



# Equality Data Capture Policy

Board Approved: 28th February 2024

Next Review: February 2027

## 1. Introduction and Background

Social landlords in Scotland, both local authorities and registered social landlords, are subject to implementing the legal and regulatory requirements relating to equality data collection.

These requirements flow from the Equality Act 2010, the Scottish Government's Scottish Social Housing Charter and the regulatory requirements issued by the Scottish Housing Regulator.

## 2. Purpose of this document

This document sets out the procedure for the safer collection and handling of equalities data under the Equality Act of 2010.

Homes for Life Housing Partnership (HfL) is responsible for compliance with this act, but must also remain compliant with Data Protection Act (2018) and UK GDPR in terms of how data is captured, stored, and destroyed to protect data subjects.

## 3. Policy

### 3.1 Type of Data captured

Protected Characteristic per Equalities Act	Special Category under UK GDPR	Further information
Age	No	
Belief or religion	Yes	religious, philosophical and political opinions
Disability	Yes	if linked to the collection of health data
Ethnicity and race	Yes	
Gender re-assignment	No	No, although gender re-assignment as a medical procedure gives rise to personal data on a person's physical health that would be special categories data.
Pregnancy & maternity	No	
Marriage & civil partnership	No	
Sex	No	unless the data subject advises that he/she identifies as a member of the opposite sex due to gender re-assignment and/or hormonal therapy
Sexual orientation	Yes	

### 3.2 Capture of equalities data

There are two means to capture equalities data.

- a. **Anonymous** – where the data cannot be linked to the individual in any way
- b. **Linked** – where the name of the individual is clearly shown on the response

HfL uses both methods in different circumstances.

### 3.3 Rights of the individual

- ✓ The capture of equalities information is completely at the discretion of the individual.
- ✓ The individual cannot be forced, persuaded or coerced into completing any equalities information.
- ✓ The individual can complete as little or as much as they feel comfortable with.
- ✓ The individual can choose not to complete the information at all.
- ✓ Individuals includes tenants, staff, committee and board members.

Individuals can choose to volunteer equalities information, linked to their name, in support of any special requirements that they may have that supports the purpose of HfL.

This might include any health (disability for instance) to support how they access service, or other equalities information (such as religion) where they feel under threat of harm.

Such volunteering of information by the individual would come under UK GDPR as special category data and must be protected, stored and deleted in accordance with that.

### 3.4 Procedure for anonymous data capture

The capture must be completely anonymous. No reference to address, tenant number that allows the subject to be identified.

The Paper form used is as attached at Appendix 1. It will be made available online to print, but not to electronically send back to HfL as this will identify the sender. It is not captured via electronic form, as this can be linked to address via IP address .

The form is returnable in a manner which is anonymous, eg prepaid envelope or into a mail box at HfL office.

The forms will be logged electronically when received.

The forms once logged will be destroyed.

Once data is captured it can be analysed and presented via graphs.

It should be noted that using the anonymous method:

- It is not possible to screen for duplicates
- The data will come in sporadically and logged as received
- The data cannot be refreshed, but the request should be reissued and re-surveyed every 2-3 years.

- Data captured from this survey can be published under the publication scheme and is subject to FOI requests.

### 3.5 Procedure for linked data

Any data that is captured and linked to Data subjects must comply with UK GDPR and follow the principles of data protection

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability

In order to ensure that these principles are complied with, HfL will assess the risks to the data subjects, and ensure that data captured is relevant to HfL and minimised for HfL use.

This will be done via the agreed data privacy impact assessment.

For this method of linked data it should be noted that:

- Data can be captured via a paper or electronic form – see Appendix 2
- It will only be available to staff that need to see and use the data
- Normal technical and organisational security measures will apply to this data
- The capture of the data will be subject to HfL’s retention schedule and logged on that as both human resources and housing data.
- Once data is captured it can be analysed via graphs
- The data will be refreshed every year to ensure data accuracy
- The Data captured from this survey can be published under the publication scheme and is subject to FOI requests. This only applies to anonymous data trends.
- Data captured from this survey also comes under data subject rights and normal data subject rights of erasure, right to be forgotten, access to data, portability of data all apply.
- The lawful basis for collection of this data is Consent or Explicit consent in the case of special category data.
- Data subjects have the right to withdraw their consent to the processing of this data at any time.

