

**Requirement 4A**  
**General Data Protection Regulation**  
**Individual rights (data subjects)**

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**Rights of the data subjects**

Under the General Data Protection Regulation (GDPR) an individual(s) (data subject(s)) have eight rights. Futures Housing Group (FHG) as a data controller will comply with these rights. Some of the rights are similar to the existing rights under the Data Protection Act 1998 (DPA), however some are new or amended. The key issue for FHG is to ensure all staff members understand their right and ensure in their role they abide by our customers (e.g. tenants leaseholders, freeholders, members of the public etc.) rights. The rights which come into force on 25 May 2018 are:

## **1. Right to be informed**

- 1.1. This can be a verbal and written statement which will normally be supplied at the start of our relationship with the individual(s), but it can be supplied as our relationship develops and our processing operations change and where we are required to re-inform individuals of changes. We will provide this information free of charge and in a manner which is easily understood. It will detail the types and categories of information we will obtain and use. We shall inform individuals(s) in an open and transparent manner. We will inform individuals(s) what FHG as a data controller intends to do with their information and what third party suppliers (data processor) we engage to carry out functions on our behalf. We will receive information from individual(s) about themselves and/or about others (e.g. occupants in the household). Therefore, we have obligations to ensure the privacy notice / privacy statement is readily available to everyone. Where we collect information about other individual(s) as part of our lettings process we will inform the primary tenant and it will be their obligation to inform others of our privacy notice / privacy statement. Where we receive information about another individual(s) in relation to anti-social behaviour, FHG will ensure the applicable privacy notice / privacy statement is supplied in the appropriate manner. Our privacy notice / privacy statement will detail:
- 1.1.1 FHG identity and contact details as the data controller.
  - 1.1.2 Identity of FHG third party supplier(s) as data processors.
  - 1.1.3 The lawful grounds we will rely on to process personal and special categories of information.
  - 1.1.4 Name of the Mandatory Data Protection Officer.
  - 1.1.5 The purpose of why we are collecting, using, and sharing their data.

- 1.1.6 How long we will retain their data by directing them to our published retention schedule.
  - 1.1.7 The rights of an individual(s).
  - 1.1.8 Where we intend to transfer information outside the EU.
- 1.2 Our privacy notice(s) will be written in a clear format to enable individuals to understand who we and our representatives (third party / data processors) are and how we will obtain, use, share, retain and secure the individual(s) personal and special categories of information. Where we are supporting or delivering services to young people (aged 17 and below) we will ensure the privacy notice(s) are written in a format which allows the young person/child to fully understand how we will use their information and how they can exercise their rights.

## 2. Right to access

- 2.1 An individual has a right to know their data is being held by FHG either as they have supplied this information and/or we have obtained this information from a third party (person and/or organisation). This allows individual(s) to be aware and verify the lawfulness of the processing of their information. Individual(s) are entitled to personal and special categories of information where they are the focus and where their personal identifiable information is processed. Individual(s) have a right to request a copy of their information and supplementary information this is called a **Subject Access Request**. FHG will have to satisfy themselves of the identity of the individual(s) before releasing any information. We can reasonably request further information if we hold and process a large volume of information from the individual(s) is the focus. FHG as a data controller:
- 2.1.1 Confirm if their information is being processed.
  - 2.1.2 Detail the purpose of the processing.
  - 2.1.3 Explain the categories of personal data concerned.
  - 2.1.4 Who the recipients to whom the personal or special category of information has been or will be disclosed, in particular recipients in third countries or international organisations.
  - 2.1.5 Where possible, the envisaged period for which the personal or special categories of information will be stored, or, if not possible, the criteria used to determine that period.
  - 2.1.6 Shall inform on the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing
  - 2.1.7 How they can lodge a complaint with a supervisory authority (e.g. ICO).
  - 2.1.8 Where the personal or special categories of information are not collected from the data subject, any available information as to the source of the information (if allowed by law).
  - 2.1.9 The existence of automated decision-making, including profiling, meaningful information about the logic involved, as well as the significance and envisaged consequences of such processing for the individual(s).

