

# Lochaber Housing Association

## Privacy Notice - Tenants

### What we need

Lochaber Housing Association Limited (LHA) will be a "controller" of the personal information that you provide to us when you submit an application for housing and become a tenant of LHA, unless otherwise stated in this privacy notice.

When you apply for housing, enter into a tenancy agreement, sign up to use the My Home portal and contact LHA in relation to your property, we may collect the following personal information:

- **Personal details**
  - Contact details: name, address (utility bills as proof of residency), email address, phone numbers
  - Former address and former landlord details
  - Date of birth
  - Sex
  - Details of other members of the household
  - Next of kin / emergency contact
  - National Insurance number
  - Forms of identification (Driving Licence / Passport)
  - Signature
  - Information regarding previous criminal offences or convictions and reports of any alleged criminal behaviour
  - Correspondence between you and LHA, including records and details of complaints and repairs
  - Photographs of you used for LHA publicity purposes and proof of identification
  - Your image in photographic and video form where you are in the vicinity of one of our CCTV or vehicle Dashcams
  - Your image and voice recording in photographic and video form, for example but not limited to video conferencing facilities or when in the vicinity of one of our personal safety devices
  - Your voice recording when telephoning one of our contact numbers or when in the vicinity of one of our personal safety devices; and
  - Information collected through surveys and competitions.
  
- **Financial details**
  - Salary information / Employer details
  - P45 / P60
  - Tax details / Codes / Rebate
  - Income / Expenditure
  - Bank account number / Bank statements
  - Pension details
  - Universal Credit / housing benefit claim information
  - Wage arrestment order
  - Court orders / Fines
  - Copies of personal bills / Household contracts, and
  - Grant application details.
  
- **Equality information**
  - Religion or belief
  - Race
  - Sexual orientation
  - Gender reassignment, and
  - Marital status (marriage and civil partnership).

- **Health information**
  - Disability
  - Misuse of substances
  - Pregnancy details / scans
  - Occupational Therapy reports, and
  - Doctor reports / recommendations.
  
- **Rent information**
  - Reasons for applying for housing
  - Previous addresses / tenancies
  - Employment status / Evidence of seeking employment
  - Household information
  - Social care workplaces
  - School information
  - Outside agency support
  - Property access preferences
  - Marriage certificate
  - Power of attorney details
  - Death certificate
  - Guardianship order
  - Photographs
  - Complaints regarding other tenants
  - Disputes with neighbours, and
  - Criminal convictions and offences.
  
- **Household / family details**
  - Household/family composition
  - Date of birth
  - National insurance number
  - Contact details
  - Sex, and
  - Relationship of all household members and a record of relevant health needs or disabilities.

Some of the information we collect about you may include Special Categories of Personal Data (as defined by the Data Protection Legislation).

## Why we need your personal information

### Contractual purposes

We need to collect your personal information so that we can assess your eligibility for and manage your housing under our tenancy agreement with you. We will use your personal information for these purposes to:

- assess your application for housing with and/or services from LHA, including information that we may obtain from partner agencies such as the Highland Council, other Registered Social Landlords (RSLs), CAB, NHS Highland and Police Scotland to support your application or to help you sustain and manage your tenancy or to enforce the tenancy agreement;
- manage you and your household's housing services, including processing payments of rent and service charges;
- monitor you and your household's compliance with your tenancy agreement conditions; and
- carry out repairs and/or planned maintenance works/surveys to maintain the standard of your property.

If you do not provide us with all of the personal information that we need to collect, then this may affect our ability to effectively manage your tenancy within the contractual obligations set out or assess your housing application and provide you with housing.