### 3.6 Rationale for collecting data

The purpose of collecting data is to take effective action on equality thereby:

- Preventing unlawful treatment, advancing equality and fostering good relations and this requires more than just avoiding certain actions and behaviour.
- Taking proactive steps to identify potential discrimination and to remove it, and to consider how to adapt a policy or practice to better advance equality.
- Ensuring policies meet the needs of your staff and the population served.

- Making sure there is equal access and opportunity for all, while recognising that providing the same service in the same way to everyone can sometimes create a disadvantage for those with different needs.
- Developing better policies and practices, based on evidence - a policy or practice which proactively considers equality, particularly through the use of evidence, is likely to be a better quality policy or practice, in the sense that it is more responsive to the needs of all those affected.
- Assessing impact providing a clear and structured way to consider evidence about the needs of equality groups.
- Being more transparent and accountable.

### 3.7 Risks to the rights and freedoms of individuals presented by collecting and processing data

The third data protection principle contained in the UK General Data Protection Regulation (“UK GDPR”) provides that:

“Personal data shall be...adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (data minimisation).”

This principle requires HfL to identify the minimum amount of personal data that is necessary to fulfil their purposes. HfL should only handle and use such personal data as is relevant and necessary and no more than that.

Applying this principle to the equalities data collection context, there is a risk that collecting such data in named (personal data) format could result in HfL being regarded as engaging in excessive and irrelevant personal data processing, particularly where there is no clear or obvious reason for collecting it in named (personal data) format that is directly relevant and necessary to the housing application and allocations processes.

In order to manage the risk of excessive personal data processing (and therefore breach of the third data protection principle contained in the UK GDPR), HfL has set out what equalities data may be collected in named form and the reason for that data collection:

Protected characteristic	Named (personal data) collection	Reason(s) for named (personal data) collection
Age	Yes	<ul style="list-style-type: none"> <li>- Determine if applicant is of legal age to take on a tenancy.</li> <li>- Determine number of bedrooms required.</li> <li>- Some housing may have an age requirement e.g. sheltered housing.</li> <li>- Linking the planning and implementation of capital programmes to actual housing needs</li> <li>- Delivering services to address individuals’ needs to enhance the quality of those services</li> </ul>

Protected characteristic	Named (personal data) collection	Reason(s) for named (personal data) collection
		- Monitor for any form of unlawful discrimination
Disability	Yes	<ul style="list-style-type: none"> <li>- Medical awards assessments, determining priority and what type of housing the applicant needs.</li> <li>- Help inform the strategy for development.</li> <li>- If a disability is not a mobility issue, then collecting helps to set the provision of services associated with the disability.</li> <li>- Implementing adjustments, such as producing documents in a relevant format including in plain language, easy to read formats or in audio format.</li> <li>- Availability of appropriate aids during events e.g. hearing loops.</li> <li>- Working with each disabled person and their support worker, if appropriate, to consider what reasonable adjustments might be required.</li> <li>- Delivering services to address individuals' needs to enhance the quality of those services</li> <li>- Monitor for any form of unlawful discrimination</li> </ul>
Gender reassignment	Yes	<ul style="list-style-type: none"> <li>- Check how to address an applicant.</li> <li>- Determine number of bedrooms required.</li> <li>- Delivering services to address individuals' needs to enhance the quality of those services</li> <li>- Monitor for any form of unlawful discrimination</li> </ul>
Marriage and civil partnership	Do not collect	- Not applicable
Pregnancy and maternity	Yes	<ul style="list-style-type: none"> <li>- Determine number of bedrooms required.</li> <li>- Availability of appropriate aids during events e.g. creche facilities.</li> <li>- Monitor for any form of unlawful discrimination</li> </ul>
Race	Yes	- Assess if an interpreter is required in advance of an event or meeting and to enable this service to be booked.

