

# Gloucester City Homes



## Access to Information Policy



## Gloucester City Homes contact information

### How to contact us

Customer Services Team  
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Gloucester  
GL1 1DG

Customer Services Line: 0800 408 2000 (Freephone)

Or 01452 424344

Text: 0778 148 2656

Fax: 01452 833101

Minicom: 01452 396161

Email: [customer.services@gloscityhomes.co.uk](mailto:customer.services@gloscityhomes.co.uk)

Website: [www.gloscityhomes.co.uk](http://www.gloscityhomes.co.uk)

GCHTV on the Looking Local service on Sky, Virgin Media mobile phone and Nintendo Wii

You can also contact us using our online reporting forms.

Please note our website is speech enabled and you can adjust the size of the text and translate it to other languages.

## Gloucester City Homes document format information

If you would like any part of this document explained, translated or provided in another format such as large print, audio or Braille, please contact our Customer Services Team on 0800 408 2000.

### Bengali

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান অথবা যদি আপনার একজন ইন্টারপ্রেটারের প্রয়োজন হয়, তাহলে দয়া করে আমাদের সাথে যোগাযোগ করুন।

### Chinese

本文件可以翻译为另一语文版本，或制作成另一格式，如有此需要，或需要传译员的协助，请与我们联系。

### Gujarati

જો તમને આ દસ્તાવેજ બીજી ભાષા અથવા રચનામાં જોઈતી હોય, અથવા જો તમને ઈન્ટરપ્રિટરની સેવાઓ જોઈતી હોય તો, કૃપા કરી અમારો સંપર્ક સાધો.

### Polish

Aby uzyskać ten dokument w innym języku lub formacie, albo jeżeli potrzebujesz usług tłumacza, skontaktuj się z nami.

### Urdu

یہ دستاویز اگر آپ کو کسی دیگر زبان یا دیگر شکل میں درکار ہو، یا اگر آپ کو ترجمان کی خدمات چاہئیں تو برائے مہربانی ہم سے رابطہ کیجئے۔

[Translation reads: If you would like this document in another language or format or require the services of a translator, please contact us.]

| STATUS (Draft / Approved / Updated / Archived)  | REFERENCE |
|---|-----------|
| <b>APPROVED</b>   |           |
| <p>Important Notice:<br/>Printed paper copies of this procedure are <b>uncontrolled</b>.<br/>The current version of this procedure is available on the Intranet</p> |           |

**Documentation Master Sheet**  
*Amendments to this Document are Detailed Below*

| Version Number | Date Amended | Comments                      | Date Approved | Author | Approved By           |
|----------------|--------------|-------------------------------|---------------|--------|-----------------------|
| 1              | 14/09/2006   | Updated to new format         | 14/09/2006    | GIH    | EMT                   |
| 2              | 18/11/2008   | Major revision                | 26/11/2008    | PDM    | Services & Operations |
| 3              | 19/03/2009   | Minor update                  |               | PDM    |                       |
| 4              | 19/07/2010   | Update                        | 28/07/2010    | PDM/LH | Services & Operations |
| 5              | 27/01/2012   | Relocation update             |               | KC     |                       |
| 6              | 28/02/2012   | Added Data Retention Schedule | 28/02/2012    | PDM    | SMT                   |
|                |              |                               |               |        |                       |

**Summary of most recent changes:**

Version 6 updates include:  
- Retention Schedule

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## INTRODUCTION

This policy deals with access to information by customers and staff on themselves and by staff for customers.

Allowing customers and staff access to the two key categories of information is fundamental to the working of Gloucester City Homes.

The two types of information are:

- Personal Information
- General Information

### **Personal Information: The Data Protection Act**

In respect of personal information held, this policy covers the storage, processing and accessibility of all personal information held by GCH. It outlines the position of the Company with regard to the nature of data to be held, the fair and lawful processing of such data, and deals with issues relating to the confidentiality of information and its availability to our customers.

Gloucester City Homes holds personal and confidential information about its tenants, customers, board members, employees, employment applicants and suppliers. The Data Protection Act recognises the rights of individuals to privacy. Gloucester City Homes has a duty to comply with the legislation and recognises that personal information is confidential and that unauthorised disclosure is a breach of contract and an offence under the act.

