



Access to Personal Information Policy

Version 2.0

Date of Last Update April 2018

Version Control

Note: minor updates increase version number by 0.1, major updates increase version number by 1.0.

Version Number	Sections Amended	Date of update	Approved by
1.0	First issue in new template		
1.1	Annual review	4 th Feb 2014	
1.2	Review with minor changes	14 th March 2014	
2.0	Refresh for compliance with GDPR 2018	11 th April 2018	

Table of Contents

1.	Introduction and Purpose	4
2.	Access to information	4
3.	Making a Request	5
4.	Confirming your Identity	5
5.	Confirming what information you are requesting	6
6.	Locating your information	6
7.	Withholding information	6
8.	How we will provide you with your personal data	7
9.	Other rights under the Data Protection Laws.....	8
10.	Where to direct your request.....	8
11.	Responsibility.....	8
12.	Review	9

Introduction and purpose

- 1.1. Yarlington Housing Group (**Yarlington**) is committed to complying with the General Data Protection Regulation (**GDPR**), the Data Protection Act 2018 and associated legislation, as amended from time to time (**the Data Protection Laws**).
- 1.2. The Data Protection Laws give individuals whose personal data we collect, store and process rights in respect of that information. The GDPR, which comes into effect from 25th May 2018, not only creates new rights for individuals but also enshrines and strengthens some of the previous data protection rights under the Data Protection Act 1998 (**DPA**). This includes your right of access to information which we hold about you (**subject access requests**).
- 1.3. You have the right to obtain confirmation that your personal data is being processed and to be provided with details of that personal information and access to it. Details of your right of access are set out in more detail below.

2. Access to information

- 2.1. The right of access gives you the right to:
 - 2.1.1. be informed whether personal data of which you are the data subject is being processed;
 - 2.1.2. be given a description of the personal data, the purposes for which the data is being processed and the types of organisations it may be passed onto;
 - 2.1.3. where possible, be informed of the envisaged period for which the personal data will be stored, or if not possible the criteria/reasons used to determine that period;
 - 2.1.4. where applicable, be informed of the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data or to object to such processing;
 - 2.1.5. where personal data has not been collected from you directly, any available information as to its source;
 - 2.1.6. where personal data is transferred to a third country or international organisation, the appropriate safeguards in place to protect the personal data;
 - 2.1.7. be informed of the right to lodge a complaint with the Information Commissioner's Office;
 - 2.1.8. be told of the existence of any automated decision making and the logic involved in any automated decision making, including profiling, as well as the significance and any envisaged consequences for you;
 - 2.1.9. have the above information communicated in an intelligible form; and
 - 2.1.10. a copy of your personal data undergoing processing.

2.2. Yarlington will supply a copy of the requested information free of charge. However, a 'reasonable fee' can be charged (based on administrative costs) when a request is made:-

2.2.1. for further copies of the same information; or

2.2.2. which is manifestly unfounded or excessive, in particular because it is repetitive.

We may also refuse a request based on either of the above.

2.3. Where we refuse a request, we will provide you with an explanation as to why and inform you of your right to complain to the Information Commissioner's Office.

2.4. Once the request has been received, Yarlington will provide the information requested promptly and in any event within one month of receipt. There is provision to extend this by a further two months where requests are complex or numerous but if we will be extending the timeframe, we will inform you of this within the original one month timescale.

2.5. If we need to confirm your identity or the information you are requesting (both of which are set out below), the one month timeframe will not start to run until we have received the relevant information from you.

3. Making a request

3.1. Requests can be made in writing via email or letter, electronically through the 'My Yarlington' secure portal, Yarlington's Website and Facebook; - @YarlingtonHG or Twitter: - @yarlingtonhg.

3.2. Requests do not have to be made in any particular format. However, Yarlington has provided a template for completion to aid in requesting your information which can be used. This is available on the website and 'My Yarlington' portal.

4. Confirming your identity

4.1. If you make a subject access request, Yarlington must satisfy itself as to your identity prior to any disclosures of personal information. The extent of this identity check will depend on whether Yarlington has a previous relationship with you, such as through being your employer or housing provider.

4.2. In the absence of any means to conduct a simple identity check, Yarlington may ask you to provide a copy of your driving licence, passport, or other information to establish your identity. We may also ask for a recent utility bill (or equivalent) to verify your address.

4.3. Where you are making a request on behalf of someone else, Yarlington must confirm your identity and your authority to make such a request on the data subject's behalf.

4.4. If you are making a request on behalf of someone who is mentally incapacitated and is unable to make his or her own decisions or incapable of making a request for his/herself, we may request from you:

4.4.1. a copy of any Enduring or Lasting Power of Attorney showing that you have been appointed to act as the data subject's attorney; or

4.4.2. evidence that you have been appointed by the Court of Protection to manage the property and affairs of the data subject.

4.5. We will refuse the request if we cannot confirm your identity or your right to make the request if you are making it on someone else's behalf.

