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**Title:** **Data Protection - Group Policy**

**Business Function:** **All Functions across Sanctuary Group**

**Authors:** **Legal Services**

**Authorised by:** **Executive Committee**

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**Sanctuary Group:**  
Sanctuary Group is a trading name of Sanctuary Housing Association,  
an exempt charity, and all of its subsidiaries.

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## 1. Policy statement

- 1.1 Sanctuary Group (the Group) must collect and use personal information about the people with whom it works in order to operate efficiently and effectively in the provision of high quality services to its customers, whilst meeting its obligations to comply with regulatory and legal requirements, specifically data protection legislation including the [Data Protection Act 2018](#) and the [General Data Protection Regulation \(EU\) 2016/679](#) together the Data Protection Laws). The Group's customers include current and past service users, current, past and prospective employees, clients and customers, suppliers and any other persons acting on behalf of the Group.
- 1.2 The purpose of this policy is to support all staff in complying with the obligations of the Data Protection Laws and to ensure that the Group maintains good practices in relation to data protection.
- 1.3 The Group does all that it can to ensure staff who record personal data do so on a factual and impartial basis, and that terminology used could not cause offence in future disclosures.
- 1.4 Such personal information, however it is collected, recorded and used, must be handled and dealt with in a proper and appropriate manner to ensure compliance with the Data Protection Laws, thereby safeguarding the data the Group holds on individuals. Information may be held on paper, in computer records or recorded by any other means, and there are measures in place to ensure that personal data is kept secure at all times against unauthorised use or unlawful loss or disclosure.
- 1.5 The Group is fully committed to operating within the requirements of the Data Protection Laws and has developed its policies and procedures to ensure that all personal data is handled in compliance with the Data Protection Laws and to ensure that all service users, staff and contractors are fully aware of and comply with their duties under the Data Protection Laws. In addition, everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice.
- 1.6 It is vital that all staff involved in the managing and handling of personal information are appropriately trained and supervised. It is important that staff recognise that they as individuals are also responsible under the Data Protection Laws and can be personally liable for any breaches. Such breaches are likely to result in disciplinary action.

- 1.7 Any queries about the handling of personal information and requests from individuals for their personal data must be dealt with promptly and courteously by Group staff. Data sharing, and data disclosure must generally be carried out under a written agreement that sets out the scope and limits of the sharing / disclosure compliant with this policy and its procedure. Data sharing without a written agreement in place must only be done where there is a clear lawful mechanism to do so under the Data Protection Laws (for example, a disclosure of information to the Police for the purposes of a criminal investigation). If there is uncertainty about whether information can be lawfully shared or disclosed, Legal Services must be consulted before any data is shared.
- 1.8 The [Freedom of Information Act 2000](#) (FOIA) and the [Freedom of Information \(Scotland\) Act 2002](#) (FOISA) give individuals the right to access public records held by public authorities. Currently, the Group is not deemed to be a public authority in England and Wales, as defined in the FOIA, and accordingly is not governed by this Act.
- 1.9 With effect from 11 November 2019 Sanctuary Scotland Housing Association Limited and its subsidiaries (Sanctuary Scotland) now fall within the scope of the FOISA when carrying out regulated housing activities. Sanctuary Scotland's social housing activities are therefore subject to this Act, but the Group's care and student operations in Scotland are currently outside of its scope. Sanctuary Scotland's [Freedom of Information Publication Scheme](#) provides further information about how Sanctuary Scotland complies with its obligations under the FOISA.

## 2. Roles and responsibilities

- 2.1 Directors (or equivalent) are responsible for ensuring adoption of, and adherence to, this policy and its associated procedures relevant to their operation.
- 2.2 This policy applies to all staff within the Group. All staff are responsible for reading and complying with this policy and its procedure when dealing with personal data.
- 2.3 All staff have a Designated Officer for data protection within their business area/region. The Designated Officer is responsible for promoting key data protection principles, ensuring staff comply with the policy and procedure and supporting staff with data protection queries. This includes regularly assessing within their business area/region:
- appropriate staff training;
  - methods of handling and retaining personal information;
  - requests from individuals to assert their data rights;
  - data breaches; and
  - staff performance when handling personal information.