Protected characteristic	Named (personal data) collection	Reason(s) for named (personal data) collection
		<ul style="list-style-type: none"> <li>- Promote strategic planning in respect of positive action.</li> <li>- Delivering services to address individuals' needs to enhance the quality of those services</li> <li>- Monitor for any form of unlawful discrimination</li> </ul>
Religion or belief	Yes	<ul style="list-style-type: none"> <li>- Consider if event or meeting dates might clash with religious holidays of relevant faith groups.</li> <li>- Delivering services to address individuals' needs to enhance the quality of those services</li> <li>- Monitor for any form of unlawful discrimination</li> </ul>
Sex	Yes	<ul style="list-style-type: none"> <li>- Check how to address an applicant.</li> <li>- Determine number of bedrooms required.</li> <li>- Delivering services to address individuals' needs to enhance the quality of those services</li> <li>- Monitor for any form of unlawful discrimination</li> </ul>
Sexual orientation	Yes	<ul style="list-style-type: none"> <li>- Ensure that language use and imagery used in documentation and event presentations promotes a positive view of LGBT+ groups.</li> <li>- Delivering services to address individuals' needs to enhance the quality of those services</li> <li>- Monitor for any form of unlawful discrimination</li> </ul>

Of the nine protected characteristics, HfL has decided to collect eight of them on a named (personal data) basis. The reasons for collecting them in this format are clearly relevant and necessary to the housing application, allocation and tenancy management processes as well as service delivery. This ensures that the requirements of the third data protection principle contained in the UK GDPR are met because the equalities data in named (personal data) format is not being collected and will not be used for a purpose that is not related to the said processes.

### 3.8 Data Storage

HfL will record equalities data in a pseudo anonymous form on the Tenant Portal and store all equalities data in the housing management system SDM. In both cases secure servers are based in the UK, and access to the same will be restricted to a limited number of HfL staff. Equalities data on named (personal data) basis will be segregated within HfL's housing

management system SDM, and access will be restricted to staff on a strict need-to-know basis only.

### 3.9 Risk Assessment

The collection of equalities data represents a low risk personal data processing activity.

HfL has carefully considered the approach and has strong, relevant and necessary reasons to justify the collection, handling and use of the selected categories of equalities data on a named (personal data) basis in a manner that complies with UK GDPR requirements.

The benefits to be achieved through the collection of equalities data, both in terms of those being collected on a named (personal data) basis and those being collected anonymously, are obvious and will significantly assist HfL in meeting legal and regulatory requirements, improve reporting, increase engagement, better plan for the future and ultimately eliminate discrimination and promote equal treatment and fairness.

HfL will ensure that appropriate protections are in place to reduce the risks associated with named (personal data) equalities data collection, including providing the required transparency information, minimising the amount of equalities data to be collected in this format, hosting it on secure servers and restricting internal access to it.

In the light of the low level of risk, the Information Commissioner's Office does not need to be consulted in relation to this data protection impact assessment.

### 3.10 Review

This policy is subject to review on a three yearly basis or at such times there are changes to relative legislation.



## Anonymised Data Collection Form

**Information for those completing the form**

**To ensure your answers are anonymous, please do not add your name or any other identifying details to the form.**

**Why are we asking for equality information?**

We collect equality information to help us to plan and deliver effective services and to meet our legal and regulatory obligations.

**What do we do with equality information?**

We use equality information for a range of purposes, including to help us to:

- protect and promote your rights and interests;
- promote equality objectives across our services;
- identify and address our customers' needs, and improve our services; and
- identify and eliminate any form of discrimination.

**Do you need to answer every question?**

By answering as many questions as possible you will help us meet your needs better, but we provide options throughout this form to allow you to provide only the information you want to give us. You can complete some questions and not others or you can complete parts of questions. The form has space for you to tell us more about your needs if you want.

**How do we process your equality information?**

The form you submit to us is anonymous. We will only use the statistical information gathered from the completed forms to determine trends and potential equalities issues within our areas of responsibility. The anonymised statistics may also be submitted to the Scottish Housing Regulator.