- 2.1.10 If their personal or special categories of information are transferred to a third country or international organisation we will inform the individual(s) how we have taken appropriate safeguards to protect the information.
- 2.2 FHG will apply applicable legal exemptions where the law states the individual(s) are not entitled to receive the information. For example, the information:
- Pertains to another person.
  - Exempt as it relates and is authored by law enforcement, social and/or health care agencies.
  - Protected by legal privilege.
  - Crime and taxation.
  - Regulatory functions.
  - The individual has already received the information.
- 2.3 The request can be received by any means (e.g. email, social media and/or by telephone/SMS text message). We have an on-line form on our website enquiry page, as an option to make a request. The disclosure pack of information has to be supplied **within a month** of the FHG receiving a request for the information. This can be extended by a **further two months** where the request is seen to be complex or numerous.
- 2.4 Where the request is made electronically then a similar mechanism will be used to supply the information unless the individual(s) indicates otherwise.
- 2.5 FHG will provide a copy of the personal and special categories of information free of charge. However, we will make a 'reasonable' charge when a request is manifestly unfounded, excessive and repetitive. We will provide personal or special categories of information where required by law and how the information is processed. Where further copies personal or special categories of information are requested by the individual(s), (data subjects), FHG as a data controller will make an administrative charge which will include resources and costs to replicate (e.g. photocopying) the information.

### 3. Right to rectification

- 3.1 If the personal and special categories of information is being held about an individual(s) is found to be inaccurate or incomplete, the individual has the right to ask FHG to correct/amend/update this information. This extends to information that is inaccurate or incomplete.
- 3.2 If the personal and special categories of information have been shared or disclosed to recipients, FHG will be required to contact each of these recipients and inform them of the rectification. This would not apply if it assessed and recorded that it would prove impossible or involves disproportionate effort.

- 3.3 If the individual(s) ask, FHG will be legally obligated to inform the individual(s) of the identity of these recipients' and that we have or have not informed them of the corrections /amendments and reasons why we have not 'informed'.
- 3.4 Where FHG are not agreeing with the request for rectification we will write to the individual(s), informing the reasons why and explain their right to complain and direct them to the Supervisory Authority (e.g. ICO) and/or to a judicial remedy.
- 3.5 All rectification requests received will be complied within one month and this may be extended by two months where the request for rectification is complex.

#### **4. Right to erasure (right to be forgotten)**

- 4.1 There are specific rights to erasure and right to be forgotten; the right to erasure does not provide an absolute right 'to be forgotten'. Specific circumstances apply:
- The data is no longer being processed for the purposes it was originally collected for.
  - The data subject has removed their consent.
  - The data subject has objected to their data being processed and there is no gateway available to continue processing the data.
  - The data was unlawfully processed.
  - The data has to be deleted in order to comply with a legal obligation.
  - The data is that of a child and the data controller is offering information society services.
- 4.2 It is important to note as an employee of FHG delivering services or as an employee (data subject) this right is limited to processing that causes unwarranted and substantial damage and distress. It is the individual(s) obligation to demonstrate this to the data controller (e.g. FHG). There are some circumstances where FHG can refuse to deal with a request, such as:
- Where we are exercising the right of freedom of expression and information.
  - To comply with a legal obligation for the performance of a public interest task or exercise of official authority.
  - For public health purposes, in the public interest.
  - Archiving purposes in the public interest, scientific research historical research or statistical purposes, or
  - The exercise of defence of legal claims.
- 4.3 This right would likely be used if an individual(s) feel FHG are excessively holding out of date information as the retention period has expired and/or the individual(s) believe the information is incorrect or no longer relevant and therefore is causing them damage or distress.
- 4.4 There are further obligations when a request to erase information pertaining to a child, the need to put extra protections around this data (e.g. online environments) is paramount. If a

request is made regardless of the age at the time of the request action has to be taken in regards to this request. The child may not have understood why, how, when and what will happen to their information and any risks connected to the use of their information.

- 4.5 Again FHG will have to inform any recipient they have passed the information to, to take the necessary actions to erase the information. This includes information societies (e.g. search engines or social media sites). But we will consider retaining the information if it for a legal obligation, performance of a contract, performance a task carried out in the public interest or the function of our official authority. Included in these areas is the requirement to retain on the grounds of public interest, health, archiving scientific or historical research or statistical purposes and in the defence of legal claims.

