC Directive) ('PECR')
- c) The Computer Misuse Act ('CMA')
- d) The common law duty of confidentiality, and;
- e) Any other laws and regulation relating to the protection of personal data.

The **Regulator** for Data Protection in the UK is the Information Commissioner's Office (the DP Regulator) - [www.ico.org.uk](http://www.ico.org.uk)

T&D (and all UK Registered Providers of Social Housing) are not subject to the Freedom of Information Act 2000.

**5. Links to other policies and guides:** This procedure supports Trent & Dove's Privacy Policy, a copy of which is located on Trent & Dove's website.

**6. Contact** For queries about this policy please contact T&D's Data Protection Officer (Claire Smithard) or another member of the Governance & Legal Team

**Author:** Data Protection Officer

**Owner:** Head of Governance, Legal & Compliance

**Last Review Date:** May 2018

**Next Review date:** May 2019

## 1. Your rights under GDPR legislation

The GDPR requires data controllers to be transparent about the data they collect, the way it is used, where it is shared and how long it is stored for. You can read about how we manage personal data in our [Privacy Policy](#), a copy of which can be found on the Trent & Dove website.

Under GDPR all customers and colleagues have the right to:

- **Access** (Article 15): you have the right to obtain a copy of any or all of the data we process about you, including the purpose for processing, the categories of personal data we process, any recipients of your data, and the rules for determining how long we will retain it;
- **Rectification** (Article 16): you have the right to request the correction of any inaccurate personal data held by us;
- **Erasure** (Article 17): you have the right to ensure we erase personal data that is no longer required for legal, regulatory or justified operational record-keeping purposes.
- **Restrict processing** (Article 18): you have the right to instruct us to restrict processing where the accuracy is contested, the processing is unlawful, or where the personal data and/or evidence of its processing is required by you to establish, exercise or defend legal claims.
- **Data portability** (Article 20): you have the right relating to receive your personal data in a common format to facilitate its transfer to another controller.
- **Object to processing** (Article 21): you have the right to object to processing where it is taking place on the basis of the legitimate interests of the controller, or in the performance of a task carried out in the public interest.
- **Challenge automated decision making** (Article 22): you have the right not to be subject to a decision based solely on automated processing (including profiling); and
- **Complain to the Supervisory Authority** (Article 77): you have the right to complain to the Supervisory Authority (the Information Commissioner's Office in the United Kingdom) where you believe there has been an infringement of the GDPR.

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## 2. What do we do with personal data?

### In the course of our work we may process personal data about:

- People who use our services – our Customers;
- People who work for us – our Colleagues;
- People who work with us – our Partners;
- People who we pay to deliver services on our behalf – our Contractors;
- People linked to the people who use our services – such as the friends or family members of our customers;
- People who make enquiries or complaints.

### Legally, we are only able to do this in order to:

- fulfil and support the contracts we have in place with our customers and colleagues – such as tenancy agreements and employment contracts;
- comply with legal and regulatory obligations;
- safeguard vulnerable people or protect their life or wellbeing (known as their 'vital interests');
- perform tasks that are in the public interest – such as making sure only those who are eligible are housed by us – and by making sure we have a clear basis in law to do this;
- undertake tasks that are in our legitimate interests as a Regulated Provider of Social Housing, or which are in the legitimate and lawful interests of a third party;
- undertake tasks that the data subject has given their clear, specific, freely given consent for.

These are known as our 'legal bases for processing'.

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We collect and process a range of personal data about different data subjects, including, amongst other things, their name, addresses, email address, telephone number and date of birth.

In some cases, we may process information known as **'Special Categories'** of data. Special Category data can only be processed under strict legal conditions and it includes information about:

- race/ethnic origin;
- political opinions;
- religious or philosophical or similar beliefs;
- trade union membership;
- health, including mental and physical health and the provision of health services; genetic data;
- biometric data if used for identification;
- sexual life and sexual orientation.

**Processing special categories of personal data is only lawful when:**

- the processing is necessary for carrying out obligations under employment law, social security law or social protection law;
- the processing is necessary for safeguarding an individual's vital interests (e.g. in emergency or life or death situations) and the data subject is incapable of giving consent; or
- the processing is necessary for pursuing legal claims.

If none of the above legal bases apply, then processing will be lawful if the data subject has given their explicit, clear, specific, freely given consent.

Other types of data we collect, such as **financial details**, is not legally designated Special Category data but we must treat it sensitively and confidentially.

Information relating to **criminal proceedings , offences or allegations** is subject to strict rules around processing and further details can be obtained from the Trent & Dove's Data Protection Officer.

In assessing which legal basis are relevant to the data we process we will consider, amongst other things:

- the context in which the data was collected;
- what the data subject might expect;
- the link between the processing purposes, the nature of the data, consequences and risks of the further processing and appropriate safeguards.

