



RHP Group Contractor Data Protection Responsibilities Policy

Policy details

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Scope

RHP Group (including Co-op Homes (South) Ltd) has a Data Protection Policy that sets out our overall approach to satisfy the General Data Protection Regulation 2018.

This procedure applies where RHP Group, acting as a data controller, appoints an external contractor to process personal data on behalf of RHP Group. This policy applies to circumstances where the external contractor is acting as RHP's data processor, that is, an organisation that does not itself make decisions about how and why the information is used but acts solely on RHP Group's instructions.

If you have any queries about sharing personal data with other data controllers, please contact RHP Group's Data Protection Officer (DPO).

Connected Documents

This procedure is formally connected to (but not exclusively):

- RHP Group Privacy Notice(s);
- RHP Group Privacy Policy;
- RHP Group Data Protection Policy

RHP Group's Responsibilities

RHP Group has a responsibility to comply with the Data Protection Act 2018 ('the DPA 2018', which implements and supplements the General Data Protection Regulation ('GDPR')) in relation to its use of personal data, which will include the collection, storage, and sharing of personal data.

Under the current Data Protection Act, RHP Group acts in these circumstances as a data controller who determines the purpose of processing personal data and is therefore responsible for ensuring that, where we share information with contractors as data processors, they too are processing personal data in line with the legislation.

The relevant Head of Service for RHP Group will be responsible for approving the selection of all contracted contractors who are processors of personal data. This means that contractors will need to have adequate Data Protection mechanisms in place and will act responsibly in their role as a processor to ensure compliance with the legislation and RHP Group's instructions. The DPO will carry out regular audits of third party compliance.

All Directorates dealing with contractors are responsible for ensuring that all data processing is carried out in line with the GDPR. The Procurement Manager for RHP will ensure that existing contracts which include personal data complies with the regulations and any new contracts which are formed have relevant sections regarding GDPR and data sharing.

Contractor Data Protection Responsibilities

RHP Group will only contract with organisations who have implemented their own policy in respect of the requirements set out in the DPA 2018 and the GDPR;

In addition, there are several key requirements in the DPA 2018 setting out what contracts between RHP Group as a data controller and a contractor as a data processor must include:

- a description of the subject matter, duration, nature and purpose of the data processing carried out by the contractor;
- the type of personal data and categories of data subjects affected by the data sharing agreement.

In addition, the contractor must be obliged to;

- only use the personal data on the instructions of RHP Group;
- not allow the personal data to be transferred outside of the Economic European Union (EEA) without written authorisation from RHP Group;
- ensure their employees, officers and others processing the personal data on their behalf are under an obligation of confidentiality;
- ensure they have appropriate technical and organisational measures in place to ensure the security of the personal data they receive;
- assist RHP Group to comply with its obligations to respond to requests from individuals to exercise their rights under the DPA 2018 and GDPR, for example in relation to a subject access request;

- assist RHP Group to ensure the use of personal data is secure, and to support RHP Group notifying the ICO (or other relevant regulators) and individuals in the event of a data breach and to deal with data protection impact assessments;
- delete or return the personal data at the end of the agreement (or when no longer needed by the contractor);
- demonstrate compliance with the legislation, and allow for and contribute to audits undertaken by RHP Group or another auditor specified by RHP Group;
- not appoint a sub-contractor without RHP Group's written authorisation (unless pre authorised using **Appendix E**), ensuring that similar terms are imposed on the sub-contractor and the original contractor shall remain liable to RHP Group for any failure by the sub-contractor to comply with the legislation.

Sub Processors

All RHP Group contracts involving the processing of personal data limit a contractor from using sub-contractors without RHP Group's written authorisation, see **Appendix D**.

Where operational requirements determine that we need to grant permission for contractors to use sub processors see **Appendix E**.

Where we permit a contractor to sub-contract processing of personal data, the immediate contractor must prohibit the second-level contractor (or further down the chain) from sub-contracting these processing operations without RHP Group's written authorisation.

Contracts with second-level sub-contractors will only be approved if they:

- Require the sub-contractors to comply with at least the same security and other provisions as the primary sub-contracting organisation (the contractor);
- Specify that, when the contract is terminated, related personal data will either be destroyed or returned to RHP Group, and so on down the chain of sub-contracting.

RHP Standard Documents

To ensure compliance with the DPA 2018, RHP Group has developed a number of standard clauses that should be included in all agreements with contractors acting as data processors.

Appendix A - sets out the standard terms to be included in all new contracts entered into from 25 May 2018.

Appendix B - Schedule of Processing Personal Data and Data Subjects (to be used for detailing what data is shared and for what purpose etc.)

Appendix C – Addendum to contracts for use after 25 May 2018.

Appendix D – Data Sharing agreement (where no contract exists but contractor processes data on our behalf) – no permission to use sub processors.

Appendix E - Data Sharing agreement (where no contract exists but contractor processes data on our behalf) – permission to use sub processors.

If you are requested to enter into any contract outside of these contract terms, please speak first with RHP Group's Data Protection Officer and/or RHP Groups Procurement Manager.