

Harrow Churches Housing Association Data Protection – Tenants Fair Processing and Privacy Notice

Harrow Churches Housing Association (HCHA) is a controller of personal information for the purposes of the General Data Protection Regulation ('GDPR').¹

Our contact details for data protection purposes are as follows:

**Harrow Churches Housing Association, Ground Floor, Ewart House,
9 Richards Close, Harrow, Middlesex, HA1 2BE**

0208 424 2776 / info@HCHA.org.uk

HCHA is a small organisation that does not need to appoint a Data Protection Officer to comply with the law. Data protection is collectively managed by the HCHA Board of Management and the Senior Management Team.

HCHA takes your privacy very seriously. We will at all times endeavour to make sure that we protect your rights and your information (data). We will endeavour to keep your information safe and secure, to dispose of it carefully and to make sure that what we do record is as accurate and up to date as possible.

Purpose of this Notice

This Privacy Notice tells you what to expect when HCHA processes personal information. It applies to information about applicants and tenants and the members of their household and/or visitors. It tells you the purposes for which we may process your personal information and the legal basis for the processing ('processing' includes us just keeping your personal information). This notice applies to all data that could identify you including:

- paper;
- electronic data held in all forms, including on mobile phones;
- photographs;
- film (CCTV) and voice recordings;
- genetic and biometric data.

Why HCHA collects and uses Information

HCHA needs to collect, process and store personal information about you and other household members if they are living with you in order to operate as a registered provider of housing and deliver efficient and effective services. This gives us a legal basis to collect, store and use that information.

Do you need my consent for that?

We do not need your consent to record, use and store your personal data if:

- the information is **necessary to carry out our functions as a landlord** as long as we do not interfere with your fundamental rights or freedoms;
- we are under a **legal obligation** (for example, sharing information with HMRC about income/tax);
- where you have already made the **same information public**;
- where there are **substantial public interest** grounds or we need to **protect the vital interests** of you or another person – or –
- where you cannot act for yourself and have **handed Power of Attorney to another** person who can give consent on your behalf (we will still seek your consent wherever possible). We will always ask for evidence of this power. Please ask to see the HCHA full Data Protection Policy if this affects you.

Where possible, we will always try to get your consent to us processing your personal information. Prospective tenants will be asked to sign a consent form when they apply to us for housing or when they were granted their tenancy. The consent form sets out what we would like to collect and why, where we will store it, how long for and who we might share it with.

Carrying out our Landlord functions

If you are a tenant then we need quite a lot of information (data) about you in order to carry out our responsibilities as your landlord. We do not need your specific consent if you are applying to be a tenant or are already a tenant. The kinds of information include:

- Referral information including things that you put in your application form(s);
- Personal and sensitive information about you that we need to decide if you are entitled to and suitable for our housing;
- Information that helps us to manage your rent account, for example, evidence of your income, savings or benefit claims or payments;
- Information that you will need to give us to pay your rent, such as Direct Debit forms or bank details;
- Details that help us manage repairs, anti-social behaviour or other matters that landlords need to deal with.

Being a landlord gives us a lawful basis to collect, store and process these kinds of data. **We will normally store this information for 6 years after the end of your tenancy after which it will be either securely shredded (if on paper) or deleted if it is electronic.**

What information do we hold and how do we use it?

- We hold names & dates of birth, photographic ID, evidence of your entitlement to social housing and information about your previous housing circumstances

to assess housing applications, manage your tenancy and to help us prevent tenancy fraud. This includes managing anti-social behaviour and complaints. It also means that we keep financial records about the money that you have paid to us, any outstanding amounts and action we may take to recover any money that you owe to us.

- HCHA holds contact details (telephone, email) for you and any joint tenants so we can communicate with you and keep you informed.
- We hold copy letters and records of contacts with you in order to be able to effectively manage your tenancy and rent account.
- We may record information about any additional needs you may have, for example; if you need adaptations in your home; have carers accessing your home, to ensure that we take account of any additional needs when we are managing your housing.
- HCHA may capture your image on our CCTV systems if you visit a property, office or community facility which is managed by HCHA. Any CCTV recordings will be held in accordance with our corporate retention policy before being erased. We will not share the recordings with any other person or organisation unless required to do so by law or unless we have a lawful basis for doing so.
- We may hold information provided by third parties, for example, in support of your housing application or to help us manage adaptations to your home. Generally this information has been provided by you or with your consent. (This list is not exhaustive)

Where is my data?

Your information is kept:

- 1 In the locked office where you live if you live in a scheme (such as older people's housing), inside a locked secure cabinet; or
- 2 if you live in a street property it is held at one of our central offices in a locked secure cabinet inside a locked office; and for all tenants
- 3 On a central electronic database, accessible only to HCHA staff, on a secure server, that is backed up by a data management company.

