



APPLETREE PROPERTY  
LETTINGS LTD

## DATA PROTECTION POLICY

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## **1. INTRODUCTION**

- 1.1. Appletree Property Lettings Ltd (reg no.11806521) is a subsidiary of Appletree Property Holdings Ltd (reg no.11803942), a company controlled by New Forest District Council.
- 1.2. The purpose of this policy is to set out how Appletree Property Lettings Ltd will comply with its obligations as a Data Controller in accordance with the General Data Protection Regulation (GDPR), the Data Protection Act 2018 (DPA) and other applicable legislation and guidance ('the data protection legislation').
- 1.3. The policy forms part of the appropriate measures which Appletree Property Lettings Ltd has adopted in order to ensure that the rights and freedoms of natural persons with regard to the protection of their personal data. This document informs persons working for Appletree Property Lettings of their roles in respect of personal data, customers of their rights and suppliers of their responsibilities.

## **2. SCOPE**

- 2.1. This policy applies to persons working for Appletree Property Lettings Ltd, the board of directors and third-party contractors. It covers all personal data the company processes.
- 2.2. Personal data is defined as 'any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.'
- 2.3. The processing of personal data covers everything Appletree Property Lettings Ltd does with any personal data, about a living individual, and can include collecting, recording, organising, storing, sharing, copying, using and destruction.
- 2.4. This policy applies to personal data in hard copy or electronic format and covers the company databases, computer network and archive of paper records. It covers photographs, voice recordings, mobile devices such as laptops, mobile phones, memory sticks and computerised hand-held devices.

## **3. ROLES AND RESPONSIBILITIES**

- 3.1. Appletree Property Lettings Ltd is a data controller which means that it determines the purposes and means of processing personal data. Accordingly, the company is accountable for its handling of personal data. Appletree Property Lettings Ltd is registered as a data controller with the United Kingdom's supervisory body, the Information Commissioner's Office ('ICO').
- 3.2. There will also be instances where the company is a data processor, because it processes personal data on behalf of another data controller.
- 3.3. Any person working on the property management function of Appletree Property Lettings Ltd will be responsible for ensuring compliance with this policy and the data protection legislation. This will include:
  - a) Reading and being familiar with this policy.

- b) Ensuring that all appropriate documents are prepared in accordance with the data protection legislation including privacy notices, consent forms, data protection impact assessments, information asset registers, retention and destruction schedules and information sharing and processing agreements;
- c) Ensuring data security breaches are reported to the Data Protection Officer without delay and that any learning identified from breaches is implemented;
- d) Identifying contracts which relate to the processing of personal data;
- e) Identifying training needs and undertaking appropriate training in accordance with this policy.

#### 3.4. Data Protection Officer

Appletree Property Lettings Ltd is a public authority for the purposes of the GDPR and therefore it is required to appoint a DPO. The DPO for Appletree Property Lettings is the New Forest District Council's Legal Services Manager and their duties include:

- a) informing and advising about obligations to comply with the data protection legislation;
- b) monitoring compliance with the data protection legislation, including managing internal data protection activities; raising awareness of data protection issues, training and conducting internal audits;
- c) reviewing the company data protection impact assessment;
- d) cooperating with the ICO; and
- e) being the first point of contact for the ICO and for individuals whose data is processed (customers etc)

#### 3.5. The Board of Directors

The board of directors must comply with the data protection legislation and this policy in the exercise of their duties as board members.

### **4. DATA PROTECTION IS A FUNDIMENTAL RIGHT**

- 4.1. The protection of a person's data is a fundamental right. Under the Human Rights Act 1998, everyone has the right to respect for their private and family life, their home and their correspondence. This includes respect for your private confidential information, particularly when storing and sharing data.
- 4.2. This right can be limited in certain circumstances, but any limitation must balance the competing interests of an individual and of the community as a whole.
- 4.3. In particular any limitation must be covered by law and be necessary and proportionate for one or more of the following aims:
  - public safety or the country's economic wellbeing

- prevention of disorder or crime
- protecting health or morals
- protecting other people's rights and freedoms
- national security

## **5. PERSONAL DATA AND SPECIAL CATEGORIES DATA**

5.1. The definition of personal data is contained in paragraph 2.2 of this policy. Personal data includes any information relating to an identifiable living person.