**Who do we gather equality information about?**

We gather equality information from:

- people who apply for a home;
- our tenants;
- people who apply for a job with us;
- our employees;
- our board members

**Other formats:** We can provide this document in alternative formats, and more information to help you to complete the form is available by contacting the office.

### Anonymised Equality Data Protection Form

**To ensure your answers are anonymous, please do not add your name or any other identifying details to this form.**

#### Age

What is your date of birth? (DD/MM/YYYY)	
Prefer not to say	

#### Alternative format:

Please tick the band for your age:	16–24		25–34	
	35–44		45–54	
	55–65		65+	
Prefer not to say				

#### Belief or religion

Please tick the box which best describes your belief or religion from the list below?

Buddhism:	
Christianity	
Catholic:	Protestant:
Hinduism:	Other:
Islam:	
Judaism:	
Sikhism:	
Other religion (please state what this is):	
No specific belief in religion (for example, atheism or agnosticism):	
Other belief (for example, humanism):	
Prefer not to say	

#### Disability

Are you a disabled person?	Yes	No
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If yes, please tick the box which category you would use from the following list:

Autoimmune: (for example, multiple sclerosis, HIV, Crohn's/ulcerative colitis)	
Learning difficulties: (for example, Down's Syndrome)	
Mental health issue: (for example, depression, bi-polar)	
Neuro-divergent condition: (for example, autistic spectrum, Dyslexia, dyspraxia)	
Physical impairment: (for example, wheelchair-user, cerebral palsy)	
Sensory impairment – hearing impairment	
Sensory impairment – visual impairment	

Other: If none of the categories above apply to you, please specify the nature of your impairment.	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

## Ethnicity

Please tick the box that best describes your particular ethnic group:

### African

African, African Scottish or African British:	<input type="checkbox"/>
Other African background (please specify):	<input type="checkbox"/>

### Asian, Scottish Asian or British

Bangladeshi, Bangladeshi Scottish or Bangladeshi British:	<input type="checkbox"/>
Indian, Indian Scottish or Indian British:	<input type="checkbox"/>
Pakistani, Pakistani Scottish or Pakistani British:	<input type="checkbox"/>
Chinese, Chinese Scottish or Chinese British:	<input type="checkbox"/>
Other Asian background (please specify):	<input type="checkbox"/>

### Black or Caribbean

Caribbean, Caribbean Scottish or Caribbean British	<input type="checkbox"/>
Black, Black Scottish or Black British	<input type="checkbox"/>
Other Caribbean or Black background (please specify)	<input type="checkbox"/>

### Mixed groups

Mixed or multiple ethnic group (please specify)	<input type="checkbox"/>
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### White

English	<input type="checkbox"/>
Gypsy Traveller	<input type="checkbox"/>
Irish	<input type="checkbox"/>
Polish	<input type="checkbox"/>
Roma	<input type="checkbox"/>
Scottish	<input type="checkbox"/>
Welsh	<input type="checkbox"/>
Other British	<input type="checkbox"/>
Other group (please specify your ethnic group)	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

## Marriage and civil partnership

Are you presently in a civil partnership?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Are you presently married?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Prefer not to say				<input type="checkbox"/>

### Pregnancy and maternity

Are you pregnant?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Have you taken maternity or paternity leave in the past year?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Prefer not to say				<input type="checkbox"/>

### Sex

What is your sex?	Female	<input type="checkbox"/>	Male	<input type="checkbox"/>	Intersex	<input type="checkbox"/>
Prefer not to say						<input type="checkbox"/>

### Gender re-assignment (trans/transgender)

Do you consider yourself to be a trans person?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
Prefer not to say					<input type="checkbox"/>

### Sexual orientation

#### What is your sexual orientation?

Bisexual	<input type="checkbox"/>
Gay man	<input type="checkbox"/>
Heterosexual/straight	<input type="checkbox"/>
Lesbian/ gay woman	<input type="checkbox"/>
Other	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

### What to do now

Please post or return this form to:

Homes for Life Housing Partnership  
57 Market Street  
Haddington  
EH41 3JG

### If you need advice or assistance...

This form is anonymous and so we do not know who has completed it.

