



## EU GDPR: Comply or Transform?

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## Introduction

In response to a tighter resource environment, the UK housing sector has looked to digital technology to create a cheaper and better service for tenants. Beyond housing, 'Digital Transformation' is taking place at rapid speed and there are plenty of examples of gains achieved for both businesses and customers. However, there have also been growing pains, notably in the growing risk of cyber security failures and concerns with the impact of digital services on privacy. In response, the European Commission began in 2012 to create a new piece of regulation: the General Data Protection Regulation (GDPR).

In May 2018, all UK and EU organisations will have to comply with this new regulation, imposing compliance risks on housing providers in the short term. However, GDPR also provides a huge opportunity for housing providers to design more user-centric processes and systems that comply by default, as opposed to simply layering on more layers of cumbersome compliance bureaucracy.

## What is the EU GDPR and what does it mean for housing?

Despite the recent referendum on leaving the EU, the UK looks set to continue to apply GDPR. As it stands, GDPR is broad in scope and light on detail. However, there are some aspects that differ significantly from current data protection legislation. In particular, individuals have been afforded significant new rights, for example a right to be forgotten, a right to have data transferred to another organisation, and rights against profiling. To gain an individual's consent to use their data, permissions must be presented separately to any other terms and conditions in order to obtain 'unambiguous' consent.

Additionally, in order to comply, organisations will need to have a far better understanding of the data they collect and why they collect it. In practice, this will mean having clearly defined processes and robust technical systems, which - if implemented in an unplanned way could lead to significantly increased costs and bureaucratic burdens. Failing to comply with these new rights will incur much higher fines than the current limit.

## The right response to regulation

The 'cookie law' is one area where recent EU privacy regulation has required a technical and design change to services, but where its implementation has not been used to improve the experience of users. Banners that pop-up on websites tell users they are being tracked by cookies, but not what that really means, and most click to accept them without thinking. In comparison to the 'cookie law', GDPR offers much bigger design and technical challenges.

One leading design studio looking to do things differently is 'Projects by If'. If's people-centric approach to the issue of consent raised in GDPR seeks to shield residents from vast and incomprehensible terms and conditions and instead present residents with simple visual ways of setting the permissions for their data. Their range of digital prototypes give clear examples of how consent could empower tenants to engage with their landlord and built environment.

## Technical Challenges

In addition to process and design changes GDPR will require some form of technical response to ensure compliance. Of the options available, Hatdex is one of the most innovative and radical approaches to addressing the technical challenges of complying with GDPR. Rather than continually seek consent from tenants to use their data, then store it in central databases that form a point of weakness from a security perspective, Hatdex stores personal data with the tenant in an individually dedicated but isolated database. By making use of APIs, different service providers, including housing associations, can request data from the personal data store. If other services push and pull data to this store, the potential benefits to each service provider are huge. Banking data, shopping data, even health data could be easily accessed by the housing association with permission from the resident.

## The problem with Data

While these approaches are no doubt exciting, the first challenge for many housing associations will be to understand the data they currently have access to. GDPR requires organisation to map which data is they hold is personal data and for many providers this will be a difficult and costly task.

HACT are a leading a project in collaboration with over ten housing providers to create a common way of referencing data, including a common framework for defining tenant data. This exercise will enable housing providers to pool the resources required to map common aspects of housing businesses and create a shared standard

for any provider to better understand their data. Personal Data will form a chapter in the 'standard' taking the best learning and evidence generated from across the sector and beyond, providing a fast route towards a key element of GDPR compliance to those who sign up early. For more information on becoming part of that project, contact [jay.sagggar@hact.org.uk](mailto:jay.sagggar@hact.org.uk)

## How can housing providers respond?

HACT ran a workshop that brought together housing providers with leading thinkers on data protection and privacy, TLT Solicitors, Projects By If and Hatdex. The workshop formed a starting point for conversations on how housing providers can look beyond the bare minimum required for compliance.

If you are interested in becoming part of ongoing collaboration around GDPR and housing contact: [jay.sagggar@hact.org.uk](mailto:jay.sagggar@hact.org.uk)

Anyone interested in finding out more about GDPR and housing can also contact HACT's partners in this space:

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