

# **ARK Housing Association Ltd GDPR Fair Processing Notice**

## **(How we use your personal information)**

This notice explains what information we collect, when we collect it and how we use this. During the course of our activities we will process personal data (which may be held on paper, electronically, or otherwise) about you and we recognise the need to treat it in an appropriate and lawful manner. The purpose of this notice is to make you aware of how we will handle your information.

### **Who are we?**

We are ARK Housing Association Ltd, a Scottish Charity (Scottish Charity Number SC015694) and a registered society under the Co-operative and Community Benefit Societies Act 2014 (Registered Number 1899RS). Our Registered Office is at The Priory, Canaan Lane, Edinburgh EH10 4SG. We take the issue of security and data protection very seriously and we strictly follow the guidelines published in the Data Protection Act of 2018 and the General Data Protection Regulation (EU) 2016/679 (together with any UK laws later introduced).

We are notified as a Data Controller with the Office of the Information Commissioner under registration number Z9714372, and we are the data controller of any personal data that you provide to us.

Any questions about this notice and our privacy practices should be sent to our Data Protection Officer at [dataprotection@arkha.org.uk](mailto:dataprotection@arkha.org.uk) or Data Protection Officer, The Priory, Canaan Lane, Edinburgh EH10 4SG/ 0131 447 9027.

### **How we collect information from you and what information we collect**

We collect information about you:

- When you ask for a care and support service from us, or another person or organisation (such as a council or legal representative) asks for a service on your behalf, or when you otherwise provide us with information about you;

- When other people or organisations involved in your life (such as family members, social workers, legal representatives, other support providers, landlords, health professionals, or advocacy services) provide us with information about you;
- When you apply to become a member;
- When you contact us by email, either through our website or directly, or by post, to request a service, e.g. to report any issues about your service from us, or to make a complaint;
- From your arrangements, or the arrangements of those acting on your behalf, to make payment to us (such as bank details, payment card numbers, employment details, benefit entitlement and any other income or expenditure related information); and
- When you tell us how you feel about our services by completing our surveys and questionnaires.

We collect the following information about you, where it is relevant to the support that we provide to you:

- Your name, previous names and gender;
- Your photograph;
- Your address, previous address, and forwarding address (if you take and then end a service with us);
- Your telephone number(s);
- Your e-mail address;
- Your signature;
- Your National Insurance number, Passport number, and Driving Licence number;
- Your financial information, such as your bank details;
- Your benefits information;
- Details of people involved in your life, such as your family members, friends, carers, Social Workers, Health Professionals, advocates, landlords, etc.
- Copies of relevant legal orders or documents such as Guardianship and Intervention Orders, Powers of Attorney, and Section 47 medical certificates;
- Information about offences which are relevant to the service which we provide, such as Antisocial Behaviour Orders, and MAPPA Orders;
- Your health information, such as your diagnosis (e.g. learning disability), mental health, physical disabilities or conditions, details of your prescribed medications, illnesses, pregnancy, NHS number, and Hospital Passport;

- Information about your race, ethnic origin, religion, immigration status, politics, sexual orientation and sex life;
- Information from your identification documents, such as your Passport, Birth Certificate, Driving Licence or Marriage Certificate (e.g. to support you to plan a holiday or to make an application);
- If you receive a housing service from ARK or another landlord, relevant information about your tenancy; and
- Photographs and/ or videos of you if you attend ARK events and agree to this.

We receive the following information from other people, where it is relevant to the support that we provide to you:

- Information about your care and support;
- Information about your finances, including benefits information;
- Information about your health;
- Information about any relevant legal orders in place to support you;
- Information about your housing arrangements;
- Payments made by you to us; and
- Details of concerns raised about you or your support.

### **Why we need this information about you and how it will be used**

We need your information and will use your information:

- To meet our obligations and duties to you (such as to support you with your health, finances, relationships and activities), following the terms of our contract with you (or our contract with the relevant council on your behalf);
- In connection with the last point, to develop, review and maintain relevant support planning materials, including 'Good Life support plans', risk assessments and support reviews;
- To meet our legal obligations by providing information to the Police and Antisocial Behaviour Services, when we are asked to do this;
- To help us to review and improve the service we provide to you, e.g. by sending you newsletters and surveys, according to ARK's legitimate interests, unless you tell us that you do not want to receive these;

- To give you information that you ask for;
- To respond to any complaints you make or are made on your behalf;
- To meet our regulatory and legal obligations, such as reporting information to the Care Inspectorate, Scottish Social Services Council, Adult Support and Protection, Scottish Public Services Ombudsman, Health and Safety Executive, and Duty of Candour;
- To use the information we collect to help us to run and develop our business and the services we offer;
- To contact you to send you information about our services and details of any changes to our services which may affect you;
- For all other purposes consistent with the proper performance of our operations and business; and
- To contact you for your views on our products and services.

Some of the personal data that we process about you is called 'special category data'. This type of data is more sensitive, and therefore needs more protection. We process special data about your health and your gender. Where relevant to your support, we may also process information about your race, ethnic origin, religion, immigration status, politics, sexual orientation and sex life. We process this data when it is needed for us to provide you with a social care and support service.

