

Housing Services

Privacy Statement

Housing Services processes personal data to carry out its functions and services. This privacy statement explains some important information about how we use your personal information. We also have a privacy statement for Community Safety and Anti-Social Behaviour together with a generic statement for the Council, visit www.bolsover.gov.uk for further information.

What information do we collect?

We collect personal information when needed from individuals to provide our services and carry out our statutory functions. These include:

- Housing advice and homelessness
- Determining whether an individual is eligible for council housing
- Processing and verifying housing applications
- Making sure a property is suitable for an applicant's needs
- Making sure the applicant can afford to live in the property prior to offer of a tenancy
- Set up a Tenancy Agreement
- Managing rent accounts and payments, including arrears and debt advice
- Ensure tenancy conditions are complied with such as dealing with tenancy breaches, anti-social behaviour or fraud
- Providing estate management and the Community Action Network (CAN) Rangers Service
- Managing the repairs, maintenance and adaptations of our properties
- Manage the Right to Buy service
- Providing a tenant participation service
- Providing the Careline 24hour emergency control and lifeline service, including the warden service and reporting of out of hours emergency repairs
- Sheltered housing service
- Capital Works to council properties
- Completion of equality impact assessments – to assess impacts on tenants when in arrears and prior to taking the case to court, and serving of community protection warnings and notices
- Undertaking asbestos surveys

We may also collect information when you complete customer surveys, provide feedback and participate in competitions.

The personal information collected will vary according to the service being requested or used. The list below covers the main types of personal information we collect:

- Full name (and proof of your identify which may include photo ID)
- Date of birth
- National Insurance number (your unique identifier)
- Address (including proof of address for applicants)

- Previous housing history – to assess housing applications and help prevent tenancy fraud.
- Forwarding address should you leave one of our properties.
- Contact Details (phone, email or correspondence address) including contact preference and any requirements for alternative communication formats based on need.
- Your availability for appointments or inspections.
- Details of anyone authorised to act on your behalf if applicable.
- Details of all household residents – including children see below.
- Details of relatives in the area if needed to prove local connection for housing applications.
- Banking details if you pay your rent by direct debit.
- Criminal records
- Disabilities or vulnerability. We use this information to ensure the service we provide meets your particular circumstances and needs. We may use this information for safeguarding of staff.
- Financial information. We may use this to help resolve arrears.
- Health information where we require this to ensure any property offered to you meets your needs.
- Sex, ethnicity, employment status, gender, relationship status, sexuality, nationality
- Immigration status
- References received as part of the application process from previous landlords.
- Electronic images, for example photographs.
- Video images and audio recordings from body worn video (BWV) – devices worn by designated officers for specified purposes for example prevention and detection of crime including anti-social behaviour, public and personal safety.
- Other personal information that will vary on a case by case basis to help us resolve breach of tenancy, alleged anti-social behaviour or fraud.
- Any other information you may choose to provide as part of the service you are requesting/receiving from the department.

We endeavour to collect only the personal information that we need for the purpose it has been provided for.

Children's information

Housing Services does not normally process children's information as part of a tenancy agreement because all tenants are adults. However, we record children's information if they are resident in one of our properties or they are included within an application for housing. This information is required for checking that any property offered will not make the property under or over crowded. It may also be needed to assess other tenancy management matters for example consideration of a welfare case where all householders and ages are required to be known.

Children's information will be used if they are the victims, witnesses or perpetrators of anti-social behaviour.

When required a child's image will be taken and used for the publication of Criminal Behaviour Orders and also recorded on the Empowering Communities Inclusion and Neighbourhood Management System (ECINS). The Council is a signatory to an information sharing agreement for ECINS.

The information in the relevant parts of this statement applies to children as well as adults.

Body Worn Video (BWV)

We will shortly be introducing devices which can record video images including audio (speech). These devices will be worn by designated staff in front line service areas - Housing, Anti-Social Behaviour and Environmental Health and used to:

- Protect staff and residents
- Protect premises and other assets
- Undertake enforcement action, including tenancy management
- Increase personal safety and reduce the fear of crime
- Reduce incidents of violence and aggression to staff members
- Support the Police in reducing and detecting crime
- Assist in identifying, apprehending and prosecuting offenders
- Provide a deterrent effect and reduce criminal and anti-social behaviour activity

A data protection impact assessment has been undertaken which will be updated during the procurement and implementation stages. Staff guidance and training will be provided before the system goes live.