5. **Confirming what information you are requesting**

5.1. Where we process a large quantity of information about you, Yarlington may ask you to clarify the information or processing activities to which the request relates.

5.2. We may also ask you the reason you are making the request and although you are not obliged to provide this, it may help in identifying and supplying the information you require.

6. **Locating your information**

6.1. When you make a subject access request, Yarlington may search a number of different locations, including:

6.1.1. Hard copy files, e.g. paper files, correspondence, notes, support plans etc

6.1.2. Account information, personal information, correspondence and notes held on computer systems including Capita, BPM, DMS, payroll system and the financial accounting system

6.1.3. Emails containing information about the individual

This list is not exhaustive and other relevant sources of information will be considered according to the person making the request.

7. **Withholding information**

7.1. Information can be the personal data of more than one person, for example, where one individual gives their opinion about another, this is the personal data of both individuals.

7.2. If the third party information cannot be separated from your personal data, the general rule is that we are not obliged to disclose the information to you unless:

7.2.1. the other individual consents to the disclosure, or

7.2.2. it is reasonable in all the circumstances to supply the information without their consent.

7.3. In determining whether it is reasonable to supply information relating to a third party individual without consent, Yarlington will give due regard to:

- 7.3.1. any duty of confidentiality owed to that other individual;
- 7.3.2. the steps taken to seek consent from the individual;
- 7.3.3. whether the individual is capable of giving consent;
- 7.3.4. any express refusal of consent;
- 7.3.5. whether it is considered that disclosure of the information to you might be to the third party individual's disadvantage;
- 7.3.6. whether the third party was the source of the information (e.g. whether someone else was relaying their opinion);
- 7.3.7. whether you already know the information;
- 7.3.8. whether you have a legitimate interest in the disclosure of the third party's personal data which you have made known to us.

7.4. Before any information is disclosed Yarlington will give due regard to the sensitivity of the data.

7.5. There may be other circumstances in which we are not obliged to supply certain information. Some of the most important exemptions apply to:

- 7.5.1. crime prevention and detection;
- 7.5.2. safeguarding public security;
- 7.5.3. risks to, and the protection of, the rights and freedoms of others;
- 7.5.4. confidential references provided by us;
- 7.5.5. information used for research, historical or statistical purposes;
- 7.5.6. information covered by legal professional privilege.

If you would like further information in relation to the possible exemptions, please refer to the Data Controller (Data Protection Officer(DPO), whose contact details are set out below.

8. How we will provide you with your personal data

- 8.1.** Where you make a request electronically, we will provide the response in a commonly used electronic format.
- 8.2.** If appropriate, Yarlington may supply your personal data via the secure 'My Yarlington' portal, unless requested otherwise.
- 8.3.** Where you have agreed to review your files with a YHG Officer present, we will make your information available for review at a specified place and time, during which you can request specific copies to take away instead of being provided with the complete record.

- 8.4. The information supplied by Yarlington will always be up-to-date as at the time of the request. Any routine processing will continue between the time of the request and the time of the response and this will not be reflected in the information you are provided with.

9. Other rights under the Data Protection Laws

- 9.1. In addition to the right to make a subject access request, you also have the following rights:
- 9.1.1. the right to rectification / correction of inaccurate or incomplete personal data;
 - 9.1.2. the right to erasure of your personal data in certain situations;
 - 9.1.3. the right to restrict the processing of your personal data in certain situations;
 - 9.1.4. the right to object to the processing of your personal data in certain situations; and
 - 9.1.5. the right to receive your personal data or have your personal data transmitted to another party, in a structured, commonly used and machine-readable format.
- 9.2. Where Yarlington has a legitimate or lawful basis not to comply with one of the above rights, we will provide an explanation as to the reasons for this.

10. Where to direct your request

- 10.1. All subject access requests will be processed by Yarlington's Data Controller (DPO).
- 10.2. Our Data Controller (DPO) is responsible for overseeing what we do with your information and monitoring our compliance with the Data Protection Laws.
- 10.3. If you have any concerns or questions about our use of your personal data or about how to access your personal data, you can contact our Data Controller (DPO) at [GDPR@yhg.co.uk].

11. Responsibility

- 11.1. The responsibility for the successful implementation of this policy sits with all individuals who use personal data on behalf of Yarlington, including employees, involved residents and Board members of Yarlington Housing Group itself and our affiliated companies such as Yarlington Homes Limited, Yarlington Property Management, and Inspired to Achieve and subcontractors.
- 11.2. Subject access requests should be directed to the Data Controller (DPO) and Business Assurance Team, who will monitor and liaise in the collation of the necessary data in conjunction with any appropriate departments across the business and in conjunction with anybody processing personal data on behalf of Yarlington (i.e. sub-contractors etc).

12. Review

- 12.1.** This policy will be reviewed on an annual basis (and in conjunction with any changes to the Data Protection Laws).