

## **Croydon's Private Sector Housing Team.**

### **DATA PRIVACY NOTICE**

#### **CPRPL 2015 end September 2020 transition period to CPRPL 2020.**

September 2020.

Croydon's Private Sector Housing Team [CPSH team] is committed to providing a good service and at the same time protecting and respecting your privacy.

The Private Sector Housing Team are responsible for providing a range of services designed to improve the standard in the large private rented sector in the Borough. This includes property licensing for single families and houses in multiple occupation (HMOs), responding to service requests about property repair including fire safety and electrical safety and services around property inspections including to support non-UK visa applications (immigration property inspection report) and HMO advice visits.

This Privacy Notice details the processing of information in respect of selective licensing. It covers the management of data in the period of transition from the current Croydon Private Rented Property Licensing Scheme 2015 [CPRPL 2015] to the new scheme CPRPL 2020 or for a period of 12 months from the 1<sup>st</sup> October 2020.

The Privacy Notice will be reviewed following the decision from the Ministry for Housing Communities and Local Government on the proposed licensing scheme CPRPL 2020 or by the end September 2021; whichever dictates an earlier review.

This Privacy Notice explains how we use your information and how we protect your privacy in compliance with our legal obligations under the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) 2018. This Notice applies to any activity involving our use of your personal data, for example, collecting, storing, sharing, and secure disposal.

Information is processed under this Notice, when a person applies for a property licence (processing a licensing application, variation, revocation, refusal), a person applies for a temporary exemption notice, contacts us with a new housing enquiry, through premises investigations, through licensing property inspections (reactive or proactive), when officers visit a property and meet tenants, when officers collect documents relating to standards and the occupancy of properties and also in response to formal Notices under the Housing Act 2004 (2004 Act) or Local Government (Miscellaneous Provisions) Act.

#### **What information has been collected: and will continue to be collected:**

The greater volume of information has been collected. Applications made up until the end of the scheme will need time to be processed. We collect a range of information including some or all of the following:

- (current or previous) names, dates of birth, addresses, telephone numbers, email addresses or contact details of; applicants, proposed licence holders and interested parties.
- property ownership, tenancy or contract information (if you are a freeholder, head lessee, leaseholder or person employed as a letting or property management agent)
- relevant business, company or organisation name, address and contact details, director's names and addresses with a business interest.
- who is living in the property, as freeholders, lessees, landlord, tenants, lodgers or under a licence (Part 2 for houses in multiple occupation or Part 3 for other rented properties such as small HMOs or family houses)
- who else lives with you along with their details (e.g. partner, children and other adults).
- the relationship between people to know if you form a family or wider family or are not connected. Those of your relatives or advocates who represent you
- information about your current and previous housing circumstances to understand whether you are in receipt of housing benefit (universal credit) or council tax relief
- information about other circumstances including a tenants health and welfare so that we can look to improve your circumstances or signpost you to other services that may be useful to you in and outside the Council
- personal circumstances such as main language, disability or personal characteristic that allows the team to take this into account and make any reasonable requirements to ensure our services are accessible and appropriately targeted
- important documentation relating to property standards and safety that may contain personal information; gas safety certificate, tenancy agreement, electrical safety certificate, licence application form, declarations, individual witness statements and tenancy deposit protection information.
- identification documents used to prove your details
- information supplied by other parties about persons in a licence application or document in relation to a housing enforcement notice.
- information relating to enforcement action, criminal convictions, criminal proceedings, convictions and sentences (from this service or wider partner services)
- relevant qualifications or experience as part of fitness to manage.
- the property licensing status, licensed, not duly made or no licence application, fee paid and relevant dates

Generally, the information we hold about you will have been provided by:

- The Council itself as part of an investigation including a review of public information such as on the intranet or with reference to an existing record.
- The property owner, landlord, freeholder, leaseholder, agent or tenant.
- The tenant, relative or neighbour when we inspect, receive an enquiry or accept information on a completed form.
- Correspondence received; emails, photographs, letters, texts, social media and notes of telephone conversations
- Searches by Council officers on databases, relevant computer records and land registry.

