



## **Tenant Privacy Notice**

This Tenant Privacy Notice sets out what personal data we, Barcud hold about you and how we collect and use it, both whilst you are a tenant with us and after you have left. It applies to current and former tenants.

We are required by data protection law to give you the information in this Privacy Notice. It is important that you read the Privacy Notice carefully, together with any other information that we might give you from time to time, about how we collect and use your personal data. You should also read our Data Protection Policy which explains our obligations in relation to personal data and how we keep it secure, as well as what we expect from you when you are handling personal data in the course of your tenancy.

This Privacy Notice applies from the 1st November 2020. It does not form part of your tenancy or other contract to provide services and does not give you any contractual rights. We may update this Privacy Notice at any time.

## **Who is the controller?**

Barcud is the “controller” for the purposes of data protection law. We are registered with the **Information Commissioner’s Office (ICO), our registration number is Z2005481**. This means that we are responsible for deciding how we hold and use personal data about you.

Our Data Protection Officer is the Group Company Secretary. As Data Protection Officer, they are responsible for informing and advising us about our data protection law obligations and monitoring our compliance with these obligations. They also act as your first point of contact if you have any questions or concerns about data protection.

## **What type of personal data do we hold about you?**

Personal data means any information relating to a living individual who can be identified (directly or indirectly) in particular by reference to an identifier (e.g. name, NI number, tenancy reference number, email address, physical features). It can be factual (e.g. contact details or date of birth), an opinion about an individual’s actions or behaviour, or information that may otherwise impact that individual in a personal or business capacity.

We hold and use various types of personal data about you, including, for example: biographical details; details of the terms of your tenancy with us; rent and service charge details etc.

Data protection law divides personal data into two categories: ordinary personal data and special category data. Any personal data that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sexual life or sexual orientation, or biometric or genetic data that is used to identify an individual is known as special category data. **(The rest is ordinary personal data).**

family living in your home which could include information about your health, religious beliefs, sexual life or sexual orientation; equal opportunities monitoring data which could include information about your race or ethnicity, religious beliefs, sexual orientation or health.

### **Why do we hold your personal data and on what legal grounds?**

We hold and use your ordinary personal data for tenancy and business administration purposes. This will include, for example: management of our tenancy relationship with you; addressing conduct, anti-social behaviour

Data protection law specifies the legal grounds on which we can hold and use personal data.

Most commonly, we rely on one or more of the following legal grounds when we process your personal data:

- Where we need it to perform the contract we have entered into with you whether this is a tenancy agreement, a contract for services or another type of contract.

We use the information you give us in the following ways:

- Respond to any enquiries
- Carry out repairs and maintenance to your home
- Monitor your rent and service charge payments
- Monitor satisfaction with our services
- Let you know about changes to your tenancy
- Let you know about changes at Barcud
- Contact you by telephone, sms, email or post (where consent has been provided) to gain your opinions on the service provided by Barcud.
- To improve Services
- Where we need it to comply with a legal obligation typically, this may include legal obligations such as the obligation: to provide a repairs and maintenance service.
  
- Where it is necessary for our legitimate interests and your interests and fundamental rights do not override those interests. This may include, for example, managing your tenancy and monitoring satisfaction with our services.

We hold and use your special category data for purposes including, for example: making adjustments to your home to accommodate health conditions; monitoring equality of opportunity and diversity in our organisation.

Since special category data is usually more sensitive than ordinary personal data, we need to have an additional legal ground to use and hold it. Most commonly, as well as one of the legal grounds listed above, we rely on one or more of the following additional legal grounds when we process your special category data:

- Where we need to exercise our legal rights or carry out our legal obligations in relation to your tenancy or benefits and the processing is in line with our Data Protection Policy (**legal obligation/right in relation to tenancy**)
- Where it is needed in the public interest, such as for equal opportunities and in line with our Data Protection Policy (**public interest in monitoring equal opportunities within Barcud**)

Occasionally, we may also hold and use ordinary personal data: in the public interest for the detection or prevention of crime; or where needed to protect your vital interests or those of another person. We may also occasionally hold and use special category data: to establish, exercise or defend a legal claim; where needed to protect your interests (or someone else's interests) where you are not capable of giving your consent; or where you have already made the information public.

Sometimes we may use your personal data for purposes that are different from or incompatible with those for which we collected it. If we do this, we will notify you and explain our legal ground for using your data in this way, as required under data protection law.

### **How do we collect your personal data?**

You provide us with most of the personal data about you that we hold and use. Other personal data about you we hold and use is generated by you in the course of your application for housing and tenancy. For example, during your application for housing email correspondence.

