

Data Protection under the Services Agreement - Practical Implementation

	Council	Berneslai Homes
Services under the agreement	Joint Data Controller for tenant & leaseholder personal data (see key below)	Joint Data Controller for tenant & leaseholder personal data
Support Services provided by the Council (e.g. IT) – <i>under separate data processing agreements</i>	Data Processor (see key below)	Data Controller
Data accuracy		Ensure information is kept up to date
Security		Appropriate technical & organisational measures to comply with GDPR & the DPA 2018. Safeguard against unauthorised access & system failure
Business continuity		Regular back ups & adequate recovery arrangements – where own IT systems used
Compliance	Provide access to BMBC Information Governance policies & procedures	Comply with Council Information Governance policies & procedures Attend BMBC IG Board & training Apply measures directed by the Council
Third party data processors		Responsible for non- compliance / breaches by third party data processors
Confidentiality		Restrict access to employees who need access & ensure employees have a duty of confidentiality
Data breaches – <i>working procedure to be developed</i>	Notify BH where it becomes aware of data breaches	Lead on data breaches & notify BMBC
Data subject requests/rights	Assist with Subject Access & other requests	Lead on Subject Access & other requests
Data Protection Officer – <i>ICO contact</i>	Head of Internal Audit, Anti-Fraud and Assurance	BMBC Head of Internal Audit, Anti-Fraud and Assurance
IG Assurance Programme	BMBC Internal Audit undertake annual IG assurance programme of BH	BH include in annual IA plan , agree areas of scrutiny and liaise with Internal Audit
Cooperation with ICO	Support & assist BH as required	Lead on cooperation with ICO and required improvement actions

	Council	Berneslai Homes
Data Protection Impact Assessments (DPIAs)	Support & assist BH as required	Lead on DPIAs
Expiry of Contract	Request return or deletion of data	Return or delete data as directed by the Council

Key

- (1) Data Controller – Under GDPR, the Data Controller determines the purposes for which and the manner in which personal data are to be processed and is responsible for making sure the personal data that falls under their remit complies with the regulations when being processed.
- (2) Data processor – A data processor processes data on behalf of the controller and must only process personal data in line with instructions from the data controller.