How will we use the information?

We use the information to provide our services to individuals. Very often at the time of providing the information it will be obvious to you how we intend to use the information, e.g. to assess your eligibility for council housing, or to make a payment for rent.

We will make information available to you about how we use your personal information. This privacy statement is one important way of providing this information.

Other ways include

- Orally – face to face or when you speak to someone on the telephone
- In writing - on forms and applications, leaflets and the tenant's magazine Homing In.
- Electronically in emails, on websites, in text messages and online applications
 - Online application forms available as part of the choice based lettings, homeless or mutual exchange service
 - Online communications via the choice based lettings, homeless or mutual exchange service

When we collect sensitive and/or important information from you we will actively tell you about how it will be used at the point of collection.

Your information will be used by Housing Services to provide the service that you have requested. It will not be used for any other purpose unless we have agreed this with you. The only exception to this would be if we were required by law to provide your personal data

If you do not provide us with the personal information we request from you, we may not be able to offer you our services, or continue to administer any services that you have with us. We will tell us this at the time.

Legal basis for processing

The law requires us to have a lawful basis for processing data.

As a public authority most of the personal data processing that we do will be necessary to perform a task carried out in the public interest, to exercise our statutory duties. This is known as **public task** under the General Data Protection Regulation (GDPR) e.g. to assess whether an individual is eligible for Council housing. The task or function must also have a clear basis in law. The legal basis for our public task processing is contained within the legislation below:

Various Housing Acts (in particular the 1980, 1985 and 1996 Acts)

Anti-Social Behaviour, Crime and Policing Act 2014

Section 17, Crime and Disorder Act 1998

Localism Act 2011

Homeless Reduction Act 2017

Homelessness Act 2002

Public task also covers the personal data processing that we undertake when submitting data returns under statutory homelessness legislation, and CORE (Continuous recording of social housing lettings and sales for statistical purposes) to Ministry of Housing, Communities & Local Government.

We also use the following lawful bases for processing personal data.

Consent

Sometimes we rely on consent to process your personal data. This is usually when customers contact us initially to request a service or seek advice. Examples include asking for a form or some information to be sent, asking for advice which may include a referral to another organisation such as a food bank or citizens advice bureau.

When relying on consent we will

- Be clear about this, explain why we need your personal information
- Ask you to positively opt-in e.g. in writing or through affirmative action verbally
- Give you sufficient information to make an informed choice
- Advise you of your right to withdraw your consent at any time and how to do this (where applicable)

Contract

This basis covers processing which is necessary for a contract we have with an individual including the required processing before entering into a contract.

The tenancy agreement is a legal contract between the Council and the tenant. This is signed at the start of the tenancy and details the conditions of the tenancy agreement.

Legal obligation

This basis covers personal data processing required to comply with a common law or statutory obligation e.g. a court order may require us to disclose some personal data.

Legitimate interests

We can rely upon this basis when the personal data processing is necessary for the Council's legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. This basis can only be used for processing which falls outside of performing our official/public tasks.

We rely on this basis for the use of CCTV to protect our buildings and assets and we rely in part on this basis when using recording equipment to protect our staff. This is also the basis used for sharing information with utility companies to ensure correct billing arrangements.

Vital interests

The processing is necessary to protect someone's life. There may be occasions when we need to give medical professionals and/or the Police information concerning a tenant to protect life. This would be in situations where the individual concerned is not in a position to give consent.

Who receives my personal information?

Your personal information will be processed by Housing Services for the purpose it was given. Some of your personal information may also be shared with other council departments/service teams who need the information to provide a service that you have requested.

Depending on the service being requested or used your personal information may also be shared with:

Neighbouring councils or other landlords for reference requests for either existing tenants or applicants as part of the housing application process

Police, social services, fire service, doctors, paramedics/ambulance service as required by the Careline Service

Police, social services, schools, youth offending service, [the Elm Foundation](#), Home Office for Immigration as part of the investigation into tenancy breaches, anti-social behaviour, or as part of the housing application process

Banks – for processing of direct debits

Contractors for carrying out repairs and improvements

The Department of Work and Pensions, court service and bailiffs as part of our tenancy management functions

Safeguarding leads to discharge our statutory duties

Clinical Commissioning Groups (CCG)/Derbyshire County Council for a variety of reasons including anti-social behaviour, care of young, elderly and other vulnerable people

[Community Safety Partnership](#) (Derbyshire) and other Partnership teams

Your personal information may also be shared with other third party organisations which may be able to assist you for example citizen's advice bureau or food banks. This referral would only be done with your consent.

