

Privacy Notice for Housing Regulation



Nottingham City Council Information Compliance

Service Area: Safer Housing and Housing Licensing
Directorate: Communities
Department: Communities, Environmental and Resident Services
PN-390

The teams within the **Safer Housing and Licensing Department** are part of Nottingham City Council, who are the data controllers for the personal data (or personal information) that we process about you. When we process personal information relating to you, we will only do so when it is necessary and where we have a lawful reason to do so.

For Service Users (Any person involved with the ownership or management of a property e.g. Landlords/Licence Holders, Freeholders, Leaseholders, Mortgagee, Managing Agents), we will use the information provided by you in a licence application for:

- the processing and determination of licence application and compliance of any such licences whilst they remain in force.
- Informing you about training and education opportunities where appropriate and in line with our statutory obligations.
- Inform you about legislation updates and provide information updates about the licensing schemes.
- Undertake surveys to appraise service delivery and evaluate the impact of services to help achieve the strategic goals of the Department.

For both Service Users and Tenants, we will use either the information provided by you or as gathered for:

- the inspection and investigation of complaints, property conditions, management and licensable status
- the investigation of possible offences and potential related enforcement activity, under the relevant legislation.
- Undertake surveys to appraise service delivery and evaluate the impact of services to help achieve the strategic goals of the Department.

Whenever we use your personal information, we will comply with data protection legislation and enable you to exercise your rights contained within the legislation.

What personal information will the Council process?

The information that we collect about you to fulfil the purposes, objectives, or to deliver the services outlined above will relate to your: (this may include all, or some of the following, depending on the service).

- Tenant – contact details, details of complaint, relationship with landlord or other tenants (if relevant) & financial information.
- Service Users – contact details, relationship with tenants, accreditation status, financial information.

The information we process about you may include the following ‘special categories of personal data’:

- Race or Ethnic origin – if supplied as part of complaint or investigation
- Religious – if supplied as part of complaint or investigation
- Health data – if supplied as part of complaint or investigation

The information being processed may also include personal data relating to criminal offences. The condition under which this information is processed necessary for statutory purposes under Parts 1 – 3 (including s.66 and s.89) of the Housing Act 2004, Part 2 & Schedule 9 of the Housing & Planning Act 2016 and Schedule 2 Para 3 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 and for reasons of substantial public interest, in accordance with Schedule 1 Part 2 Paragraph 6.

Lawful basis for processing

The basis under which we use your personal information for these purposes is that this is **necessary for the performance of a task carried out in the public interest by the Council or in the exercise of official authority vested in the Council under Article 6 1) e) of the UK GDPR.**

This is a result of the powers or duties contained within the legislation listed within Appendix A including Parts 1 to 4 of the Housing Act 2004.

The condition under which we process special categories of personal data is that such use is **necessary for reasons of substantial public interest**, in accordance with; Schedule 1 Part 2 Paragraph 16 (Support for Individuals) or Paragraph 18 (*safeguarding of individuals at risk*) of the Data Protection Act 2018 . **Paragraph 16**

Criminal Investigations

The **Safer Housing and Housing Licensing** teams also process data for law enforcement purposes. These criminal investigations may include for example (please see Appendix A for a list of relevant legislation which may be relevant):

- **Failure to licence property or breach of licence conditions under Parts 2 and 3 of the Housing Act 2004**

- **Failure to comply with legal notices and orders issued under Parts 1 to 3 of the Housing Act 2004**
- **Illegal evictions under Protection from Eviction Acts 1977 and 1997**

The basis under which the Council uses personal data for this purpose is that this is necessary for law enforcement purposes. Part 3 of the Data Protection Act 2018 applies to processing personal data for 'law enforcement purposes'. When processing personal data for 'law enforcement purposes', the Council are acting as a 'Competent Authority' and have law enforcement powers given to us within statute. It covers processing for the prevention, investigation, detection or prosecution of criminal offences, or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

In practice, the lawful basis would either be necessary for the performance of a task carried out for law enforcement purposes by the Council or based on consent. There may be circumstances where we obtain consent from the individual whose data we are processing, although this will only be appropriate in certain circumstances in the context of law enforcement.

The information being processed is not usually actively requested by the Council for law enforcement purpose, but may include the following personal and sensitive personal data if it has been provided by the Service User or Tenant:

- Names & alias'
- Contact details
- Address details
- Date of Birth
- National Insurance Number
- Race or Ethnic origin
- Political opinions
- Religious beliefs
- Physical or mental health
- Sex life or sexual orientation

In order to process this type of data Nottingham City Council must be able to demonstrate that the processing is strictly necessary and satisfy one of the conditions in Schedule 8 of the Data Protection Act 2018 or is based on consent.

The Safer Housing and Housing Licensing teams will mainly process sensitive information for reasons statutory purposes for reasons of substantial public interest.

Will my information be shared with other organisations or used for other purposes?

The Council will only share your personal information with other departments within the Council, and with other organisations when it is necessary to provide the services to you, and when we have a lawful reason to do so. The Council may also share your information when we are obliged to by law, for example the Public Register of Licences.

