

## Privacy Notice for Applicants and Tenants

### What we need

Scottish Borders Housing Association (SBHA) will be a "controller" of the personal information that you provide to us through your completed Housing Application Form, and any other subsequent personal information provided to, or produced by, SBHA in the course of your housing application and/or tenancy unless otherwise stated in this privacy notice. This will also include the personal information of members of your household, including children, and as such they should be made aware of the contents of this notice.

When you apply for a house with SBHA, and during the course of your tenancy, we will ask you for the following personal information:

- contact details – your name, address (including previous addresses), phone number, email address, National Insurance number, date of birth;
- details of members of your household, including children – their name, phone number, email address, National Insurance number, date of birth, gender;
- details of any support worker(s) – their name, address, phone number, email address;
- health information for you and your household – for example, pregnancy and any other health condition which may impact on the type of property you would be suited to, and any potential medical adaptations to your property;
- criminal convictions data – including any members of your household who require to register under the Sex Offenders Act 2003, or who have been served an Anti-Social Behaviour Order;
- details of any previous tenancies – including details of any past rent arrears and/or evictions, and names and contact details of former landlords to act as references;
- details of your immigration status, where applicable;
- details of any member of SBHA staff to whom you, or a member of your household, are related;
- equality information – your age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, gender, sex, sexual orientation, religion or belief, and disability;
- income information for you and your household – employment status, income, benefit entitlement and receipt, and savings
- payment details – your bank account number, sort code, debit/credit card number; and
- other information which may result from your housing application/tenancy with SBHA – including information relating to any complaints or alleged anti-social behaviour.

### **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 if successful. We will use your personal information for these purposes to:

- manage and assess your application for housing with SBHA, including the size of property you (and your household) are given priority for, in line with SBHA's Policies and Procedures. This will also include seeking references from your former landlords/other relevant parties;
- 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 offer you and provide you with housing.

### **Why we need your personal information – legal obligations**

We are under a legal obligation to process certain personal information relating to our housing applicants and tenants 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.

### **Why we need your personal information – 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 exercise of official authority vested in SBHA to:

- 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; and
- carry out criminal record checks with the appropriate authorities relevant to your application and/or tenancy.

## **Why we need your personal information – legitimate purposes**

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

- monitor phone calls, 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 SBHA;
- issue communications and newsletters to you to provide you with information on your application and/or tenancy, as well as information on services that SBHA provides;
- target SBHA's services to support the needs of households, which could include welfare benefits advice;
- 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 [enquiries@sbha.org.uk](mailto:enquiries@sbha.org.uk), or writing to us at SBHA, South Bridge House, Whinfield Road, Selkirk, TD7 5DT.

If we agree and comply with your objection, this may affect our ability to provide services to benefit you with your housing application and/or tenancy.

## **Why we need your personal information – equality monitoring requirements**

We use your personal information relating to your age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, gender, sex, sexual orientation, religion or belief and disability to help us 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 SBHA.

## **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 (including the Department of Work and Pensions).

We may also share the information with:

- Scottish Borders Council (and its agencies) for the purposes of:
  - preventing homelessness and tackling anti-social behaviour;
  - investigating and detecting potential tenancy and benefit fraud; and
  - assisting the Council in responding to emergencies or major accidents. This allows the Council, in conjunction with the emergency services, to identify citizens who may need additional support ;

- Policy Scotland for the purpose of tackling anti-social behaviour and any other suspected criminality;
- Medical Professionals (including doctors) for the purposes of assessing any unified health assessment as part of the Application process, and sharing this, and our assessment of it, with partner Housing Associations in the Scottish Borders where you have applied for housing with them as well;
- our partner Housing Associations in the Scottish Borders, for the purpose of tackling anti-social behaviour;
- the Courts, in the event of any court case between you and SBHA; and
- Sheriff Officers who are acting under an order issued by a court.

We may also share personal information with our professional and legal advisors for the purposes of taking advice.

SBHA also employs third party suppliers to provide services, as set out below. 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, 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.

These third parties include:

- our printing and mailing suppliers, so that we can provide you with information through the post relating to your tenancy, including tenant newsletters and rent statements;
- our satisfaction survey providers, so that they can contact you to provide feedback on the service that SBHA provides;
- our authorised repairs sub-contractors to enable them to carry out repairs to your home;
- our planned maintenance contractors and surveyors, to enable them to carry out any necessary upgrade work to (or surveys of) your home; and
- tracing and debt collection agencies, in the event that you end your tenancy with a balance remaining due to SBHA.

We may also share your personal data (specifically your name, address and phone number) with a utility company when you move into an SBHA property. This is because a landlord has a legitimate interest in making sure that utility charges are directed to those responsible. The utility company will then become the "controller" of your personal data. We will do this so that the utility company can take steps to enter into a contract with you for the supply of energy. Once your tenancy commences, you will be free to change your energy supplier at any point. More information on our preferred energy suppliers privacy policies is available here: <https://sparkenergy.co.uk/privacy-policy>.

We may also share your personal data (specifically your name, address, contact details and bank account details) with our payment service provider. They will then become the "controller" of your personal data. We will do this to enable you to pay your rent. More information about our current payment providers privacy policies is available here: <http://www.allpay.net/privacy>

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

You and your household's personal information is stored on our electronic filing system and our servers based in the UK, and is accessed by our employees for the purposes set out above. Where hard copies of documentation are retained in line with SBHA's data retention schedule, these will be stored securely at SBHA's Head Office, Area Offices or secure offsite storage.

We will not ordinarily transfer your data outwith the EU. If this position changes and your personal information is proposed to be transferred outwith the EU, we will provide you with information regarding the safeguards that we have put in place with the recipient country to protect your personal information.

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

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

Unless you ask us not to, we will review and possibly delete personal information 6 years after the end date of your tenancy. Where you cancel an application for housing prior to being offered a tenancy, we will review and possibly delete personal information 1 year after the date of cancellation.

We may keep certain personal information of tenants (and household members) for longer in order to confirm your identity and how long you were a tenant of SBHA. We need to do this in the event of a claim against SBHA.

We have a data retention schedule 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 emailing us at [enquiries@sbha.org.uk](mailto:enquiries@sbha.org.uk), or writing to us at SBHA, South Bridge House, Whinfield Road, Selkirk, TD7 5DT.

## **Your rights**

You can exercise any of the following rights by emailing us at [enquiries@sbha.org.uk](mailto:enquiries@sbha.org.uk), or writing to us at SBHA, South Bridge House, Whinfield Road, Selkirk, TD7 5DT.

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 your personal information is inaccurate or incomplete, you have a right to request that we correct or complete your personal information;
- you have a right to request that we restrict the processing of your personal information for specific purposes; and
- if you wish us to delete your personal information, you may request that we do so.

Any requests received by SBHA 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)