## Legal obligations

We are under a legal obligation to process certain personal information relating to housing applicants, tenants and members of tenants' households, for the purposes of complying with our obligations under:

- the housing legislation in Scotland that sets down obligations on registered social landlords to provide housing management services, including in relation to our core activities services to provide housing and comply with the regulatory requirements of the Scottish Housing Regulator;
- The Equality Act 2010, which requires us to process personal information to make reasonable adjustments where necessary;
- the Housing (Scotland) Act 2010, which requires us to report statistical data on our housing applicants and tenants to the Scottish Housing Regulator; and
- the Antisocial Behaviour etc. (Scotland) Act 2004, which requires us to disclose and share information regarding actual or alleged antisocial behaviour.

## Public interest purposes

We also process you and your household's personal information where it is necessary for the performance of a task carried out in the public interest or exercise of official authority vested in LHA to:

- help you sustain your tenancy and contact you regarding common areas or estate management issues;
- for public health and safety in relation to management of social housing accommodation;
- target LHA's services to support the needs of households, which could include welfare benefits advice;
- prevent instances of anti-social behaviour, resolve any reported instances of anti-social behaviour, and pass any such reports of anti-social behaviour to the relevant agencies;
- monitor emails, letters and any other correspondence related to your tenancy or application to enable us to provide a continuous service to you no matter who you contact at LHA;
- issue communications, newsletters and briefs, via post, email, social media and on the website to you to provide you with information on your application and/or tenancy, as well as information on services that LHA provides;
- to communicate with you remotely, including via video conference facilities (such as Microsoft Teams or Zoom);
- for training and monitoring of telephone calls (not all telephone calls will be recorded).

## Legitimate purposes

We also process you and your household's personal information in pursuit of our legitimate interests to:

- undertake research to improve our services; and
- provide statistical information to support grant funding applications.

Where we process your personal information in pursuit of our legitimate interests, you have the right to object to us using your personal information for the above purposes. If you wish to object to any of the above processing, please contact us by emailing us at [dpolhagroup@lochaberhousing.org.uk](mailto:dpolhagroup@lochaberhousing.org.uk) or writing to us at Lochaber Housing Association Ltd, 101 High Street, Fort William, PH33 6DG

If we agree and comply with your objection, this may affect our ability to undertake the tasks above for the benefit of providing you with a house and managing your tenancy if successful.

### **Use of special category data**

We are required to use your personal information relating to your health, racial or ethnic origin, religious beliefs, sexual orientation, and information relating to alleged or actual criminal behaviour where one of the lawful bases above applies and under one of the following conditions:

- explicit consent (in limited circumstances);
- for health or social care purposes such as providing support where you have a particular disability or medical condition;
- for the purposes of preventing or detecting any unlawful acts;
- where we have a function under law and it is in the public interest;
- to safeguard children and individuals at risk, including to safeguard the economic well-being of individuals;
- to engage with elected representatives acting on your behalf, and
- to protect your or another individual's vital interests where you are unable to provide consent.

### **Equality monitoring requirements**

We may also use your personal information relating to your age, disability, gender reassignment, marriage and civil partnership, sex, sexual orientation, race and religion or belief for equality monitoring purposes as required by the Scottish Housing Regulator and the Equalities Act 2010.

We may process such personal information to identify and keep under review the existence or absence of equality of opportunity or treatment between groups of people within the same categories, to promote or maintain equality within Lochaber Housing Association and to make reasonable adjustments as required by the Equalities Act 2010. The data collected for monitoring purposes will be anonymised as far as possible.

### **Other uses of your personal information**

We may ask you if we can process you and your household's personal information for additional purposes. Where we do so, we will provide you with an additional privacy notice with information on how we will use your information for these additional purposes.

### **Who we share your personal information with**

We may be required to share personal information with statutory or regulatory authorities and organisations to comply with statutory obligations.