Examples of personal data include:

- Name, address, telephone number, personal email address;
- Financial information (eg, bank details, or information about a person's financial situation);
- A national insurance number/ account reference number;
- Vehicle registration number;
- CCTV images (where a person/ people can be identified from them);
- A photograph (where a person/ people can be identified it);
- A letter from or about an individual; • IP address.

5.2. Personal data can also include an expression of an opinion about the data subject and an indication of an intention regarding a data subject.

5.3. Special categories of personal data are identified separately in the data protection legislation because additional conditions need to be applied before they can be used. This is data regarding an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data (e.g. DNA) and biometric data (e.g. fingerprints, eye scans etc.) for the purpose of uniquely identifying a person, data concerning health or data concerning a person's sex life or sexual orientation.

5.4. For more information see the Company's Protecting Special Category Data Policy.

## **6. DATA PROTECTION PRINCIPLES**

6.1. Appletree Property Lettings Ltd applies the data protection principles in its processing of personal data. These principles are set out in the data protection legislation. The six principles are that personal data should be:

- Processed lawfully, fairly and in a transparent manner ('lawfulness, fairness, transparency').
- Collected for a specified, explicit and legitimate purpose and not further processed in a manner that is incompatible with those purposes ('purpose limitation').

- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation').
- Accurate and, where necessary, kept up to date ('accuracy').
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed ('storage limitation').
- Processed in an appropriate manner to maintain security and ensure against unauthorised processing or accidental loss/damage.

## 7. **LAWFUL BASIS OF PROCESSING PERSONAL DATA**

- 7.1. There are different lawful reasons for processing personal data and special categories of personal data. Appletree Property Lettings Ltd always uses at least one lawful basis for processing personal information and at least one lawful basis for processing special categories of personal data.
- 7.2. The company must always demonstrate it processes information with safeguards in place to protect the fundamental rights and interests of the individual.
- 7.3. The six lawful basis for processing personal data are:
1. An individual has given consent for the processing of his or her personal data, and it is freely given, specific, informed, and there must be an indication signifying agreement;
  2. Appletree Property Lettings Ltd has a **contract** with a person and need to process their personal data to comply with its obligations under the contract; or we haven't yet got a contract with the person, but they have asked us to do something as a first step and we need to process their personal data to do what they ask (e.g. perform a financial credit check on an applicant to assess their eligibility for a tenancy);
  3. Appletree Property Lettings Ltd is obliged to process personal data to comply with a **legal obligation**;
  4. The processing of personal data is necessary to protect an interest essential to the life of the data subject or another person, known as someone's vital interests;
  5. The processing of personal data is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; **public task**;
  6. The processing of personal data is in the **legitimate interests** of Appletree Property Lettings Ltd, where the company uses personal data in ways that people would reasonably expect and that have a minimal privacy impact.
- 7.4. There are ten lawful basis for the processing of special categories data:
1. An individual has given **explicit consent** to the processing of personal data for one or more specified purposes, except where limited by law;

2. The processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the company or the data subject under **employment, social security and social protection law** or a collective agreement under law;
3. The processing of personal data is necessary to protect the **vital interests** of a person where the person is physically or legally incapable of giving consent;
4. The processing of personal data is in the legitimate interests of the company, where it uses personal data in ways that people would reasonably expect and that have a minimal privacy impact;
5. The processing relates to personal data which are manifestly made public by the data subject;
6. The processing is necessary for the establishment, exercise or defence of **legal claims** or whenever courts are acting in their judicial capacity;
7. The processing is necessary for reasons of **substantial public interest** under law;
8. The processing is necessary for the purposes of **preventive or occupational medicine**, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of law or pursuant to contract with a health professional and subject to the duty of confidentiality;
9. The processing is necessary for reasons of **public interest in the area of public health**, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, subject to the duty of confidentiality;
10. The processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

## 8. CONSENT

- 8.1. Appletree Property Lettings Ltd must ensure that where it relies on consent or explicit consent as the lawful basis for processing, it should do this by offering real choice and control. Consent must be a 'freely given, specific, informed and unambiguous indication of the individual's wishes.
- 8.2. The following is a guide which should be followed when obtaining consent:
  - Any requests for consent should be clear and concise and they should be separate from other terms and conditions.
  - The company must demonstrate consent was given. It should be a clear indication via affirmative action so e.g. pre-ticked boxes not permitted.
  - The company should ensure that consent is specific and 'granular' so that separate consent is obtained for separate things.