## **5. Right to restrict processing**

- 5.1 An individual has the right to ask FHG to stop processing their personal or special categories of information, in certain circumstances we will be obligated to comply with a request if the individual believes the information is inaccurate, in these circumstances and where appropriate the processing of this information should be suspended until the accuracy of the information is verified.
- 5.2 If FHG believe the processing of the individual(s) personal or special categories of information is in the public interest or legitimate grounds and the individual is disputing the processing then FHG may need to validate and record the basis for processing is correct. The will form part of our privacy notice/statement which will inform individuals when they have a right to restrict/object to the processing of their information and when they do not. In the main an individual has a right to ask FHG as a data controller to cease processing their information. The types of circumstance this would apply would if the individual believes:
- 5.2.1 The information FHG holds is inaccurate and based on this the individuals believes FHG may make the wrong decisions due to this inaccuracy. In these cases an organisational decision will be made with the DP Office if the processing of this information is suspended until such time a decision is made and recorded on the objection/restriction of processing the individual(s) information.
- 5.2.2 Holding information on an individual(s) for longer than is necessary, FHG will consider if they need to retain this under the grounds of a legitimate interests of FHG as the data controller and/or if FHG rights override that of the individual. It could also be FHG no longer need to retain the information but the individual requires the information to establish, exercise or defend a legal claim (e.g. CCTV footage).
- 5.3 If the processing is found to be unlawful, the individual(s) could ask the FHG as the data controller to cease processing rather than having the data destroyed.

- 5.4 A formal response will be supplied to the individual(s) detailing the assessment carried out upon receipt of the objection/restriction to process data and FHG will supply a documents outcome.
- 5.5 Again if data has been passed on to a third party, they need to be informed to cease processing the data, while any investigation is being carried out, or until a decision is made to continue/not to continue the processing.

## 6. Right to data portability

- 6.1 This right gives the individual(s) the opportunity to obtain, reuse and/or request their personal and special categories of information for their own purposes across different services. For example:
- Move, copy or transfer information from one IT environment to another in a safe and secure manner, without interruption of the usability regarding the information.
  - Using information from utility or energy supplier to another to obtain a better deal.
  - Moving information between banking establishments (midata). This is when an individual can gain access to their account, transactional data to compare price on comparison websites.
- 6.2 This right can only be used where the processing is based on the consent or performance of a contract and the processing is carried out by automated means. FHG is obligated to respond within one month of receiving a request. It can be extended to two months if the request is complex or FHG receive a number of requests. If the request is deemed valid FHG will supply information in a structured, commonly used and machine readable form.

## 7. Right to object

- 7.1 This right allows an individual(s) to object to how their data is processed and FHG as a data controller will be required to agree and stop processing the information and/or respond and justify why we as the data controller will continue to process the data. FHG may cease processing the information if it allows us to continue to deliver a service and/or product. If it does not allow this and the service is delivered under a performance of contract, legal or regulatory obligation, vital interests, to defend legal claims and/or for the purposes our data controller legitimate interests. We will inform individuals at the first point of contact (privacy notice/statement). It will be a 'stand' alone statement to it is clear and transparent informing them how they can object on line.
- 7.2 The individual must have an objection on the grounds relating to their particular situation. Where we are conduction research for the purposes of a public interest task, we will not be

obligated to comply with an objection. Rights related to automated decision making including profiling.

## 8. Automated decision making

- 8.1 The processing of an individual's information solely carried out by automated means and without human involvement and that includes profiling (evaluate certain things about an individual) means FHG will apply procedures. These procedures will detail we will only carry out this function where:
- The decision is necessary for the entry into or performance of a contract;
  - Authorised by law; or
  - Based on affirmative consent of the individual(s).
- 8.2 We will identify whether any of our intended processing falls under automated decision processing operations in our privacy notice/statement. We shall detail how the information will be processed, where human intervention will be applied and where it will not. Where and how we will carry out checks to ensure the system(s) are working correctly. We shall ensure proper safeguards are in place to protect individuals' rights and that of FHG as a data controller.
- 8.3 FHG will carry out data protection impact assessments when considering using automated decision making systems.