

Ark Housing Association Ltd Privacy Notice for Supported People

How we use your personal data

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.

This privacy notice is for supported people. Separate privacy notices are available for housing applicants, tenants, visitors to our website and premises, job applicants, contractors and suppliers, Employees and our Management Board members.

Who are we?

We are Ark Housing Association Ltd, a Scottish Charity (Scottish Charity Number SC015694), a registered society under the Co-operative and Community Benefit Societies Act 2014 with Registered Number 1899RS and having our Registered Office at The Priory, Canaan Lane, Edinburgh EH10 4SG. Ark takes the issue of security and data protection very seriously and strictly adhere to guidelines published in the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR), together with any domestic laws subsequently enacted.

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 relating to this notice and our privacy practices should be sent to either:

Our Data Protection Lead Officer dataprotection@arkha.org.uk, 0131 447 9027 The Priory, Canaan Lane, Edinburgh EH10 4SG

Our Data Protection Officer info@rgdp.co.uk 07741 738842 / 0131 222 3239RGDP LLP Level 2, One Edinburgh Quay 133 Fountainbridge, Edinburgh EH3 9QG

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

The information we collect includes:

- 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.
- When your images and audio are captured on our CCTV systems

We receive the following information from third parties:

- 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 the legal bases for processing

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

When we use your information, we are required to have a lawful basis to do so. The lawful bases we may rely on include:

- **Consent:** where you have given us clear consent for us to process your personal information for a specific purpose. This will only apply in limited circumstances where we have clearly asked for your consent;
- **Contract:** where our use of your personal information is necessary for a contract we have with you, or because you have asked us to take specific steps before entering into a contract. This includes where you apply for housing and in order to enter into and perform your tenancy agreement;
- **Legal obligation:** where our use of your personal information is necessary for us to comply with the law. This includes our regulatory obligations, such as those imposed on us by the Scottish Housing Regulator;
- **Vital interests:** where our use of your personal information is necessary to protect you or someone else's life;
- **Public task:** where our use of your personal information is necessary for us to perform a task in the public interest or for our official functions and the task or function has a clear basis in law. This may apply to our public functions as a registered social landlord; and
- **Legitimate interests:** where our use of your personal information is necessary for our legitimate interests or the legitimate interests of a third party (unless there is a good reason to protect your personal information which overrides our legitimate interests).

Some of the personal data that we process in relation to you is called 'special category personal data'. This type of data is more sensitive and therefore needs more protection including an additional legal basis. We process special category data, as relevant, in relation to gender, health and ethnic origin. We process this data so that we can provide our housing service in accordance with the substantial public interest involved in our work as a Registered Social Landlord.

Sharing of Your Information

The information you provide to us will be treated by us as confidential and will be processed only by our employees within the UK, subject to the comments in the 'Transfers outside the UK' section below. We may disclose your information to other third parties if we are required to by law or if they who act for us for the purposes set out in this notice or for other purposes 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 consent.

Transfers outside the UK

When required, eg, if we need to contact you or your representative outside the UK, we may transfer your information as follows:

- To EU/EEA countries or countries which have an adequacy agreement with the UK or EU.
- To countries outside the EU/EEA where there is no adequacy agreement. In these instances we will ensure that appropriate safeguards are in place.

Security

When you give us information we take steps to make sure that your personal data is kept secure and safe. We will only store relevant information in accordance with our Data Protection policy and associated policies, copies of which are available on request.

How long we will keep your information

We review our data retention periods regularly and will only hold your personal data for as long as is necessary for the relevant activity, as required by law or as set out in any relevant contract we have with you. Our Retention procedure and schedule is available from our office on request.

Your Rights

You have the right at any time to:

- Access information about the personal data we process and to obtain a copy of it;
- To change incorrect or incomplete data;
- To erase or stop processing your personal data (in certain circumstances);
- To stop sending you marketing messages;
- To object to processing in certain circumstances.

If you would like to exercise any of your rights, have any questions or would like to complain about the way that we process your personal data, please contact the Data Protection lead at:

Ark Housing Association Ltd
The Priory
Canaan Lane
Edinburgh
EH10 4SG

Telephone: 0131 447 9027
Email: dataprotection@arkha.org.uk

Any requests received by us will be considered under applicable data protection legislation.

You also have the right to complain to the Information Commissioner's Office in relation to our use of your information. The Information Commissioner's Office's contact details are below:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

www.ico.org.uk

The accuracy of your information is important to us - please help us keep our records updated by informing us of any changes to your email address and other contact details.