How we process your information

We process your personal information in accordance with the principles of the General Data Protection Regulation ('GDPR'). This means that we treat your personal information fairly and lawfully and we will ensure that information is:

- Processed for limited purposes, kept up-to-date, accurate, relevant and not excessive;
- Not kept longer than is necessary (most tenancy records are stored for six years);
- Kept secure and securely destroyed.

Access to personal information is restricted to authorised individuals who need to know your information to perform their duties as a landlord. To help us to ensure confidentiality of your personal information we may ask you:

- To help us to keep information up to date and accurate (from time to time we may write to you or ask you in person to do this);
- Some security questions to confirm your identity when you call us.

Who do you share my information with?

Normally, only HCHA staff will be able to see and process your personal information. However, there may be times when we will share relevant information with others:

- where we are **legally required to do so**, for example with the police, HMRC, Council Tax Registration Officer or to comply with legislation such as the Social Security Fraud Act or with a court order;
- where there is a serious risk to health or safety or a risk to life **(to protect a person's vital interests)**;
- in connection with **court proceedings or statutory action** to enforce compliance with tenancy conditions (e.g. applications for possession or for payment of Housing Benefit/Universal Credit);
- providing the name, address, contact number and essential details of a tenant to **contractors or other agents providing services** on HCHA's behalf;
- providing the name of a tenant and the date of occupancy to **utility companies** gas, electricity and water companies;
- with **third parties who process payments** from you for example: card processing agents, banks and building societies;
- with any housing provider with whom you have applied for a **mutual exchange**;
- with our **insurers** if there is a claim that involves you.

In order to carry out our functions as a landlord we routinely share data with:

- **Helpline or out of hours maintenance call centres** who assist you outside of office hours;
- **Contractors** who work with us on routine and other maintenance, for example: electricians, gas or plumbers;
- The **Fire Service** where we are required to supply them with information such as Personal Evacuation Plans;
- **Local authorities** that, for example, may have nominated you to be housed by us.

(This list is not exhaustive)

Power of Attorney

If someone acts on your behalf and holds a Power of Attorney we will not share your information with them without making stringent checks first. If you have a Power of Attorney in place that has not yet been activated you can let us know now and we will record it in your tenant records. This will prevent us from sharing information with that person before the Power of Attorney has been activated.

Can I access my own information?

You have a right to ask us what personal information we hold about you, and to request a copy of your information. This is known as a '**subject access request (SAR)**'.

What information will not be supplied?

We can give you **information that we hold about you** but not necessarily where it is about others, for example, if you have been involved in a neighbour dispute, an email that details quotes from the other person is their personal data and belongs to them. We will let you know if we need to redact (delete) any information in order to make sure we also protect their data. If you are or were a joint tenant we can give you information about yourself but not the other tenant. We will not supply:

- a) **Third Party information.** We have no automatic right to give you information that identifies a third party even if it is about you. **We are not required to share:**
- b) Information **about other people** who have not consented to the disclosure.
- c) Information held for the **purpose of crime prevention.**
- d) Information that is subject to **legal professional privilege.**
- e) Where it is **not in the public interest** to do so (risk of harm to others).
- f) **Information that has already been supplied to you** (we may also agree to do this and charge you for that information at our discretion).
- g) HCHA has deemed that **your request is vexatious** and/or we have already supplied all reasonable information that is available to us. We may make this decision if you repeatedly ask us to supply the same information for example.

Where you do not agree with any decision to not give you information that you have asked for then you should make an immediate complaint. The complaint should set out the reasons why you think that our decision is wrong. If you are still not satisfied after we have responded or if we do not respond you can complain directly to the Information Commissioners Office (ICO).

How do I make a Subject Access Request?

- Put your request in writing and tell us how you would like the information supplied to you (for example, if there are onsite staff where you live we can

deliver it by hand, if not we will send it by registered post. You can also choose to view the information and for us to retain it if you do not wish to store it);

- You will need to produce reasonable evidence of your identity: if you have moved from an HCHA property we may need to see evidence that you are our former tenant at the new address. For current tenants we will normally accept a current passport, drivers licence. We may ask you some verification questions to satisfy ourselves that you are who you say that you are;
- We can supply information on paper or in an electronic form, please tell us which you would prefer;
- We will acknowledge it and give you a date by which we will supply the information;
- We will supply the information for free within one calendar month.

We do not generally supply maintenance records as part of Subject Access Requests because this is not personal or sensitive data.

Charging for Subject Access Requests

There is no charge for a subject access request. However HCHA will make a reasonable up front charge where the request is for:

- Information that has already been supplied to you (repeat requests);
- You have lost information supplied to you;
- You would like information already supplied to you in another format.