- Any third parties (i.e. other groups or organisations) who will rely on the consent should be named.
- Consent can be withdrawn at any time and must be as easy to withdraw as it was to give. Data subjects must be made aware of this right.
- The company will keep evidence of consent (who, when, how, and what the data subject was told). Consent should be kept under review and updated if anything changes.
- Consent may not be valid if there is a substantial power imbalance between parties.
- For explicit consent the company will ensure the individual provides a very clear and specific statement of consent.

## **9. DUTY OF CONFIDENTIALITY**

- 9.1. Appletree Property Lettings Ltd abides by a common law duty of confidentiality. This means that personal information that has been given by an individual should not be used or disclosed further, except as originally understood by that individual, or with their permission.

## **10. INFORMATION ABOUT CRIMINAL OFFENCES**

- 10.1. Information regarding criminal convictions and offences is not included within the definition of special categories personal data. However, they are subject to similar safeguards.
- 10.2. The processing of information about criminal allegations, convictions or offences by Appletree Property Lettings Ltd will be on the lawful basis of consent.

## **11. HOW APPLETREE PROPERTY LETTINGS LTD HANDLES PERSONAL DATA – PRIVACY NOTICES**

- 11.1. Appletree Property Lettings Ltd provides privacy notices, which are statements to individuals about the collection and use of their personal data. This is an automatic right and does not need to be requested. This is important for transparency.
- 11.2. Individuals must be provided with a privacy notice which sets out specific information regarding the use of their personal data, either at the point the data is collected or as soon as possible after.
- 11.3. The information includes the purposes for processing their personal data, retention periods for that personal data, and who it will be shared with. Individuals are also informed of their right to contact the DPO and their right to complain to the ICO.
- 11.4. Where the company obtains personal data from other sources, individuals are provided with the privacy information within a reasonable period of obtaining the data and at the very least, within one month.

## **12. INDIVIDUAL RIGHTS**

- 12.1. Individuals whose data is processed by Appletree Property Lettings Ltd have a number of rights in law. These are as follows:

- The right to be informed – privacy notices.
- The right of access – the right to copies of personal data.
- The right to rectification – the right to correct errors in personal data.
- The right to erasure – the ‘right to be forgotten’.
- The right to restrict processing – the right to have personal data quarantined in an area where we no longer are processing it but it is still accessible.
- The right to data portability – the right to copy personal data in a commonly used electronic format or to request that it is provided directly to another organisation.
- The right to object – the right to object to certain reasons we are relying on in order to process personal data.
- Rights in relation to automated decision making and profiling.

12.2. It is important that the company recognises when an information rights request is made. Requests do not have to state what they are or reference data protection. Requests can be made verbally or in writing.

12.3. Requests should ordinarily be dealt with within one month. All requests should be logged with the Data Protection Officer.

12.4. Appletree Property Lettings Ltd had prepared an Information Rights Policy which sets out how it will deal with Information Rights Requests.

### **13. INFORMATION SHARING**

13.1. Data Sharing means that data is disclosed from one organisation to a third-party organisation or organisations or that data is shared between two different departments within the same organisation. This can include:

- A reciprocal exchange of data;
- One or more organisations providing data to a third party or parties;
- Several organisations pooling information and making it available to each other;
- Several organisations pooling information and making it available to a third party or parties;
- Exceptional one-off disclosures of data in an unexpected or emergency situation.

13.2. These situations generally fall into one of two categories;

- 1) systematic data sharing, or
- 2) one-off situations

- 13.3. If the company is required to share data, consideration will be made as to if it has the legal power or ability to do so. This is likely to depend on the nature of the information, the identity of the parties involved in the sharing and the legislation.
- 13.4. In the event of a data sharing situation, Appletree Property Lettings Ltd will obtain a signed Information Sharing Agreement at the point at which data is shared. The agreement will set out what data is being shared, how it is transferred and the retention period (see appendix A attached to this policy for the Information Sharing Agreement template).