Some of the personal data we hold and use about you is provided by or generated from internal sources during the course of running our business. For example, employees may refer to you in emails or documents as part of their communication with you as part of your tenancy. We will monitor this to improve services, and information about you may be generated as part of our business and operational planning. It will remain anonymous when appropriate.

Some of the personal data about you that we hold and use may come from external sources. For example: when we offered you a home, we will have collected data from the Common Housing Register.

### **If you give us someone else's personal data**

Sometimes, you might provide us with another person's personal data – e.g. details of your emergency contact or next of kin. In such cases, we require you to inform the individual what personal data of theirs you are giving to us. You must also give them our contact details and let them know that they should contact us if they have any queries about how we will use their personal data.

### **Who do we share your personal data with?**

We will only share your personal data with third parties where we have an appropriate legal ground under data protection law which permits us to do so. Commonly, this could include situations where we provide the information to comply with our contractual duties to provide a maintenance and repair service to your home. Where it is necessary in our legitimate interest to improve services, monitor satisfaction with our services, mailings from Barcud.

## **Consequences of not providing personal data**

We only ask you to provide personal data when we have a good reason and there may therefore be consequences if you do not provide particular information to us. Some of the personal data you provide to us is required by law. For example, if you do not

provide:

- Name(s) of applicant(s)
- Previous address(es)
- Contact details
- Date of birth(s)
- National insurance number(s)
- Names and date of births for all household members
- Local connection
- Adaptations
- Involvement with other agencies
- Financial, employment and benefit information
- Details of disclosed criminal convictions

We may require you to provide other personal data, where it is necessary for us to fulfil our contractual obligations to you, or for you to fulfil your contractual obligations to us, or where our use of the data is necessary in our legitimate interests.

If you choose not to provide us with personal data requested, we will tell you about the particular implications of any such decision at the relevant time.

## **How long will we keep your personal data?**

We will not keep your personal data for longer than we need it for our legitimate purposes.

We take into account the following criteria when determining the appropriate retention period for Tenants' personal data:

- the amount, nature, and sensitivity of the personal data
- the risk of harm from unauthorised use or disclosure
- the purposes for which we process your personal data and how long we need the particular data to achieve these purposes
- how long the personal data is likely to remain accurate and up-to-date
- for how long the personal data might be relevant to possible future legal claims
- any applicable legal, accounting, reporting or regulatory requirements that specify how
- long certain records must be kept

Given the variety of tenants' personal data that we use and the varying circumstances in which we use it, it is difficult to specify ahead of time precisely how long we will keep particular items of personal data. Where possible, identify retention periods applicable to your personal data, which have been determined on the basis of the above criteria and which represent the longest period for which we will ordinarily keep it. This is identified in the Data Protection Policy We may often keep particular items of your personal data for less time. However, there may also be circumstances in which it is appropriate for us to keep particular items of your personal data for a longer period than that set out in the Data

Protection Policy. In particular, we will always keep your personal data for so long as we are required to do so under legal, accounting, reporting or regulatory requirements.

We will base these decisions on relevant circumstances, taking into account the criteria listed above.

## **Your rights**

You have a number of legal rights relating to your personal data, which are outlined here:

- **The right to make a subject access request.** This enables you to receive certain information about how we use your personal data, as well as to receive a copy of it and to check that we are lawfully processing it.
- **The right to request that we correct incomplete or inaccurate** personal data that we hold about you.
- **The right to request that we delete or remove personal** data that we hold about you where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below).
- **The right to object to our processing** your personal data where we are relying on our legitimate interest (or those of a third party), where we cannot show a compelling reason to continue the processing
- **The right to request that we restrict our processing** of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.
- **The right to request that we transfer** your personal data to you or to another party, in structured format. This right applies in respect of data that you have provided where our legal ground for using the data is that it is necessary for the performance of a contractor that you have consented to us using it (this is known as the right to “data portability”).

If you would like to exercise any of the above rights, please contact The Data Protection Officer, in writing. Note that these rights are not absolute and in some circumstances, we may be entitled to refuse some or all of your request.

If you have any questions or concerns about how your personal data is being used by us, you can contact The Data Protection Officer, Barcud.

You are able to make a complaint to the data protection supervisory authority should you feel that your data has not been handled correctly. Details of the Information Commissioner's Office can be found at [www.ico.org.uk](http://www.ico.org.uk)

If you have any questions or concerns about how your personal data is being used by the Barcud Group you can contact The Data Protection Officer.

### **Barcud**

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