

## Privacy Notice for Private Sector Housing

### Introduction

This notice is provided within the context of the changes required by the EU General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

This document will therefore be subject to ongoing review to ensure it continues to align with the requirements of all applicable legislation.

### Service description

Private Sector Housing provides statutory and non-statutory services for the purposes of improving housing conditions and management standards in the private sector. To deliver these services, it is necessary for Thanet District Council (“the council”) to collect, store and process personal data.

### Where we get your information from

Private Sector Housing obtains data from a wide range of sources, including:

- Members of the public;
- Private companies and partnerships, such as solicitors;
- Service request forms;
- Licensing application forms in respect of mandatory licensing of houses in multiple occupation (HMOs), selective licensing, and licensing of permanent residential caravan sites;
- Tenant referencing application forms;
- Multi-agency referral forms;
- Requisition for Information Notices served under section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
- Documents demanded under section 235 of the Housing Act 2004;
- Councillors and Members of Parliament (MPs);
- Property owners;
- Landlords;
- Managing, letting and estate agents;
- Tenants;
- Homeowners;
- Land Registry;
- Housing Benefit and Council Tax records;
- Other council departments, such as Customer Services, Planning, Building Control, Environmental Health, Street Scene, Community Safety and Housing Options;
- Multi-agency Task Force (formerly the Margate Task Force);
- Other public bodies and agencies, such as Kent Police, Kent County Council, National Health Service (NHS), Kent Fire & Rescue, and Immigration Enforcement;
- Voluntary and charitable bodies, such as Citizens Advice Bureau (CAB) and Shelter;
- East Kent Home Improvement Agency;

- Credit reference agencies;
- Tenancy Deposit Protection schemes.

### **How will your information be used**

The information obtained by the council may be used in a number of ways, for example:

- To enable us to meet our legal and statutory obligations as a local housing authority;
- To safeguard vulnerable adults and young people;
- To process, investigate and respond to your report or complaint;
- To help us improve housing conditions and management standards in the private sector through informal means and by way of statutory enforcement action;
- To help us bring empty homes back into use;
- To deliver the mandatory HMO licensing regime;
- To deliver the council's selective licensing scheme(s);
- To deliver the council's statutory licensing functions in respect of permanent residential caravan sites;
- To maintain public registers associated with licensing activities;
- To operate a tenant referencing service;
- To deliver proactive housing and health interventions;
- To deliver landlord engagement activities, such as landlord events and focus groups;
- To prevent and detect fraud, corruption and criminal activity and for law enforcement functions;
- To comply with Freedom of Information Act 2008 requests;
- For statistical analysis.

### **What information we hold**

In order to provide these services, we may need to process some of your personal data, such as your name, email, date of birth, telephone number, address, occupation and gender, as well as some more sensitive data, including criminal convictions, racial and ethnic origin, and mental and physical health.

### **Who we will share your information with**

We may share your information with other council departments, and when in the public interest to do so, other councils, agencies and bodies, such as Kent Police, Kent County Council, National Health Service (NHS), Kent Fire & Rescue, HM Revenue & Customs and Immigration Enforcement. The council is also a signatory to the Kent and Medway Information Sharing Agreement, which sets out the purposes for which sharing personal information is legitimate. Personal information may therefore be shared with the other signatories to the Agreement when in the public interest to do so.

We will not share your information with companies for marketing purposes. However, the council is obliged by law to hold certain public registers and some prescribed information will be available for anyone to view.

## Lawful basis for processing data

The council processes personal information to carry out tasks that are in the public interest, as well as to deliver services that it is under a statutory obligation to provide.

Private Sector Housing processes personal information in taking action and delivering services under various legislative powers. The legislation primarily used by Private Sector Housing is set out below:

- Housing Act 2004 (housing conditions and Housing Health and Safety Rating System; HMO licensing; selective licensing; management orders, HMO management regulations and supplementary provisions);
- Housing and Planning Act 2016 (banning orders; rogue landlord database; rent repayment orders; financial penalties as an alternative to prosecution; and access to tenancy deposit information);
- Housing Act 1985 (demolition orders; clearance areas; overcrowding; and compulsory purchase orders (CPOs));
- Environmental Protection Act 1990 (statutory nuisances);
- Building Act 1984 (drainage; and defective premises and WCs);
- Town and Country Planning Act 1990 (land adversely affecting the amenity of an area; and CPOs);
- Public Health Act 1936 (defective WCs);
- Public Health Act 1961 (stopped up and defective drainage);
- Law of Property Act 1925 (enforced sale of premises);
- Local Government (Miscellaneous Provisions) Act 1976 (requisition for information; and provisions to protect utility supplies);
- Local Government (Miscellaneous Provisions) Act 1982 (protection of buildings);
- Prevention of Damage by Pests Act 1949 (removal of harbourage for vermin);
- Health Act 2006 (smokefree requirements in common parts of residential buildings);
- Caravan Sites and Control of Development Act 1960 (licensing of caravan sites);
- Mobile Homes Act 2013 (protection for residents living permanently in mobile homes);
- Tenant Fees Act 2019 (banning of tenant fees and capping of tenancy deposits);
- Anti-social Behaviour, Crime and Policing Act 2014 (community protection notices);
- Protection from Eviction Act 1977 (unlawful evictions and harassment);
- Deregulation Act 2015 (protection from retaliatory eviction);
- Landlord and Tenant Act 1985 (various provisions);
- The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 (requirement to belong to a Government approved redress scheme);
- The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (mandatory requirement for smoke and CO alarms);
- Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (minimum levels of energy efficiency in privately rented property).
- Police and Criminal Evidence Act 1984 (investigation of alleged criminal offences).

Private Sector Housing also offers some non-statutory services to help residents. When you request assistance under such schemes, your consent will be the legal basis for processing your

personal information. Sometimes, the council will process your personal information without your consent, if it is necessary to protect your vital interests or those of another individual.

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

We aim to keep your personal information only for as long as is necessary to fulfill the purposes for which it was collected and processed. Some retention periods may be subject to a legal obligation imposed upon the council by law. Once your personal information is no longer required, it will be destroyed or deleted confidentially.

In general terms, we will hold information for a maximum period of seven years following the closure of a case file or the expiry of a licence. However, there may be cases where an outstanding debt is owed to the council that cannot be immediately recovered. In such cases, the case file and information will be retained for a period of seven years after the debt is finally discharged.

### **Your rights**

The Data Protection Act 2018 in conjunction with the General Data Protection Regulation (GDPR) grants a number of other rights. These include the right to rectify errors in your records, the right to withdraw consent given to process your data, and the right to object to the use of your data.

You have the right to be told if we have made a mistake whilst processing your data and we will self-report breaches to the Information Commissioner.

For more information on your rights, how we process your personal information, and how to make a subject access request, please visit: <https://www.thanet.gov.uk/privacy-statement/>. This is also available in other formats (e.g. print).

### **How do I complain?**

If you wish to complain about how we are processing your personal information please contact:

The Data Protection Officer  
Thanet District Council  
Cecil Street  
Margate  
CT9 1XZ  
Email: [dataprotection@thanet.gov.uk](mailto:dataprotection@thanet.gov.uk)  
Tel: 01843 577000

You also have the right to complain to the Information Commissioner's Office (ICO), at:

The Information Commissioner  
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
Tel: 0303 123 1113 or 01625 545745  
Website: [www.ico.org.uk](http://www.ico.org.uk)