- Information from partner services as part of an investigation (including trading standards, fire brigade, neighbourhood safety officers or other local authorities).
- Information from the Ministry for Housing, Communities and Local Government (MHCLG) rogue landlord database and / or Greater London Authority / Mayor for London's (GLA) landlord and letting agent database checking tool.
- A person making the licence application, application for a temporary exemption notice, revocation notice or variation notice, during the processing or from subsequent property inspection.
- Information collected by the council during an investigation.

## **Why we collect your information**

We use your data to investigate complaints, to review a licence, to determine work programmes with a view to improving property standards and the management of property in the Borough.

- to investigate complaints where the council has a duty to do so such as under the Environmental Protection Act 1990 (section 80) (statutory nuisance or conditions prejudicial to health of occupants), section 4 of the Housing Act 2004, the Smoke and CO Alarm (England) Regulations 2015, the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 and the Prevention of Damage by Pests Act 1949.
- enable us to carry out wider statutory duties e.g.
  - whether the council can issue, vary, revoke or refuse a licence (and length of licence) or temporary exemption notice under Part 2 or Part 3 of the Housing Act 2004.
  - To determine the number of households and occupants permitted at an address (house in multiple occupation)
  - investigating allegation of criminal activity
  - protecting public funds and / or recovering debt
  - preventing or detecting crime/fraud
  - law enforcement, criminal prosecutions and court proceedings
  - issuing penalty notices and taking formal enforcement action; including reference to past contraventions and penalties
  - evaluate whether applicants are fit and proper to hold a licence
- produce statistics and reports to research and plan new services; statistics are used in such a way that individuals or families cannot be identified from them
- monitor, evaluate and review the quality of our services including input into reports for Cabinet, Scrutiny Committee and internal management meetings.
- comply with government department research and statistical returns
- inform targeted support and homelessness services to adults, young people and families who are most in need and at risk of harm or abuse.
- provide information and make decisions in relation to complaints, data subject access requests, freedom of information requests or local ombudsman investigations

- provide information to the Mayor for London Landlord and Agent checker or the Ministry for Housing, Communities and Local Government Rogue Landlord database.
- provide information as part of an application for a Rent Repayment Order.
- Provide information to licenceholders using the email address to inform them of current private sector housing matters, COVID and the PRS and information about licensing schemes in the Borough.

### **Who we share information with**

We may share information about you to third parties where permitted or required by law to do so for all lawful purposes as specified in this Notice. Data processed will be limited to that which is lawful and minimised to meet the request with non relevant data redacted. Persons we share with:

- other Croydon Council services so they can carry out their statutory roles and support our service (e.g. community protection, anti-social behaviour team, wider Public Protection and Licensing, corporate internal fraud investigation team, social services, complaints, business intelligence, corporate finance, legal services, IT services, quality assurance, debt recovery and council tax)
- third party / service delivery partners who deliver these services on our behalf
- Croydon's multi-agency safeguarding hub (MASH)
- Croydon's multi-agency risk assessment conference (MARAC) that carries out safety planning for high-risk victims of domestic abuse. It brings together the police, independent domestic violence advisers, children's social services, health, social landlords and other relevant agencies
- emergency services (e.g. treatment centres, hospitals in their function of providing in patient care)
- government departments e.g. Ministry for Housing, Communities and Local and Government, Department for Work and Pensions, HM Revenue and Customs, Home Office and Mayoral private sector housing team
- other local housing authorities or social housing providers
- tenants (or their representatives) of properties who are taking formal action as enabled by various legislation such as making a rent repayment order, in defence of eviction through service of an unlawful section 21 notice, applying for injunctions or taking steps under the Fitness for Human Habitation Act 2018 for repairs or compensation.
- banks or organisations that lend money
- private rental landlords and/or housing companies
- estate agents, letting agencies and/or property management companies
- credit reference agencies or HMRC
- police and fraud prevention agencies
- HM Courts and Tribunals System
- Health and Safety Executive
- solicitors and other advocates
- your lawyer or representative (if you have instructed one and having received confirmation).
- law enforcement agencies in relation to the prevention or detection of crime or fraud.