Organisations we may share information with include:

- Scottish Housing Regulator;
- His Majesty's Revenue & Customs (HMRC);
- Department of Work and Pensions (DWP);
- The Care Inspectorate;
- Citizens Advice Scotland;
- The Highland Council Benefits section;
- Other Highland Council services relating to your application or tenancy, including in line with the Highland Housing Register;
- Social work and health services to assist in determining housing need;
- Current and former landlords;
- Prospective landlords where you are applying to move elsewhere - tenancy reference checks;
- Any third sector agency you have approached in relation to your housing application or tenancy;
- Professional and legal advisors for the purposes of taking advice and, in the event of legal claims;

- Debt collection agencies linked to current or former arrears with Lochaber Housing Association for the purpose of Sheriff Officer and Messengers-at-Arms Services;
- Lochaber Housing Association's professional and legal advisors, including internal and external auditors;
- Family members who may be part of your current, future or former household;
- Police Scotland;
- His Majesty's prison, if you are or have been in prison;
- The Home Office and
- To engage with elected representatives acting on your behalf.

These organisations will become “controllers” of your personal information upon receipt in most cases and you should refer to their privacy notices / policies for further details on how they will use your personal information.

We will pass your contact details and a copy of the front page of your tenancy agreement (showing the tenant names, address and tenancy start date) to energy suppliers for your property so that they can register the electricity meters for your property in your name to provide you with an electricity supply and administer your energy account. Upon termination notice, we will also provide them with your energy account number. The energy supplier will become a controller of your personal information and you should refer to their privacy notice / policy for further details on how they will use your personal information. Once your tenancy starts you can change your energy supplier at any time.

LHA also employs third party suppliers to provide services, such as:

- Third party contractors who provide LHA tenants with emergency call out switchboard repair services and emergency repairs services, undertake safety checks, install new kitchens or bathrooms, make any required adaptations as requested by you;
- My Home tenant portal;
- video conferencing applications (for example Microsoft Teams and Zoom) or our CCTV and personal safety device suppliers; and
- Third party contractors undertaking performance monitoring and evaluation of properties on behalf of the Association.

These suppliers may process personal information on our behalf as "processors" and are subject to written contractual conditions to only process that personal information under our instructions and protect it.

In the event that we do share personal information with external third parties, including but not limited to our subsidiary companies Lochaber Housing Association Property Services CIC and Lochaber Care and Repair, we will only share such personal information strictly required for the specific purposes and take reasonable steps to ensure that recipients shall only process the disclosed personal information in accordance with those purposes.

## **How we store your personal information**

Your personal information is stored in hard copy in secure lockable filing cabinets and on our electronic filing system and our servers based in the UK, and is accessed by our employees for the purposes set out above.

## **How long we keep your personal information**

We will only keep your personal information for as long as necessary to provide you with housing and/or related services and to safeguard LHA in the event of any claims, complaints, litigation, enquiries or investigations during or following the termination of your tenancy agreement.

We have a data retention policy, and our data retention tables ~~that~~ sets out the periods for retaining and reviewing all information that we hold. This sets out different retention periods and you can request a copy by contacting us at [DPOLHAGroup@lochaberhousing.org.uk](mailto:DPOLHAGroup@lochaberhousing.org.uk)

## **Your rights**

You can exercise any of the following rights by writing to the Data Protection Officer at 101 High Street, Fort William, PH33 6DG or emailing [DPOLHAGroup@lochaberhousing.org.uk](mailto:DPOLHAGroup@lochaberhousing.org.uk). We have appointed Harper Macleod LLP as our Data Protection Officer who should be contacted using the contact details above.

Your rights in relation to your personal information are:

- you have a right to request access to the personal information that we hold about you by making a "subject access request";
- if you believe that any of the personal information that we hold about you is inaccurate or incomplete, you have a right to request that we correct or complete your personal information;
- you have a right to object to and/or request that we restrict the processing of your personal information for specific purposes;
- if you wish us to delete the personal information that we hold about you, you may request that we do so; and
- if you would like to obtain the personal information that we hold about you to reuse it for your own purposes, you may request that we do so.

Any requests received by LHA will be considered under applicable data protection legislation. If you remain dissatisfied, you have a right to raise a complaint with the Information Commissioner's Office at [www.ico.org.uk](http://www.ico.org.uk)