



Written Instructions of the Data Controller (Contractual)

Overview

Your contract with Havebury Housing Partnership states a requirement that “the Data Processor will only process personal data in accordance with the Written Instructions of the Data Controller”.

This document acts as the ‘Written Instructions of the Data Controller’ and details the processing you are allowed to undertake, the methods you should use and the controls we expect to be in place.

Definitions used in this document	
GDPR	Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)
Data Controller	The Havebury Housing Partnership, a charitable registered society under the Co-operative and Community Benefit Societies Act 2014 (number 7648) regulated by the Regulator of Social Housing (LH4339). Registered office: Havebury House, Western Way, Bury St Edmunds, Suffolk, IP33 3SP
Data Processor	<i>Please supply name of the organisation, legal reference and registered office address</i>

Scope

Please list the purposes of the data processing. For each one, please choose a legal basis from GDPR Article 6 and Article 9(2). They are Consent, Contractual, Legal Obligation, Vital Interests, Public Task (if you are a public body) and Legitimate Interest.

In addition, for processing special categories of personal data (race, ethnic origin, political and religious opinions, trade union membership, genetics, biometrics for ID, health, sexual orientation, sex life and criminal convictions) you must select one of these legal basis: Consent, Obligations, Vital Interests, Already Public, Judicial, Substantial Public Interest, Medical, Health Public Interest or Scientific Interest.

Please identify which categories of personal data will be processed in each case and which data subjects will be affected.

If you are relying on a legal obligation of the Data Controller as a legal basis, please include reference to the legislation.

Purpose	Legal basis	Categories of data	Data subject(s)

Processing

The Data Processor must adhere to the following instructions when processing personal data within the scope of this Agreement.

Processing	
Contract (that this agreement is linked to)	<i>Please provide name and scope of contract (e.g. fencing contract for Haverhill)</i>
Data retention guidelines (return or deletion of data, duration, etc.)	<i>What will happen when contract ends?</i>
Destruction methods acceptable and processes required to be in place	<i>Include any technical measures that will need to be undertaken or standards that need to be met</i>
Limitations on how data will be used	<i>Details required of any controls in place where you limit how this data could be used by the Data Processor</i>
Authorisation for further sharing of data	<i>Details required of any downstream organisations where it will be authorised for data to be forwarded.</i>

What legal obligations do the Data Processor have that require it to process personal data without due regard to written instructions of the Data Controller?	<i>Some organisations may have a legal obligation to process personal data (or share it) outside of the scope of any instructions of the Data Controller</i>
Will the Data Processor send this personal data outside the EU for processing?	<i>Details required of which country the data will be transferred to (not in transit via). Transfers may be made to any country or territory in respect of the EU Commission making a 'positive finding of accuracy'. The EU Commission list is on the EU website.</i>

Sharing

The Data Controller and Data Processor must adhere to the following instructions when sharing personal data within the scope of this Agreement.

Sharing	
When will this data be shared, and how often?	<i>The frequency of sharing (weekly, monthly, etc.) or 'ad hoc' Is there a trigger for sharing data (e.g. when a crime occurs)</i>
What records will exist of data sharing taking place?	<i>Best practice dictates a file for the recording of each instance of data sharing, demonstrating how we have fulfilled the requirements of this data sharing protocol.</i>
How will the Data Controller identify the Data Processor and their request for data?	<i>What is the protocol for requesting data? Who will ask for it? Who will they ask? How will they ask and what information will they provide to confirm identity? In the event of concern about identity, where should this be escalated to?</i>
How will the data be shared?	<i>What will the data be stored on (e.g. paper, electronic) and how will it be shared (e.g. letter, fax, email, secure FTP site)?</i>
Is there a more secure mechanism for sharing this data?	<i>Please investigate this. If possible, more secure mechanisms should be used particularly for special categories of personal data.</i>
How will data be kept up-to-date?	<i>How will this be achieved? How regular, etc.?</i>

Sign-off

The Data Controller must complete the checklist to ensure that they are satisfied that the processing under the Agreement is compliant with the principles of GDPR.

Compliance checklist	
Personal data will be processed lawfully, fairly and transparently	
Personal data will be collected and processed for a specified, explicit and legitimate purpose	
Personal data will not be further processed in a manner that is incompatible	
Personal data will be adequate, relevant and limited to what is necessary for the purpose	
Personal data will be accurate, and where necessary, up to date	
Personal data will be kept for only as long as necessary for the purpose	
Personal data will be securely processed with appropriate controls in place	
The Data Controller will be able to demonstrate compliance with GDPR	

Agreement		
I authorise these Written Instructions on behalf of the Data Controller	Signature	
	Name	
	Position	
	Organisation	
	Date	
I understand these Written Instructions on behalf of the Data Processor.	Signature	
	Name	
	Position	
	Organisation	
	Date	

The signed Agreement must be stored by both parties as the Written Instructions of the Data Controller as per Article 28 of the GDPR.