There is no set fee for this service, it will be based on the estimated actual cost of staff time and printing/production and delivery costs. HCHA reserves the right to charge upfront for this service.

Rectification

You have a right to have any mistakes that we have made when we recorded your personal information corrected. You can submit requests to rectify information by email to info@HCHA.org.uk or in writing. We cannot accept telephoned or text requests. We will do this as promptly as possible.

We will not use the contested information until we have verified its accuracy unless there is an overriding legitimate basis for us to do so, for example to protect someone's vital interests or where it is covered by legal privilege.

You do not have the right to change information that we reasonably believe to be factual and correct that HCHA has lawfully retained about you but we will record that you disagree with the information in the same place that it is stored. You have the right to ask us questions about your data and how we deal with it and can email us info@HCHA.org.uk to do that or ask a member our staff.

Erasure – the right to be forgotten and to stop further processing

You have the right to ask us to delete or to stop processing personal information that we hold about you. You can do this where:

- the information is no longer necessary in relation to the purpose for which we originally collected or processed it;
- where you withdraw consent or did not consent and we have no lawful basis to process or retain the information;
- where you object to the processing and there is no overriding legitimate interest for us continuing the processing or to retain your information;
- where there is doubt that we have a lawful basis to process or hold the information;
- the personal information must to be erased in order to comply with a legal obligation or where we are required to do so by the Information Commission.

We can refuse to erase your personal information where the personal information is processed for the following reasons:

- to exercise the right of freedom of expression and information;
- to enable functions designed to protect the public;
- to comply with a legal obligation or for the performance of a public interest task or exercise of official authority;
- for public health purposes in the public interest;
- archiving purposes in the public interest, scientific research historical research or statistical purposes;
- the exercise or defence of legal claims; or where we have an overriding legitimate interest for continuing with the processing.

Right to require us to stop processing

You have the right to require us to stop processing your personal information. When processing is restricted, we are allowed to store the information, but not do anything with it. You can do this where:

- You challenge the accuracy of the information (we must restrict processing until we have verified its accuracy);
- You challenge whether we have a legitimate interest in using the information;
- If the processing is in breach of the GDPR or otherwise unlawful;
- If we no longer need the personal data but you need the information to establish, exercise or defend a legal claim.

If we have disclosed your personal information to third parties, we must inform them about the restriction on processing, unless it is impossible or involves disproportionate effort to do so. We must inform you when we decide to remove the restriction giving the reasons why.

Withdrawal of consent

If we are relying on your consent to store or process your personal information then you have the right to withdraw that consent at any time and we must stop using the information immediately. However if we can rely on another reason to process the information such as our lawful duties and responsibilities as a landlord then we can refuse your request.

Right to data portability

The right to data portability only applies when processing is carried out by us using automated means and allows you to obtain and reuse, move, copy or transfer personal data easily from one IT environment to another in a safe and secure way.

HCHA will NOT:

- Sell, rent or distribute your data or make it commercially available to any third party without your prior written consent;
- Share information with others unless there is a lawful basis or we have your consent to do so;
- Store your data for longer than is necessary to carry out our duties and responsibilities;
- Record your voice without your knowledge;
- Take your photograph without your consent;
- Record unnecessary information that could be used to profile you, such as ethnicity, sexuality along with your name and/or address;
- Use fax or insecure methods of communication unless there is no alternative, and you have given your express, written consent.

Using our Website

The internet is a global environment, using the internet to collect and process data necessarily involves the transmission of data on an international basis. Therefore, by browsing our site and communicating electronically with us, you acknowledge and agree to HCHA processing your user data in this way.

The transmission of information via the internet is never completely secure. HCHA endeavours to protect your user data but we cannot guarantee the security of your data once it has been transmitted to our site; transmission is at your own risk. HCHA will use procedures and security features to try to prevent unauthorised access to your data.

The user data that we collect from you may be transferred to, and stored at, a destination outside the European Economic Area ("EEA"). It may also be processed by staff operating outside the EEA who work for us or for one of our suppliers. By submitting your personal data, you agree to this transfer, storing or processing. We will take all steps reasonably necessary to ensure that your data is treated securely

and in accordance with this Privacy Policy.

Our site may, from time to time, contain links to other sites which are outside our control and are not covered by this Privacy Policy.

When things go wrong

If we know that we have seriously breached Data Protection regulations we will report ourselves to the Information Commission within 72 hours and we will tell you what has happened and how we think you may have been affected as well as how we intend to put things right.

If you think that we have made a mistake with your data, or done something wrong please tell us immediately. You can use the HCHA Complaints Procedure, call us or email us at info@HCHA.org.uk