Staff in each area will only access the personal information that is essential to carry out their work and statutory functions but may share data between the respective teams where this is necessary to provide you with services. The information you have provide to this team is held securely so there is control over what and how the information is provided.

When data is provided to some sources, such as in reports to Cabinet, Scrutiny, MHCLG for statistical purposes the data is anonymized.

We will only share your information with other orgainsations and/or inviduals inaccordance with the requirements of GDPR and/or the Data Proetction Act 2018, and where there is a legal basis allowing this to take place.

### **The lawful basis on which we use this information**

The legal bases for processing your personal information are:

- compliance with our legal obligations;
- tasks carried out in the public interest or in the exercise of official authority or in support of a service with official authority; and/or
- consent.

### **Collecting this information**

Whilst the majority of information provided to us is mandatory due to compliance with a legal obligation, some of it is provided to us on a voluntary basis. To comply with the GDPR and the Data Protection Act 2018, we will inform you whether you are required by law to provide certain information to us; if you do have a choice to provide information that is not mandatory, your explicit consent will be requested.

You do have the right to withdraw your consent if this is applicable to processing your data. If this is the case, we will let you know.

We have only asked for or obtained personal information that is necessary to enable us to deliver our services in compliance with our legal duties under Parts 1-3 of the Housing Act 2004 including the selective licensing scheme in relations to the application, the fit and proper person declaration, the property licensing conditions (including associated legislation), the need to revoke, vary, refuse or issue a licence or temporary exemption Notice and in taking action in relation to the offences. On occasions some of the information has been provided following the service of a further Notice such as under section 16 of the Local Government and Miscellaneous Provisions Act 1976. The information provided provides details of all parties with an interest in the property and assists the Private Sector Housing Team with providing its services.

Licensing information - information is provided from an applicant about who is to be the licence holder for a property. The information includes details on the applicant, licence holder and other interested parties. There is property information. This information has a use as a new scheme starts as the pricing for a new scheme allows for a discount for licence holders under the past scheme. The Council can

also confirm to tenants that a property had a licence to inform an application for a rent repayment order

Information collected from documents under section 235 of the Housing Act 2004. The council can ask for copies of gas safety certificates, tenancy deposit protection certification and tenancy agreements. The information has a purpose in relation to legislative compliance, property safety and identifying interested parties from the property. The information is held securely on the council database and accessed only by officers of the team. Some information that is also on a document can be redacted before provision.

As a service we will usually keep records for up to 7 years after provision in case of queries, information requests, repeat enquiries and they will then be destroyed securely.

This Privacy Notice relates to the information collected as part of CPRPL2015 and identifies the need to retain. We hold completed application forms (or downloaded data in alternative format) and supporting documents during the lifetime of the licence. All applications (except 1) we made electronically. Once the licence has lapsed, been surrendered or revoked or the scheme expires the Council is to retain the information for a 12 month period before further review; subject to the agreement of the proposed new scheme CPRPL 2020.

Cases relating to enforcement action (and sit outside of the application form detail) will be retained for 7 years from final decision (with no appeal made). A future review will explain the intention and reasoning for retaining any licensing related information.

We securely destroy all information once we have decided that it is not lawfully retained and no longer need it.

### **Storing this information**

The data is stored securely in Council databases. This includes within the council server or databases of companies under licence to provide a service which includes the storage, interrogation and access facilities.

The data obtained from the administration of the selective licensing is to be held for a period of 12 months from the end of the scheme (30<sup>th</sup> September 2020) before a further review, subject to the agreement of the proposed new scheme CPRPL 2020.

In general personal data will not be retained for longer than necessary in relation to the purposes for which they were collected. There is usually a legal reason for keeping your personal information for a set period of time – this ranges from months for some records to decades for more sensitive records.

The decision to retain the information and use the information is listed below:

- Section 3 of the Housing Act 2004 requires that a local housing authority must keep the housing conditions in their area under review with a view to identifying

any action that may need to be taken by them. The data from the property inspections has identified 2,500 premises with no fire precautions. The requirement to have fire precautions remains post licensing under part 1 of the Housing Act 2004 and for landlords under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 it is a duty to provide smoke alarms on every storey. The same regulations, under regulation 5, place a duty on a local authority, where they consider there is a premises with a breach to serve a remedial Notice on a landlord.

