

This document sets out Wasps policy on the protection of information relating to tenants and job applicants. Protecting the confidentiality and integrity of personal data is a critical responsibility that Wasps always takes seriously. Wasps will ensure that data is always processed in accordance with the provisions of relevant data protection legislation, including the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018

Key Definitions

Data processing - any activity that involves the use of personal data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal data to third parties, e.g. recruitment consultants.

Personal data - any information identifying a data subject (a living person to whom the data relates). It includes information relating to a data subject that can be identified (directly or indirectly) from that data alone or in combination with other identifiers Wasps possesses or can reasonably access. Personal data can be factual (for example, a name, email address, location or date of birth) or an opinion about that person's actions or behaviour.

Sensitive personal data - a special category of information which relates to a data subject's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data. It also includes personal data relating to criminal offences and convictions.

Data subject - in this policy, the term 'data subject' refers to tenants and job applicants, as appropriate. Where distinctions are needed, the terms 'tenant' or 'applicant' will be used

Privacy Notice

This policy, together with the information contained in the table of tenant/applicant data appended to the policy, constitutes a privacy notice setting out the information Wasps holds about tenants and applicants, the purpose for which this data is held and the lawful basis on which it is held. Wasps may process personal information without tenants' or applicants' knowledge or consent, in compliance with this policy, where this is required or permitted by law. If the purpose for processing any piece of data about tenants or applicants should change, Wasps will update the table with the new purpose and the lawful basis for processing the data and will notify them.

Fair Processing of Data

Fair processing principles:

In processing tenants' and applicants' data the following principles will be adhered to. Personal data will be:

- Used lawfully, fairly and in a transparent way
- Collected only for valid purposes that are clearly explained and not used in any way that is incompatible with those purposes
- Relevant to specific purposes and limited only to those purposes
- Accurate and kept up to date
- Kept only as long as necessary for the specified purposes

- Kept securely.

Lawful processing of personal data:

Personal information will only be processed when there is a lawful basis for doing so. Most commonly, Wasps will use personal information in the following circumstances:

- when it is needed to take steps at the request of the applicant prior to entering into a contract, or to perform a contract of employment if one is entered into
- when it is needed to comply with a legal obligation
- when it is necessary for Wasps' legitimate interests (or those of a third party) and applicants' interests and fundamental rights do not override those interests.

Wasps may also use personal information in the following situations, which are likely to be rare:

- when it is necessary to protect applicants' interests (or someone else's interests)
- when it is necessary in the public interest (or for official purposes).

Lawful Processing of Sensitive Personal Data

Wasps may process special categories of personal information in the following circumstances:

- In limited circumstances, with explicit written consent
- in order to meet legal obligations
- when it is necessary for reasons of substantial public interest, such as ensuring equal opportunities monitoring and reporting, in accordance with Schedule 1 of the Data Protection Act 2018
- when it is needed to assess working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, Wasps may process this type of information where it is needed in relation to legal claims or where it is needed to protect an applicant's interests (or someone else's interests) and the applicant is not capable of giving consent, or where an applicant has already made the information public. Wasps may use particularly sensitive personal information in the following ways:

- information relating to leaves of absence, which may include sickness absence or family related leaves, may be used to comply with employment and other laws
- information about applicants' physical or mental health, or disability status, may be used to ensure health and safety in the workplace and to assess fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits
- information about race or national or ethnic origin, religious, philosophical or moral beliefs, or sexual life or sexual orientation, may be used to ensure meaningful equal opportunity monitoring and reporting;

Wasps envisages that it will hold information about criminal convictions. If it becomes necessary to do so, Wasps will only use this information where it has a legal basis for processing the information. This will usually be where such processing is necessary to carry out Wasps' obligations. Less commonly, Wasps' may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect an applicant's interests (or someone else's interests) and the applicant is not capable of giving consent, or where the applicant has already made the information public. Wasps will only collect information about criminal convictions if it is appropriate given the nature of the role and where it is legally able to do so.

Consent to Data Processing

Wasps does not require consent from applicants to process most types of tenant and applicant data. In addition, Wasps will not usually need consent to use special categories of personal information in order to carry out legal obligations or exercise specific rights in the field of employment law.