### **General Information: Freedom of Information**

This policy also covers access to general information under the Freedom of Information Act, which came fully into force in January 2005. The act aims to encourage openness and accountability amongst public authorities by providing rights of access to information. As a company owned by a Local Authority, Gloucester City Homes must comply with this act.

In addition regulations also cover:

- Environmental Information; and
- Privacy and Electronic Regulations

These are also covered by this policy.

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## GLoucester City Homes Access to Information Policy

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### 1. OVERALL AIM

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To make information easily available to staff and customers, where they are entitled to access it, and to safeguard personal information.

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### 2. SUPPORTING AIMS

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The aims of this policy are to deal with personal and general information as follows:

#### PERSONAL INFORMATION: THE DATA PROTECTION ACT

- To ensure compliance with legislation
- To set out the principles of the Company's approach to data privacy and protection
- To outline the rights of customers with regard to access to information, and their entitlement to confidentiality
- To specify responsibilities for ensuring compliance with the policy
- To help customers access personal information on themselves
- To help staff provide excellent customer services

#### GENERAL INFORMATION: FREEDOM OF INFORMATION

- To ensure compliance with legislation
- To help customers access information which helps them to access our range of excellent customer services, understand our policies and procedures, monitor our performance and contribute to the improvement of our service
- To specify responsibilities for ensuring compliance with the policy
- To help staff provide an excellent customer services

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### 3. RELEVANT LEGISLATION

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[Data Protection Act 1998](#)

[Freedom of Information Act 2000](#)

[Environmental Information Regulations](#)

[Privacy and Electronic Communications Regulations](#)

Other relevant documents:  
GCH ICT Security Policy

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### 4. SERVICE STANDARDS

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Gloucester City Homes will:

- Normally show you personal information we hold about you within 20 working days of you requesting it (unless we are prevented by law or require a third party's permission), but we will aim to respond sooner than this wherever possible.
- Show you general information we hold about our services, including performance information, policies, procedures, strategies and standards, within 20 working days of requesting it, but we will aim to respond sooner than this wherever possible.
- If we do not hold the information you have requested but know who does, we will either tell you how to contact that other organisation or, with your permission, pass on your request to them.
- Regularly revise the information we provide on our services by updating the Tenant's Handbook and providing a range of supporting leaflets, regular newsletters and continually updating and developing our website ([www.gloscityhomes.co.uk](http://www.gloscityhomes.co.uk)).
- Ensure staff are trained and knowledgeable about the relevant laws covering access to information.
- Reserve the right to make a charge for copies of personal information of up to £10.

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## 5. THE DATA PROTECTION ACT & RIGHTS OF ACCESS TO PERSONAL INFORMATION

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This section of the policy has been developed in line with the [Data Protection Act 1998](#). It covers information held on customer's files and employee's personnel files and relates to all customers including secure and non-secure tenants, former tenants, Life-Link customers, shared owners and leaseholders and all staff including former employees, trainees, agency workers and paid or unpaid volunteers, and current and former Board members.

The Policy is intended as a broad guide to the Act - any specific concerns of staff or queries over Data Protection issues should be addressed to the line manager and / or the Governance, Research & Business Administration Manager who is our nominated Data Protection Officer.

The things listed below apply to personal data held about you whether electronically (e.g. on computer) or manually (e.g. on a file).

The Act gives individuals the right to know what information is held about them, and it provides a framework to ensure that personal information is handled properly. It works in two ways. Firstly, it states that anyone who processes personal information must comply with the eight principles (given in [Schedule 1](#) of the Act), which make sure that personal information is:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than is necessary
- Processed in line with individuals' rights
- Secure
- Not transferred to other countries without adequate protection

### PERSONAL DATA

Personal Data is any information that identifies you and can include information concerning intentions towards you or opinions about you. The use of Personal Data is subject to a number of conditions (in [Schedule 2](#) of the Act) which include:

- Consent has been given
- The processing is necessary for the performance of a contract to which the data subject is a party
- Compliance with legal obligations
- The processing is necessary in order to protect the vital interests of the data subject
- The processing is necessary for the administration of justice