Your personal information may also be shared with utility companies to ensure correct billing for energy use for council properties. This may involve providing evidence of a tenancy and/or a forwarding address when you leave one of our properties.

The Council is under a duty to protect public funds, and to this end we may use the information that you provide to us for the prevention and detection of fraud. To meet these obligations we take part in data matching exercises such as the National Fraud Initiative. For further information see www.bolsover.gov.uk.

We may also share information for data matching purposes with other bodies responsible for auditing or administering public funds such as the Police, HM Revenues and Customs, Department for Work and Pensions and other Local Authorities.

We use data processors who are third parties who provide elements of services for us, for example Information technology (IT) providers. We have contracts in place with our data processors. (See how we protect your data).

The law only allows us to use your personal information for the purpose it was given. If we would like to use your personal information for another purpose then we would need to notify you of this and seek your consent. The only exception to this is disclosures required by law where an exemption exists under data protection regulation.

If we need to share your personal information with parties external to the Council then we will tell you this at the time of collecting the information from you. This may not necessarily include data processors who are processing personal data on our behalf under a contract.

Transferring your personal data

Personal data which the Council processes itself is held on UK servers. When using an external provider for processing it is our policy to use companies which have UK or EU based servers to receive the safeguards within UK data protection law and reciprocated across the European Union.

How do we protect data?

The Council takes the security of data seriously. The Council has internal policies and controls in place to safeguard personal data. This includes access restrictions to systems containing personal information, employee training and awareness, ICT security control and protocols, confidential waste collection and destruction, and documentation including personal data audits and guidance.

Where we engage third parties to process personal data on our behalf they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisations measures to ensure the security of data.

How long do we keep your personal information?

This depends on the type of record we hold but it is our policy not to hold records any longer than necessary whilst complying with any legal requirements and providing sound business records.

Record	Retention period
Housing Application Forms and supporting papers/medical evidence Referrals to Housing Associations	Successful applications transferred to house file (see below) 7 years for unsuccessful applications
Homelessness applications and all supporting papers/evidence	7 years
Central Control Out of hours logs Careline	3 years 7 years

Tenancy Management House File	12 years after end of tenancy or Right To Buy (RTB) completion or disposal of property
Rent arrears statistical returns	Leasehold property 99 years
Rents administration	7 Years
Repairs and Maintenance	7 Years
Maintenance/modernisation of void properties	12 years after RTB completion or disposal of property. Leasehold property 99 years (Forms part of the house file)

The Council has a retention schedule which contains its main record types and the length of time the record will be kept. If you would like further information on this then please email FOI@bolsover.gov.uk.

Access to your information and other individual rights

You have a right to request a copy of the information we hold about you. If you would like a copy or some or all of your personal information please email FOI@bolsover.gov.uk. Or write to us that the following address:

Bolsover District Council
The Arc, High Street
Clowne
Derbyshire, S43 4JY

There is also information on our website – search '[data protection](#)'

You also have other rights under data protection regulation which include rights to rectification, erasure, to restrict processing, data portability, to object, and to prevent automated decision making. Some of these rights are affected by the legal basis for processing which the Council is using, for example the rights to erasure and portability do not apply when processing your personal data for official public functions. More information of your rights is available on our website.

To exercise your rights please use the contact details noted in the first instance.

How to contact us

Please contact us if you have any question about this privacy statement or information we hold on you.

- By email – FOI@bolsover.gov.uk
- Or write to us at Bolsover District Council; The Arc, High Street, Clowne, Derbyshire, S44 4JY

The Council's data protection officer is Kath Drury, email kath.drury@bolsover.gov.uk or telephone 01246 242280.

You also have a right to make a complaint to the Information Commissioners Office about concerns you may have about your personal data.

Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone 0303 123 1113
www.ico.org.uk

You may wish to raise any complaint or concern with us first by contacting the Council's Data Protection Officer or using the Council's [complaint](#) system.