In limited circumstances, tenants and applicants may be asked for written consent to process sensitive data. In those circumstances, tenants/applicants will be provided with full details of the information that sought and the reason it is needed, so that tenants/applicants can carefully consider whether to consent. Where tenants/applicants have provided consent to the collection, processing and transfer of personal information for a specific purpose, they have the right to withdraw consent for that specific processing at any time. Once Wasps has received notification of withdrawal of consent it will no longer process information for the purpose or purposes originally agreed to, unless it has another legitimate basis for doing so in law. Wasps does not carry out any solely automated decision-making (including profiling) that has a legal or similarly significant effect on individuals. If this changes, data subjects will be informed and their rights under UK GDPR Article 22 will be explained.

Collection and Retention of Data

Collection of Data;

Wasps will collect personal information about applicants through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. Wasps may sometimes collect additional information from third parties including former employers, or other background check agencies such as Disclosure Scotland. From time to time, Wasps may collect additional personal information from an applicant. If Wasps requires to obtain additional personal information this policy will be updated, or applicants will receive a separate privacy notice setting out the purpose and lawful basis for processing the data.

Retention of data:

Wasps will only retain applicants' personal information for as long as necessary to fulfil the purposes it was collected for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of personal information are set out in the table appended to this policy. When determining the appropriate retention period for personal data, Wasps will consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for which the personal data is processed, whether Wasps can achieve those purposes through other means, and the applicable legal requirements. In some circumstances Wasps may anonymise personal information so that it can no longer be associated with individual applicants, in which case Wasps may use such information without further notice to applicants. After the data retention period has expired, Wasps will securely destroy tenants/applicants' personal information.

Data Security and Sharing

Data Security - Wasps has put in place appropriate security measures to prevent personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. Details of these measures are available upon request.

Data sharing - Wasps may share personal information with third parties. Wasps requires third parties to implement appropriate security measures and to process personal data in accordance with UK data protection law. Wasps may also need to share personal information with a regulator or to otherwise comply with the law. Wasps may also share applicant data with third-party service providers where it is necessary to administer the working relationship with applicants or where Wasps has a legitimate interest in doing so. The following activities are carried out by third-party service providers: pension administration, benefits provision and administration, IT services.

Staff Member Rights and Obligations

Accuracy of Data - Wasps will conduct regular reviews of the information held by it to ensure the relevancy of the information it holds. Tenants/applicants are under a duty to inform Wasps of any changes to their current circumstances. Where a tenant/applicant has concerns regarding the accuracy of personal data held by Wasps, the tenant/applicant should contact Wasps in writing to request an amendment to the data.

Applicant Rights - Under certain circumstances, applicants have the right to:

- Request access to personal information (commonly known as a “data subject access request”).
- Request erasure of personal information.
- Object to processing of personal information where Wasps is relying on a legitimate interest (or those of a third party) to lawfully process it.
- Request the restriction of processing of personal information.
- Request the transfer of personal information to another party.

If a tenant/applicant wishes to make a request on any of the above grounds, they should contact Wasps in writing. Please note that, depending on the nature of the request, Wasps may have good grounds for refusing to comply. If that is the case, the tenant/applicant will be given an explanation by Wasps.

Data subject access requests - Tenants/applicants will not normally have to pay a fee to access personal information (or to exercise any of the other rights). However, Wasps may charge a reasonable fee if the request for access is clearly unfounded or excessive. Alternatively, Wasps may refuse to comply with the request in such circumstances. Wasps may need to request specific information from the applicant to help confirm their identity and ensure the right to access the information (or to exercise any of the other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Compliance With This Policy

Wasps Responsibility for Compliance - Tenants/applicants have the right to make a complaint at any time to the Information Commissioner’s Office (ICO), the UK supervisory authority for data protection issues – more information is available at www.ico.org.uk.

Wasps is registered with the Information Commissioner’s Office (ICO) under registration numbers ZA643824 and ZA643845, and complies with its obligations as a data controller under UK data protection law.

Data security breaches - Wasps has put in place procedures to deal with any data security breach and will notify tenants/applicants and any applicable regulator of a suspected breach where legally required to do so.

Contact for Data Protection Matters

If you have any questions about this policy or how your data is handled, you can contact our Data Protection Officer by emailing operations@waspsstudios.org.uk.

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