- The processing is in the public interest
- By order of the Secretary of State

### **SENSITIVE PERSONAL DATA**

The act also defines 'Sensitive Personal Data' (in [Schedule 3](#)) which is subject to further conditions – Sensitive personal data is defined within the act as consisting of information as to:

- the racial or ethnic origin of an individual
- his/her political opinions
- his/her religious beliefs or other beliefs of a similar nature
- whether he/she is a member of a trade union
- his/her physical or mental health or condition
- his/her sexual life
- the commission or alleged commission by him/her of any offence, or
- any proceedings for any offence committed or alleged to have been committed by him/her, the disposal of such proceedings or the sentence of any court in such proceedings

The further conditions which allow the processing of sensitive personal information include:

- Explicit consent has been given
- For the company to comply with duties under employment law
- To protect the vital interests of another person, in a case where consent by or on behalf of the data subject cannot be obtained or has been unreasonably withheld
- Processing by health professionals or equivalent for the purpose of providing treatment and the management of healthcare services
- Information as to racial or ethnic origin for the purpose of promoting equality
- By order of the Secretary of State

### **RIGHTS OF THE INDIVIDUAL**

The second area covered by the Act provides individuals with important rights, including the right to find out what personal information is held on computer and most paper records. Customers, staff and other individuals have the right:

- to be informed if any personal data is being held about them
- to be advised what data is held, why it is and who has access to it
- to be advised of the source of the data
- to be provided with a copy of the data
- to prevent processing of their personal data if such processing is likely to cause you or another person substantial distress or damage

- to be informed of the logic behind any automated decision making and the right not to have any significant decisions made about them which are based solely on automated means.

Individuals may request this information at any time, but the request must be made in writing.

When requested, the information must be provided within 20 working days.

## EXEMPTIONS

There are a number of circumstances in which the non-disclosure provisions of the Act do not apply. These include circumstances where the proposed disclosure is for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders and where failure to disclose would be likely to prejudice those objectives in a particular case.

In order to satisfy the terms of the non-disclosure exemption in the Data Protection Act 1998, any request for information whose purpose is the prevention, or detection, of crime should specify as clearly as possible how failure to disclose would prejudice this objective.

For example, a request for information by the Police should make clear why the information is necessary, for what purpose and why it is envisaged that the action to be taken which requires the information requested would prevent crime.

## CONTROL OF DATA

To ensure the proper control of personal information, the act requires that:

- The organisation should have a designated Data Protection Officer.
- Information should be kept only for the requisite stated amounts of time.
- Disposal of such information at the end of its duration should be done securely.

## DATA PROTECTION OFFICER'S DUTIES

The Data Protection Officer should:

- be informed of all systems that may contain personal data, and should register these with the Data Protection Registrar
- be aware of the standards of compliance of the organisation to the DPA.
- monitor any problem areas, and recommend solutions to such.
- make sure that all staff receive relevant training to bring them up to speed with their responsibilities.

The designated Data Protection Officer for Gloucester City Homes is the Governance, Research & Business Administration Manager.

## THE DUTIES OF STAFF

All staff must:

- be aware of, and keep up to date with, the provisions of the DPA, and the policies of the organisation.
- keep any personal information, gathered, kept or used, electronic or hard copy, secure.
- keep records up to date with any information collected.

Other service managers should inform the Data Protection Officer of any other systems that come into being for the purpose of data storage, whether electronic or manual.

## SECURITY OF DATA

- All personal information held should not be disclosed deliberately or accidentally, orally, in writing, or in electronic format, to any unauthorised third party.

## BREACH OF POLICY OR PROCEDURE

Any breach of any Data Protection Policy, whether deliberate, through accident or negligence, may lead to disciplinary action, or even criminal prosecution.

## ENFORCEMENT

Should an individual or organisation feel they're being denied access to personal information they are entitled to, or feel their information has not been handled according to the eight principles, they can complain to the [Information Commissioner's Office](#). Complaints are usually dealt with informally, but if this isn't possible, enforcement action can be taken.

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## 6. THE FREEDOM OF INFORMATION ACT & RIGHTS OF ACCESS TO GENERAL INFORMATION

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This section of the policy has been developed in line with the [Freedom of Information Act 2000](#). The Act came fully into force on 1st January 2005 and aims to encourage openness and accountability amongst public authorities by providing rights to general data or information. Parallel regulations also deal with environmental information (see section 7).