#### **14. TRANSFERS TO OTHER COUNTRIES**

- 14.1. Appletree Property Lettings Ltd data processing occurs in the UK. This means that there are common standards for the processing of personal data. However, if there is a need for personal data to be transferred to third countries, the company will assure itself that there is a level of adequacy in the data protection arrangements of that country.

#### **15. PRIVACY BY DESIGN**

- 15.1. Appletree Property Lettings Ltd is committed to a privacy by design or privacy by default approach to building new systems and updating procedures for processing personal data. The company uses the best human processes it can in order to limit the risks to privacy.

#### **16. DATA PROTECTION IMPACT ASSESSMENTS**

- 16.1. Appletree Property Lettings Ltd will conduct a Data Protection Impact Assessment ('DPIA') for the introduction of new technologies, new projects or changes to the processing of personal data.
- 16.2. Each DPIA will:
- describe the nature, scope, context and purposes of the processing;
  - assess necessity, proportionality and compliance measures;
  - identify and assess risks to individuals;
  - identify any additional measures to mitigate those risks.
- 16.3. The assessment identifies the risk to privacy from a customer's perspective and what steps can be taken to reduce this, wherever possible, whilst providing a service to the customer.
- 16.4. The companies DPIAs are living documents and will be revised and updated whenever necessary.

#### **17. CONTRACTORS**

- 17.1. In accordance with the data protection legislation all data processors used by Appletree Property Lettings Ltd will be subject to a written contract. Where the company has a contractual relationship with another organisation or individual, we will ensure we are clear about the contractor's role, responsibilities and accountability in relation to personal information.

17.2. Contracts must set out the subject matter and duration of the processing, the nature and purpose of the processing, the type of personal data and categories of data subject, and the obligations and rights of the company.

17.3. Contracts will also include as a minimum the following terms, requiring the processor to:

- only act on the written instructions of Appletree Property Lettings Ltd;
- ensure that people processing the data are subject to a duty of confidence;
- take appropriate measures to ensure the security of processing;
- assist the company in providing subject access and allowing data subjects to exercise their rights under the GDPR;
- assist the company in meeting its data protection obligations in relation to the security of processing, the notification of personal data breaches and data protection impact assessments;
- delete or return all personal data to the controller as requested at the end of the contract; and
- submit to audits and inspections and provide the company with whatever information it needs to ensure compliance with the data protection legislation.

## **18. RETENTION AND DESTRUCTION**

18.1. Appletree Property Lettings Ltd will retain and destruct records as per the following:

- If an applicant is not successful in applying for a tenancy, their data will be destroyed after 6 months (allowing a grace period in case of an appeal or complaint).
- If an applicant is successful in applying for a tenancy, data will be retained throughout the tenancy period and destroyed 12 months after the tenancy ends.

18.2. Each tenant record will have an Information Asset Register which contains the following information:

- Description of the Information Asset or Data Type;
- Data Format;
- Data Location;
- Where the data originated;
- Whether the information contains personal data and a description of the data;

- Whether the information contains special categories data and a description of the data;
  - Whether the information relates to a person under the age of 16 years;
  - Whether the information is shared with another party;
  - Retention period for the data;
  - Records and personal data should only be destroyed in accordance with this policy and the Information Asset Registers.
- 18.3. Records and personal data scheduled for disposal should be destroyed in a timely manner.
- 18.4. Disposal should be undertaken in a secure manner which is applicable to the nature of the record in all formats ensuring that all electronic backups of destroyed records are also destroyed.
- 18.5. Confidential paper waste should be disposed of in the designated boxes.
- 18.6. Destruction of IT hardware assets and data must be performed in line with the current recommended industry security standards.
- 18.7. If additional disposal methods are required, advice should be sought from the DPO.
- 18.8. Where requests for information are made to the company in accordance with the Freedom of Information Act 2000, the Environmental Information Regulations 2004 or the data protection legislation any planned destruction of relevant records must be delayed until the request is finalised and a period of 6 months has elapsed. Advice should be sought from the DPO.
- 18.9. Where litigation is contemplated or ongoing any planned destruction of relevant records may be delayed until the litigation (including any appeal) is concluded.