- under any of the provisions mentioned in subsection (2). The Council will continue to review those properties that did not apply for a licence or temporary exemption so that the landlords can be reminded about the need to licence where CPRPL 2020 or any future licensing scheme is approved.
- Some properties need to licence as a mandatory HMO on closure of the selective licensing scheme. The definition of a mandatory HMO changed on the 1<sup>st</sup> October 2018.
- Licence holders with a licence under CPRPL 2015 are entitled to a reduced fee with CPRPL 2020 where an application is made in the grace period prior to the CPRPL 2020 commencing. The licence must be the same so information about the parties in CPRPL 2015 and whether the property was licensed are needed. The Council will need to review the data to determine the entitlement to the exemption. An application for a licence for the new designation can be made at any point during the new designation.
- Applications for a licence must not contain false or misleading information as this could be an offence under section 238 of the Housing Act 2004.
- Under section 96(5) of the 2004 [2004 Act](#) a local housing authority or tenant may want to apply to a property tribunal for a rent repayment order. The rent repayment order can apply to an period of rent within 12 months of the date that an offence was being committed (section 96(6a) ). The offence relates to an offence of not licensing or not having made an application for a temporary exemption Notice hence details about the licensing status of a property remain important for a period of 12 months from the end date of the scheme. The case can go to the Tribunal within 6 months of an application.
- The legislation in relation to rent repayment orders was amended by Chapter 4 of the [Housing and Planning Act 2016](#). A tenant, who let the premises, can apply for a rent repayment order if the offence was committed within a period of 12 months ending on the date a property licence application was made.
- The Council has a period of six months from the date of an offence, to take action against a landlord, agent, licence holder in relation to Part 3 selective licensing offences.
- Under section 98 of the [2004 Act](#) a landlord is not allowed to give a section 21 Notice in relation to an assured shorthold tenancy of the house where it is unlicensed. A [procedure](#) must be followed. COVID-19 has impacted on the courts' ability to hear eviction proceedings with [evictions barred](#) and the period of Notice extended to 6 months. The local authority needs access to information about the licensing status of a property to effectively support tenants or landlords in this situation.
- Landlords of Concern may challenge their status and information is needed to justify this. A landlord can be a landlord of concern as a result of part 3 offences or decisions to refuse, revoke a licence.

If you would like to know more about how we store your data, please contact [hsg-privatesector@croydon.gov.uk](mailto:hsg-privatesector@croydon.gov.uk).

### **Providing us with accurate information**

It is very important that you provide us with accurate information to enable us to process your application more quickly. If any of your details have changed, or change in the future, the Council needs to be informed so that can update your records.

If false or inaccurate information is provided and fraud is identified, details will be passed to fraud prevention agencies. Law enforcement agencies may access and use this information.

It can be an offence under the relevant legislation to provide false and/ or misleading information and the council will investigate this additionally.

### **Requesting access to your personal data**

Under GDPR and the Data Protection Act 2018, you have the right to request access to information that we hold about you. To make a request for your personal information, contact the Council's Information Management Team at [SAR@croydon.gov.uk](mailto:SAR@croydon.gov.uk).

### **Further information**

The GDPR and the Data Protection Act 2018 gives you a number of rights to control what personal information is used by us and how it is used by us. Information about your data rights is listed in the Council's corporate Privacy Notice at [www.croydon.gov.uk/privacy](http://www.croydon.gov.uk/privacy).

If you have any questions or concerns about the way we collect, store or use your personal information, please contact in the first instance [hsg-privatesector@croydon.gov.uk](mailto:hsg-privatesector@croydon.gov.uk)

For advice about data protection issues, you can contact the Information Commissioner's Office (ICO) at [www.ico.org.uk](http://www.ico.org.uk).

We reserve the right to amend this Privacy Notice at any time and will keep it under review. If we do make any changes, we will post the current version to our website at this address.

For more general information about how the Council uses your information and your data rights, please refer to the Corporate Privacy Notice available at [www.croydon.gov.uk/privacy](http://www.croydon.gov.uk/privacy).