The Act provides individuals or organisations with the right to request information held by a public authority. They can do this by letter or email.

The Act is fully retrospective and applies to all information, not just information filed since the Act came into force.

### GENERAL DATA

General data is any information that the organisation produces giving information on itself, its policies, procedures, performance etc. or general data held about customers whether electronically (e.g. on computer) or manually (e.g. on a file).

It covers general information held by Gloucester City Homes, for example, general stock details, performance management information, policies and procedures etc.

### PUBLICATION SCHEME

The Act requires public authorities to adopt and maintain a [Publication Scheme](#). The purpose of the Publication Scheme is to inform the public of the types and the different categories of information that we hold and to provide advice on who to contact for any information not readily available.

Gloucester City Homes' Publication Scheme is available on our website and on the staff's intranet.

### REQUESTS FOR INFORMATION

GCH must tell the applicant whether it holds the information, and must normally supply it within 20 working days, in the format requested. However, GCH does not have to confirm or deny the existence of the information or provide it if:

- an exemption applies
- the request is vexatious
- the request is similar to a previous request – the request may be turned down if a similar or identical request has been made by the same individual within a short space of time
- the cost of compliance exceeds an appropriate limit

- Those approached for any comment by the media about any of the organisation's business should not do so without express permission from the organisation. All official requests for comment should be delegated to a specified Media Officer.
- The organisation's business should not be discussed with any competitors, or potential competitors.
- Judgement should be used before any information is disclosed to any outside organisation, especially where disclosure of information could bring the organisation into disrepute, or cause harm to any person or outside organisation.

## EXEMPTIONS

Exemptions include:

- Where the information is reasonably accessible to the applicant by another means e.g. website (absolute exemption)
- Information due to be published in the future (qualified exemption)
- Where disclosure may compromise law enforcement (qualified exemption)
- If disclosure may lead to health and safety issues (qualified exemption)
- Information provided in confidence (absolute exemption)
- Commercial sensitivity (qualified exemption)
- Prohibited under legislation (absolute exemption)

If an exemption applies, but is qualified, this means that the public authority must decide whether the public interest in using the exemption outweighs the public interest in releasing the information.

## ENFORCEMENT

If an applicant is unhappy with a refusal to disclose information, they can complain to the Information Commissioner's Office (ICO), after first exhausting any internal review procedure. We will investigate the case and either uphold the authority's use of an exemption or decide that the information must be disclosed.

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## 7. ENVIRONMENTAL INFORMATION REGULATIONS

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The [Environmental Information Regulations](#) give members of the public the right to access environmental information held by public authorities. The request can be made by letter, email, telephone or in person.

The regulations apply to most public authorities, but they can also apply to any organisation or person carrying out a public administration function, and any organisation or person under the control of a public authority who has environmental responsibilities. This can include some private companies or public private partnerships, for example companies involved in energy, water, waste and transport.

Environmental information is divided into the following six main areas:

- The state of the elements of the environment, such as air, water, soil, land, fauna (including human beings)
- Emissions and discharges, noise, energy, radiation, waste and other such substances
- Measures and activities such as policies, plans, and agreements affecting or likely to affect the state of the elements of the environment
- Reports, cost-benefit and economic analyses
- The state of human health and safety, contamination of the food chain
- Cultural sites and built structures (to the extent they may be affected by the state of the elements of the environment)

If a public authority receives a request for information on any of the areas mentioned above, they are legally obliged to provide it, usually within 20 working days. There are a number of exceptions to this rule - for example, if the information is likely to prejudice national security - and if this is the case, the public authority must explain why the exception applies.

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## 8. PRIVACY AND ELECTRONIC COMMUNICATION REGULATIONS

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The [Privacy and Electronic Communications Regulations](#) cover unsolicited direct marketing messages sent by a range of electronic methods, including phone calls, faxes, emails and texts. Depending on the type of communication, different rules apply. Some rules apply to both individuals and corporations, while other only apply to individuals. Regardless of circumstances, direct marketers should always identify themselves, provide contact information and suppress the details of those people who choose to opt out.

Gloucester City Homes does not use unsolicited direct marketing methods.

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