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### **3. How do we let people know what we do with their personal data?**

When personal data is collected directly from the data subject, we will tell them, via our Privacy Notice and at the time of the data collection, about:

- the identity and contact details of our organisation;
- the contact details of our Data Protection Officer;
- the reasons we are processing personal data, and each legal basis for the processing;
- where the legal basis is legitimate interests, we will explain those legitimate interests;
- if the data is needed for a contract or for a statutory requirement, we will explain the possible consequences of failing to provide it;
- any automated data processing and decision making, including profiling, and its possible consequences;
- anyone we will share the data with, or the types of organisations/people we will share it with;

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- if we plan to store or transfer personal data outside of the EU, the fact that this will happen, and the safeguards that are in place;
  - how long the data will be stored, or how we will decide how long we will keep the data.
  - the legal rights that data subjects have;
  - the right to withdraw consent at any time, if it has been given for the processing;
  - the right to complain to the UK's regulator, the Information Commissioner's Office.

When personal data is collected via a third party, we will also tell data subjects about:

- the categories of personal data concerned;
- the source of the personal data.

We must provide this information in writing no later than 1 month after we receive the data, unless a legal exemption applies.

**We will only process personal data for a purpose that meet a relevant legal basis in Section 3 above and which has been explained in our Privacy Notice.**

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#### 4. Exercising your data rights

**To exercise any of your data subject rights, please contact our Data Protection Officer (DPO).**

You can write to us or email our DPO with your request:

- **Write to:** Data Protection Officer, Governance & Legal Team, Trent & Dove Housing, Trinity Square, Horninglow Street, Burton-on-Trent, DE14 1BL; or
- **Email:** [Claire.smithard@trentanddove.org](mailto:Claire.smithard@trentanddove.org)

When requesting:

**Access to written data** please include:

- your full name (and requesting organisation and justification where appropriate);
- address;
- contact details;
- a date/time or date/time range for the data you seek; and
- any keywords or other information that will help us respond.

**Access to CCTV** please include:

- your full name (and requesting organisation and justification where appropriate);
- address;
- contact details;
- date(s);
- time(s);
- location(s); and
- description of expected/desired footage and/or images.

**Rectification of any data that we hold that is inaccurate** please include:

- your full name;
- address;
- contact details;
- details about the data that needs rectified; and
- any information that evidences the need for rectification or otherwise supports your request.

**Erasure of any data that we hold** please include:

- your full name;
- address;
- contact details;

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- details about the data to be erased; and
  - any information that justifies the need for erasure.

**Restriction or objection to the processing of any data that we hold** please include:

- your full name;
- address;
- contact details;
- details about why you want to restrict or object to processing; and
- any information that evidences the need for restricted processing or to stop processing or otherwise supports your request.

We do not charge for making a data access request.

We will acknowledge receipt of your request to exercise your rights promptly and will provide our response to your request without undue delay. We will respond within one month where it is possible to do so. Where it is not possible to respond on this timescale we will notify you of this, together with the reasons for the delay.

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## 5. Things to note when making a data access request

We may require proof of your identity and address – we will let you know this when we receive your request. This may involve you coming in to the office with a copy of your passport, driving licence or other form of photo ID.

When we receive your valid request – with proof of id/address if required- we will respond and provide your information within 30 calendar days at the latest.

Sometimes, a request can involve us needing to look at a large volume of data or information or gather this from various sources. If we feel your request cannot be carefully fulfilled within 30 calendar days, legislation allows us to extend the time period for a response by a further 60 calendar days – giving us 90 calendar days in total to respond to you. If we feel we need more time to fulfil your request than 30 calendar days, we will contact you to clearly give you the reasons why we feel this is the case.

You can request to see any of the information that we may hold about you, including CCTV images, but the more specific you can be about what you require, the quicker we can respond to your request. If you are requesting CCTV footage of yourself, please specify the time, date and location of the footage, and supply a clear photograph of yourself so that we can find you on the footage.

Please be aware that you are only legally entitled to ask for, and be provided with, copies of information that relate to you, and you alone. We may need to edit some information out – known as redacting – if the data you have asked for contains information about, references to or the thoughts or comments made by third-parties. This is because the law requires us to protect the privacy rights of all individuals.

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## 6. Accountability and Monitoring

We will demonstrate our compliance with legal requirements (also known as ‘accountability’), by:

- keeping records of the processing we carry out;
- having appropriate policies and ‘How To’ guides in place;
- training all our colleagues in data protection;
- having a Data Protection Officer in post; and
- carrying out regular audits and reviews of our DP activities.

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**Author:** Head of Governance, Legal & Compliance  
**Owner:** Head of Governance, Legal & Compliance

**Last Review Date:** May 2018  
**Next Review date:** May 2019