If you have any concerns relating to equalities issues that you would like assistance with and/or if you wish to discuss anything with us in confidence, please do get in touch. Our address is above and our contact details are:

**Telephone:** 01620 829300  
**Email:** [info@homesforlife.co.uk](mailto:info@homesforlife.co.uk)

## Equality Data Collection Form - Linked

### Information for those completing the form

#### Why are we asking for equality information?

We collect equality information to help us to plan and deliver effective services and to meet our legal and regulatory obligations.

#### What do we do with equality information?

We use equality information for a range of purposes, including to help us to:

- protect and promote your rights and interests;
- promote equality objectives across our services;
- identify and address our customers' needs, and improve our services; and
- identify and eliminate any form of discrimination
- provide anonymised statistics to the Scottish Housing Regulator if required. (You cannot be identified from the statistics.)

#### Do you need to answer every question?

By answering as many questions as possible you will help us meet your needs better, but we provide options throughout this form to allow you to provide only the information you want to give us. You can complete some questions and not others or you can complete parts of questions. The form has space for you to tell us more about your needs if you want.

#### How do we process your equality information?

We process equality information strictly in line with data protection law, including by:

- processing your equality data confidentially;
- restricting access only to relevant staff members;
- retaining equality information only as long as necessary;
- sharing data only as lawfully permitted; and
- destroying data securely.

#### Who do we gather equality information about?

We gather equality information from:

- people who apply for a home;
- tenants;
- people who apply for a job with us;
- our employees;
- board and committee members; and
- elected members (in case of local authorities)

**Other formats:** We can provide this document in alternative formats. For this and more information to help you to complete the form please contact the office.

## Name

<b>Name:</b>	
<b>Address</b>	
<b>Postcode</b>	

## Age

<b>What is your date of birth? (DD/MM/YYYY)</b>	
(We need this to ensure we are correctly identifying you)	

### Alternative format:

<b>Please tick the band for your age:</b>	16–24	<input type="checkbox"/>	25–34	<input type="checkbox"/>
	35–44	<input type="checkbox"/>	45–54	<input type="checkbox"/>
	55–65	<input type="checkbox"/>	65+	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>			

## Belief or religion

Please tick the box which best describes your belief or religion from the list below?

Buddhism:	<input type="checkbox"/>				
Christianity	<input type="checkbox"/>				
Catholic:	<input type="checkbox"/>	Protestant:	<input type="checkbox"/>	Other:	<input type="checkbox"/>
Hinduism:	<input type="checkbox"/>				
Islam:	<input type="checkbox"/>				
Judaism:	<input type="checkbox"/>				
Sikhism:	<input type="checkbox"/>				
Other religion (please state what this is):	<input type="checkbox"/>				
No specific belief in religion (for example, atheism or agnosticism):	<input type="checkbox"/>				
Other belief (for example, humanism):	<input type="checkbox"/>				
Prefer not to say	<input type="checkbox"/>				

Please use the space below to tell us about any particular requirements relating to your beliefs or religion:

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Please tick here if you want to discuss this matter in confidence:	<input type="checkbox"/>
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## Disability

Are you a disabled person?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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If yes, please tick the box which category you would use from the following list:

Autoimmune: (for example, multiple sclerosis, HIV, Crohn's/ulcerative colitis)	<input type="checkbox"/>
Learning difficulties: (for example, Down's Syndrome)	<input type="checkbox"/>
Mental health issue: (for example, depression, bi-polar)	<input type="checkbox"/>
Neuro-divergent condition: (for example, autistic spectrum, Dyslexia, dyspraxia)	<input type="checkbox"/>
Physical impairment: (for example, wheelchair-user, cerebral palsy)	<input type="checkbox"/>
Sensory impairment – hearing impairment	<input type="checkbox"/>
Sensory impairment – visual impairment	<input type="checkbox"/>
Other: If none of the categories above apply to you, please specify the nature of your impairment.	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