### **Sharing of Your Information**

We will treat the information you provide to us as confidential. Our employees will only process your personal data within the UK/EEA, subject to the comments in the 'Transfers outside the UK and Europe' section below. We may share your information with other people or organisations who act for us for the reasons set out in this notice or for reasons approved by you, including the following:

- With a legal representative acting on your behalf, according to their powers;
- If you ask any other person to act for you, such as a family member or advocacy worker;
- If you become an ARK service user, with our bank/ ALLPAY/ WORLDPAY/ Local Authorities and benefits agencies;
- With the Local Authority which commissions and/ or oversees your support service;

- Information about your care and support, activities and health, with relevant carers (including other service providers), friends or family members. This is so we can provide the best service possible to you, according to our legitimate interests, unless you tell us that you don't want us to share this information;
- If you receive support to manage your health, with the relevant health professionals who provide a service to you;
- If you ask for our support to make an application for benefits, or if we become your Corporate Appointee for benefits, with the relevant benefits agency or agencies;
- If we need to open an In Trust bank account with our bank, to support you to manage your finances, with our bank;
- If we are required by law to provide information, with the relevant solicitor, Sheriff Officer, or the Police, as appropriate;
- If we enter into a joint venture with or merge with another business entity, your information may be disclosed to our new business partners or owners;
- If we support you with your housing or maintaining your tenancy, with your landlord, people you live with, utility companies, and with any relevant contractors hired by your landlord to provide you with a service in your home;
- If we need to conduct an investigation, for example about a complaint, Health and Safety related incident, whistleblowing or disciplinary action etc. information may be given to the Scottish Public Services Ombudsman, Police Scotland, Local Authority departments, the Care Inspectorate, Scottish Social Services Council, Scottish Fire & Rescue Service, the Health and Safety Executive, and others involved, whether investigating or otherwise;
- If we need to instruct an agency to provide staff to support us to deliver your service, with the relevant agency or agencies;
- If we need to archive any of the records relating to your support, during the period that we are providing a service to you, with the organisation which provides archiving services on our behalf;
- With the relevant regulators and auditors who ask us to disclose information to them about the services we provide to you;
- If we are investigating payments made or otherwise, your information may be given to payment processors, such as the Local Authority and the Department of Work & Pensions; and
- If we are conducting a survey of our products and/ or service, your information may be given to people assisting in the compilation and analysis of the survey results.

Unless required to do so by law, we will not otherwise share, sell or distribute any of the information you provide to us without your agreement.

### **Transfers outside the UK and Europe**

We may transfer your information outside the UK and/ or EEA either by email, or to software service providers (such as SurveyMonkey in relation to our surveys). In these circumstances, data may be stored in countries where data protection laws do not provide the same level of protection as those in the European Economic Area, such as the USA.

We will only share your personal data with email or software providers who transfer your personal information outside the EEA, where either the transfer is to a country which the EU Commission has decided (subject to relevant conditions) ensures an adequate level of protection for your personal information, or where the service provider itself has confirmed that its processing is compliant with UK Data Protection laws.

### **Security**

When you give us information we take steps to make sure that your personal information is kept secure and safe.

- We will only store relevant information according to the following policies, copies of which are available upon request
  - Privacy policy; and
  - Email, Internet & ICT Policy.

### **How long we will keep your information**

We review our data retention periods regularly and we will only hold your personal data for as long as is necessary for the relevant activity, or as required by law (we may be legally required to hold some types of information), or as set out in any relevant contract we have with you. We will generally keep your information for the following minimum periods:

<b>Item</b>	<b>Retention Period</b>
Service file- Residential Home/ Home Care/ Housing Support Services- major records such as strategy, planning, monitoring, register of admissions and discharges, visitors books, meetings,	6 years from current

correspondence	
Service file- Residential Home/ Home Care/ Housing Support Service management records- minor records	2 years from current
Notification records from a residential home/home care/ Housing Support service to the Scottish Commission for the Regulation of Care- e.g. Death of service user, details of medication administered to service user without their consent (or the consent of people authorised to consent on their behalf), the appointment of a manager for a home care service, proposed absence of a manager of a home care service for a continuous period of 28 days or more , proposed changes to the management of a home care service	3 years from current
Case file – client- Records documenting the preparation, review and revision of a 'personal plan' for a service user, financial transactions undertaken for a service user; administration of medicines to a service user;  Liaison with social workers regarding the type of care being provided to a service user or problems with providing home care.	Either: 5 years from termination of service provision (e.g. termination of contract) or 3 years from death of service user
Records of incidents which require to be reported in terms of the organisational Duty of Candour.	Either: 5 years from termination of service provision (e.g. termination of contract) or 3 years from death of service user
Complaint Records	5 years (from final reply)
Incident reports (including accidents)	10 years from incident date

after which this will be destroyed if it is no longer required for the reasons it was obtained.

Our full retention schedule is available on request.

### **Your Rights**

You have the right at any time to:

- ask for a copy of the information about you held by us in our records;
- require us to correct any inaccuracies in your information;
- make a request to us to delete what personal data of your we hold; and
- object to receiving any marketing communications from us.

If you would like to use any of your rights listed above, or if you have any questions about this notice or about how ARK use your personal data, please contact ARK's Data Protection Officer:

Data Protection Officer  
ARK Housing Association Ltd  
The Priory, Canaan Lane  
Edinburgh, EH10 4SG  
Telephone: 0131 447 9027  
Email: [dataprotection@arkha.org.uk](mailto:dataprotection@arkha.org.uk)

You also have the right to complain to the Information Commissioner's Office about how we use your information. The Information Commissioner's contact details are noted below:

The Information Commissioner's Office – Scotland  
45 Melville Street, Edinburgh, EH3 7HL  
Telephone: 0131 244 9001  
Email: [Scotland@ico.org.uk](mailto:Scotland@ico.org.uk)

It is very important to us that the information we hold about you is accurate - please help us keep our records up to date by telling us about any changes to your email address and other contact details.