In relation to this service, the Council may share your personal information with, but not limited to:

- **the Police**
- **Fire and Rescue Service**
- **Office of Fair Trading,**
- **Boarder Force**
- **Gangmasters and Labour Abuse Authority**
- **Accreditation partners (e.g. DASH, Unipol and ANUK),**
- **Other local authorities and other relevant departments within the Council, such as Planning, Building Control, Trading Standards, Council Tax, Revenues and Benefits and Debtors.**
- **Relevant Government department, including Ombudsman, DLUHC and HMRC**
- **Health & Safety Executive (Building Safety Regulator)**

The information may also be used for the purpose of any other function carried out by the Council. This may include sharing your information across the Council, or with external organisations. Information about these functions and the legal basis on which information is used for them can be found at <http://www.nottinghamcity.gov.uk/privacy-statement/> The information will only be used for another purpose where it is lawful to do so.

Do I have to provide the information?

If you are a Service User and your property requires a licence, you are obliged by statute to provide the information that is specified in the form, under the statutory powers outlined in the lawful basis section above.

Tenants are not usually obliged by statute to provide information to the Council. One example where they may be required to is under Regulation 10 of the Management of Houses in Multiple Occupation (England) Regulations 2006.

Surveys: If you are a Service User or a Tenant, you **are not** obliged, either by statute or by contract, to provide the information that is requested here.

How long will the Council retain the data for?

Licences: The information that you have provided will be kept for the duration of the licence and 7 years after the expiry date of the licence. If the licence is refused it will be kept for 7 years after the date of the licence refusal. The information that has been provided will be kept for 7 years from the date the case is closed, after all works and investigations have been completed. Where works in default have been completed or charging notices served, that have not been paid, the information will be kept indefinitely (until such time as the debt has been paid).

Complaints, Advice & non-licensing investigations: The information that has been provided will be kept for 6 years from the date the case is closed, after all works and investigations have been completed. Where works in default have been completed or

charging notices served, that have not been paid, the information will be kept indefinitely (until such time as the debt has been paid).

Survey data: The information that you have provided will be kept for six years to monitor trends within survey results. After this point, any remaining data will be anonymised.

The relevant Information Asset Register ID numbers are contained within Appendix B. The Council publish an Information Asset Register (IAR), this will outline the retention periods for the personal data we process. You can find this IAR on our website <https://geoserver.nottinghamcity.gov.uk/information-asset-register/>

Information Rights

The UK General Data Protection Regulation provides for the following rights as prescribed by the legislation:

- A right to request a copy of your information
- A right to request rectification of inaccurate personal data
- A right to request erasure of your data known as 'the right to be forgotten'
- A right to in certain circumstances to request restriction of processing
- A right in certain circumstances to request portability of your data to another provider
- A right to object to processing of data in certain circumstances
- A right regarding automated decision-making including profiling

However, Nottingham City Council can restrict the above rights in certain circumstances for example to avoid obstructing an investigation, avoid prejudicing the prevention, detection, investigation or prosecution of criminal penalties or to protect the rights and freedoms of others.

Data Protection Officer

The Data Protection Officer is Data Privacy Advisory Services. You can contact the data protection officer at:

Loxley House,
Station Street,
Nottingham,
NG2 3NG

or at data.protectionofficer@nottinghamcity.gov.uk .

Information Commissioner's Office

The Information Commissioner's Office (ICO) website provides guidance on data protection and privacy matters, you can visit the website at www.ico.org.uk. You also have the right to complain to the ICO if you consider that the Council have processed your personal data incorrectly or that we have breached our obligations to you. You can contact the ICO at:

Wycliffe House,
Water Lane
Wilmslow,

Cheshire
SK95AF

www.ico.org.uk

Further Information

For more information about these rights please refer to our detailed privacy statement at <https://www.nottinghamcity.gov.uk/privacy-statement> .

Appendix A – Relevant Legislation

Antisocial Behaviour Act 2003

Antisocial Behaviour, Crime and Policing Act 2014

Building Act 1984

Building Safety Act 2022

Caravan Sites Act 1968

Caravan Sites and Control of Development Act 1960

Clean Neighbourhoods and Environment Act 2005

Crime Justice and Public Order Act 1994

Criminal Law Act 1977

Environmental Protection Act 1990

Housing Act 1957, 1985 and 1996

Housing Act 2004

Housing and Planning Act 2016

Housing (Grants, Construction and Regeneration) Act 1969

Local Government (Miscellaneous Provisions) Act 1976 and 1982

Nottinghamshire County Council Act 1985

Prevention of Damage by Pests Act 1949

Protection from Eviction Act 1977

Protection from Harassment Act 1997

Public Health Act 1936 and 1961

Public Health (Control of Disease) Act 1984

Smoke Alarm and Carbon Monoxide Alarm Regulations 2015

The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022

The Management of Houses in Multiple Occupation (England) Regulations 2006
The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007
The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
Town and Country Planning Act 1990 s215, 219, 224 and 225
The Enterprise and Regulatory Reform Act 2013, s83,84 and 85
The Energy Efficiency (Private Rented Property) (England & Wales) Regulations 2015
The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to belong to a scheme etc.) (England) Order 2014
The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

N.B: This is not an exhaustive list of all available powers. The above list is subject to change whenever Government introduce new relevant legislation.

Appendix B – Information Asset Register IDs

<https://geoserver.nottinghamcity.gov.uk/information-asset-register/>

6542 – 6550

2529 – 2533 (redundant Flare codes)

236, 239 - 243

262 - 264