Please use the space below to advise us if you have any particular requirements:

Please tick here if you want to discuss this matter in confidence:	<input type="checkbox"/>
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## Ethnicity

Please tick the box that best describes your particular ethnic group:

### African

African, African Scottish or African British:	<input type="checkbox"/>
Other African background (please specify):	<input type="checkbox"/>

### Asian, Scottish Asian or British

Bangladeshi, Bangladeshi Scottish or Bangladeshi British:	<input type="checkbox"/>
Indian, Indian Scottish or Indian British:	<input type="checkbox"/>
Pakistani, Pakistani Scottish or Pakistani British:	<input type="checkbox"/>
Chinese, Chinese Scottish or Chinese British:	<input type="checkbox"/>
Other Asian background (please specify):	<input type="checkbox"/>

### Black or Caribbean

Caribbean, Caribbean Scottish or Caribbean British	<input type="checkbox"/>
Black, Black Scottish or Black British	<input type="checkbox"/>
Other Caribbean or Black background (please specify)	<input type="checkbox"/>

### Mixed groups

Mixed or multiple ethnic group (please specify)	<input type="checkbox"/>
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## White

English	<input type="checkbox"/>
Gypsy Traveller	<input type="checkbox"/>
Irish	<input type="checkbox"/>
Polish	<input type="checkbox"/>
Roma	<input type="checkbox"/>
Scottish	<input type="checkbox"/>
Welsh	<input type="checkbox"/>
Other British	<input type="checkbox"/>
Other group (please specify your ethnic group)	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

Please use the space below to advise us if you have any particular requirements:

Please tick here if you want to discuss this matter in confidence:

## Marriage and civil partnership

Are you presently in a civil partnership?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Are you presently married?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Prefer not to say				<input type="checkbox"/>

Please use the space below to advise us if you have any particular requirements:

Please tick here if you want to discuss this matter in confidence:

## Pregnancy and maternity

Are you pregnant?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Have you taken maternity or paternity leave in the past year?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Prefer not to say				<input type="checkbox"/>



Please use the space below to advise us if you have any particular requirements:

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Please tick here if you want to discuss this matter in confidence:

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### Sex

What is your sex?	Female		Male		Intersex	
Prefer not to say						

Please use the space below to advise us if you have any particular requirements:

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Please tick here if you want to discuss this matter in confidence:

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### Gender re-assignment (trans/transgender)

Do you consider yourself to be a trans person?	Yes		No	
Prefer not to say				

Please use the space below to advise us if you have any particular requirements:

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Please tick here if you want to discuss this matter in confidence:

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### Sexual orientation

What is your sexual orientation?

Bisexual	
Gay man	
Heterosexual/straight	
Lesbian/ gay woman	
Other	
Prefer not to say	

Please use the space below to advise us if you have any particular requirements:

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Please tick here if you want to discuss this matter in confidence:	
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**General**

Please mark this box if there are any issues that you want to discuss with us in confidence	
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**Consent**

I give my explicit consent for Homes for Life Housing Partnership (HfL) to collect and process the data provided voluntarily by myself on this form.

I understand that the data will be used to help HfL plan and deliver effective services, prevent discrimination, promote equality objectives and address my needs.

The data provided on this form will only be shared anonymously or with my explicit consent.

I have been advised that I may withdraw my consent to the processing of this data at any time by contacting the address below.

<b>Signature:</b>	
<b>Date:</b>	

## What to do now

Email this form to the address you were provided with.

Alternatively, please post to:

Homes for Life Housing Partnership  
57 Market Street  
Haddington  
EH41 3JG

If you have indicated that you wish to discuss any issues with us in confidence, we will get in touch.

**Please ensure that we have your preferred contact details:**

Name	
Telephone number	
Email address	

## Privacy Notice

For more details about how Hfl processes your personal data, please see our Privacy notice available on our website: [www.homesforlife.co.uk](http://www.homesforlife.co.uk)