## **19. INFORMATION SECURITY**

- 19.1. Appletree Property Lettings Limited use a password protected laptop. The laptop is installed with Microsoft Office 365 cloud-based software and data storage. The servers for Microsoft Office 365 in the UK are all based within the country.
- 19.2. Any paper records containing data are kept in a locked cabinet, in a secure office environment.

## **20. BREACHES**

- 20.1. A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes.
- 20.2. Appletree Property Lettings Ltd tries hard to prevent information breaches, but when these occur, it will be dealt with appropriately. Breaches will be dealt with on a case by case basis by undertaking an assessment of the risks and impact and using the assessment to decide the appropriate course of action.

- 20.3. Breaches are reported to the DPO or a member of New Forest District Council's Legal Services in their absence.
- 20.4. If a breach results in a risk to the rights and freedoms of an individual, it will be reported to the ICO within 72 hours.
- 20.5. If a breach is likely to result in a high risk to the rights and freedoms of an individual, the company must inform those concerned directly and without undue delay.
- 20.6. The company will maintain a central log of data security breaches, identifying how the breach occurred, any action taken, and any learning identified as a result of the breach.
- 20.7. Where it is not considered that the threshold to report a breach to the ICO has been met, an internal report will be prepared and reported to the board of directors on a case by case basis.

**21. TRAINING**

- 21.1. Appletree Property Lettings is committed to ensure that any persons working on the property management function is trained on their responsibilities for data protection. The DPO is available to support and arrange training needs.

**22. FOR FURTHER INFORMATION**

Regulation (EU) 2016/679 (General Data Protection Regulation)

Data Protection Act 2018

Directive (EU) 2016/680 Law Enforcement Directive

Information Commissioner's Office: [www.ico.org.uk](http://www.ico.org.uk)

[Forest Net: Data Protection Guidance Page](#)

**23. REVIEW OF POLICY**

- 23.1. This policy will be reviewed annually.
- 23.2. Changes to the supporting policies, relevant legislation or guidance may require further reviews within this period.

Board approved	11 November 2019
Updated	



APPLETREE PROPERTY  
LETTINGS LTD

**Notes**

Please complete yellow highlighted areas with details as appropriate  
Draft template to be used where personal data/ sensitive personal data  
is to be shared between two data controllers.

If you have any queries when completing this document, please  
contact the Data Protection Officer.

**Data Sharing Agreement between  
(*insert name*) and Appletree Property  
Lettings Ltd**

**Title of agreement**

## 1. Introduction

1.1. Add background to the agreement and the business need to put this in place

## 2. Objectives and purpose of the information sharing

2.1. What are the purposes of the Information sharing

Set out the purposes of sharing clearly here.

2.2. The parties to this agreement (the Partner Organisations) agree that information shared under this agreement between Appletree Property Lettings Ltd and (insert name) will only be used for the purposes set out in section 2.1 of this agreement and will not be used for any other purpose including commercial or marketing purposes.

## 3. Objectives and purpose of the information sharing

3.1. Appletree Property Lettings Ltd to (insert name)

Set out what personal data is being shared, including specific data fields and any specific arrangements for this agreement.

3.2. The data will be securely stored and disposed of in accordance with (insert name) data retention policy.

### 3.3. (Insert name) to Appletree Property Lettings Ltd

Set out what personal data is being shared, including specific data fields and any specific arrangements for this agreement.

3.4. The data will be stored and disposed of in accordance with Appletree Property Lettings Ltd data retention policy.

## 4. Data Controller

4.1. Each Partner Organisation will continue to be the data controller as defined by the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA18) (and any successor legislation) for the personal data I holds and retain the responsibilities held with this position.

4.2. Each partner confirms that it is registered with the information Commissioner's office as a Data Controller.

4.3. Each Partner Organisation will become a separate/joint (DELETE AS APPLICABLE) data controller for the data received for the purposes defined in paragraph 2.1 of this agreement. (seek legal advice first to ensure that this is in fact the legal position)  
If the Partners are joint controllers state so here and confirm what agreements have been put into place to comply with the GDPR and DPA18. This is of significant importance as it determines who is financially liable in the event of financial penalties being awarded in respect of a personal data breach.

4.4. Each Partner Organisation will ensure that any personal data received under this agreement will only be used for the purposes defined in paragraph 2.1.