2.4 The Data Protection team comprises the following functions (as appropriate):

- Data Protection Officer
- Legal Services
- Information Systems
- Human Resources
- Corporate Risk
- Insurance Services
- Communications.

2.5 The Data Protection team is responsible for investigating data breaches or suspected breaches and taking any required action (or instructing operational teams to do so where appropriate) to ensure adequate safeguards are implemented to reduce the likelihood of similar breaches occurring again.

2.6 The Data Protection Officer is responsible for determining whether or not a data breach is reportable and, where it is a reportable breach, reporting fully to the Information Commissioner's Office (ICO). The Data Protection Officer is also responsible for maintaining the Group's Registers of Data Breaches and Individual Rights Requests, and for monitoring compliance with the handling of such requests, in accordance with the Data Protection Laws. The Data Protection Officer has direct access to the Group Board of Directors and reports directly into the Group Chief Executive on data protection matters.

2.7 All contractors and persons working on behalf of the Group must:

- ensure that they and all of their staff who have access to personal data held or processed on behalf of the Group, are aware of the data protection requirements and are fully trained in and aware of their duties and responsibilities under the Data Protection Laws. This must be provided for in the written agreement between the Group and that individual/company. Any breach of the Data Protection Laws would therefore be a breach of that written agreement; and
- abide by the requirements of the Data Protection Laws with regard to personal information supplied by the Group.

### 3. References and sources

- [Data Protection Act 2018](#)
- [General Data Protection Regulation](#)
- [Privacy and Electronic Communications Regulations 2003](#)
- [Regulation of Investigatory Powers Act 2000 \(RIPA\)](#)
- [Telecommunications \(Lawful Business Practice\) \(Interception of Communications\) Regulation 2000 \(LBP Regulations\)](#)
- [Telecommunications \(Data Protection and Privacy\) Regulations 1999](#)
- [Human Rights Act 1998](#)
- [Freedom of Information \(Scotland\) Act 2002](#)
- [Freedom of Information - Sanctuary Scotland's Publication Scheme](#)
- [Archiving - Group Policy and Procedure](#)
- [Closed Circuit Television \(CCTV\) - Group Policy and Procedure](#)
- [Disciplinary - Group Procedure](#)
- [Homeworking - Group Procedure](#)

- [Acceptable Usage - Group Policy and Procedure](#)
- [Information Security - Group Policy and Management System Manual](#)
- [Content and Records Management - Group Policy and Procedure](#)
- [Tenancy Management - Housing Policy and Procedure](#)

#### **4. Impact on diversity**

- 4.1 This policy applies to all functions across the Group and is therefore relevant to all staff.
- 4.2 The Group demonstrates its commitment to diversity and promoting equality by ensuring that this policy is applied in a manner that is fair to all sections of the community, with due regard to the protected characteristics identified under the [Equality Act 2010](#) and in accordance with its '[Fairness for All](#)' Single Equality Scheme.

#### **5. External consultation**

- 5.1 There is no requirement for external consultation on this policy as it relates to the internal procedures for complying with data protection, the requirements for which are driven by legislation.

#### **6. Monitoring and compliance**

- 6.1 This policy is relevant Groupwide and ongoing compliance will be ensured by a close working relationship between Legal Services, the Data Protection Officer and Designated Officers across the Group's operations and functions. Designated Officers will be updated regularly in the form of ad-hoc updates driven by legislative changes or communications from the Information Commissioner's Office, and a biannual Designated Officer's forum.
- 6.2 Period of review
- 6.2.1 Until a new policy is formally adopted this document will remain in force and operational.
- 6.2.2 This policy will be reviewed in accordance with the policy review programme agreed by Executive Committee.
- 6.2.3 If there are significant changes to legislation or regulation or there are found to be deficiencies or failures in this policy, as a result of complaints or findings from any independent organisations, the Data Protection Officer or Group Director - Corporate Services will initiate an immediate review.
- 6.2.4 Where appropriate, key stakeholders and interested parties will be consulted as part of any review of this policy.

#### **7. Approval**

- 7.1 This policy is approved by Sanctuary Group's Executive Committee.

## 8. Operational arrangements

- 8.1 This policy is accompanied by the [Data Protection - Group Procedure](#) and supporting documentation and appendices, which are available on Solis.