

Merthyr Tydfil County Borough Council Privacy Notice HOMELESSNESS AND HOUSING APPLICATION FORMS

This notice has been written in accordance with the General Data Protection Regulations and relevant legislation.

Information Governance Team

Lisa Richards - Data Protection Officer

Sam Bishop - Data Disclosure and Records Officer

Civic Centre, Castle Street, Merthyr Tydfil, CF47 8AN

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Cyngor Bwrdeistref Sirol
MERTHYR TUDFUL
MERTHYR TYDFIL
County Borough Council

Date Created:	25 May 2018
Responsible Department:	Housing Division
Responsible Manager:	Steve Peters
Address:	MTCBC, Civic Centre, Castle Street, Merthyr Tydfil, CF47 8AN

Merthyr Tydfil County Borough Council is responsible for deciding how we hold and use personal information about you. This notice applies to customers accessing housing service provided by the Council, most commonly, residents of the county borough who wish to register for social housing to allow them to apply for a home from a Registered Social Landlord (Housing Association) and also residents who are homeless or are threatened with homelessness.

This notice does not form part of any contract to provide services. We may update this notice at any time and we ensure that is made available to you as soon as reasonably practical. It is important that you read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what your rights are under the data protection legislation.

IDENTITY AND CONTACT DETAILS OF THE DATA CONTROLLER

Merthyr Tydfil County Borough Council is the Data Controller and is committed to protecting the rights of individuals in line with the Data Protection Legislation including the GDPR.

Contact details of the Data Protection Officer

Merthyr Tydfil County Borough Council has appointed a Data Protection Officer who can be contacted using the following details:

Mrs. Lisa Richards (Data Protection Officer)

Address:	Information Governance Team Merthyr Tydfil County Borough Council Civic Centre Castle Street Merthyr Tydfil CF47 8AN	Email: data.protection@merthyr.gov.uk Tel: 01685 725000 Fax: 01685 725060
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WHAT INFORMATION DO WE HOLD ABOUT YOU

We will collect, store, and use the following categories of personal information about you:

- Personal Descriptors including:
 - Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
 - Date of birth.
 - Gender.
 - Marital status and dependants.
 - Next of kin and emergency contact information.
- Credit Records such as loan details, purchases, spending habits.
- Financial Details:
 - Bank account details, income records including whether you are in receipt of benefits.
 - Expenditure details, including outgoings such as payments made and utility bills.
- Employment Records:
 - Salary, pension and benefits information.
 - Start date or the date of continuous employment.
 - Location of employment or workplace.
 - Job titles, work history and working hours

We may also collect, store and use the following special categories of personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Family or individual health history, health records, blood type, current and past medications and prescriptions.
- Information about your health, including any medical condition, health records, including where you leave employment and the reason for leaving is determined to be ill-health, injury or disability, the records relating to that decision;
- Information about criminal convictions and offences.

HOW IS YOUR PERSONAL INFORMATION COLLECTED

We collect personal information about housing applicants through our homelessness and housing registration application forms, either directly from you or if you have received support in completing the form we may receive them from the individual/agency supporting you.

We may sometimes collect additional information from third parties including registered social landlords, charities and other local authorities whom you may have contact with and also the National Health Service, GP surgery or other health professional. There may be occasions where we will receive information during the course of our operational functions from the National Probation Service, Community Rehabilitation Company, police services, former landlords and other individuals known to you.

There may also be occasions where we would receive information from internal departments such as the Social Services Department, the Education Service and the Revenues and Benefits Department.

Once your information has been collected it will be input into our Civica System which is an externally hosted database. You will be allocated an individual case file within this system; all information relating to you will be stored within your individual case file.

We will collect additional personal information in the course of our Council business functions and the services we provide to you throughout your contact with us. This is explained in further detail throughout this notice.

HOW WE WILL USE INFORMATION ABOUT YOU

We will only use your personal information when the law allows us to. We will use your personal information in the following circumstances:

1. Where we have received your consent to provide you with a service.
2. Where we need to comply with a legal obligation.
3. Where we need to protect your interests (or someone else's interests).
4. Where it is needed in the public interest or for official purposes.
5. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

Situations in which we will use your personal information

We need all the categories of information in the list above to allow us to perform our services as homelessness and housing provider and enable us to comply with our legal obligations. In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below.

- **Consent:**
 - To respond to and consider any complaints made by you or your representative regarding the service you have received.
 - To enable you to engage with and participate in any activities taking place regarding homelessness prevention.
 - To access internal departments databases, such as the Northgate Revenue and Benefits System in order to provide you with an efficient service and respond to your requests in a timely and effective manner.
- **Legal Obligation:**
 - To provide you with a provision of welfare, including safeguarding, social services involvement and accessing health services
 - To encourage Welsh language development
- **Protecting your Interests:**
 - To keep your children safe
 - To protect you from being at risk of harm or helping you escape from domestic abuse or other dangerous situations
- **Official Purposes (Public Task):**
 - To assess the quality of our services
 - To meet the statutory duties placed upon us by the Welsh Local Government Association,

Welsh Government and the National Assembly for Wales

- To carry out reviews of homelessness within Merthyr Tydfil and develop a strategy to prevent and provide help for people who are homeless or threatened with homelessness.
 - To assess your need for housing related support, strategic planning and commissioning services.
- Legitimate Interests:
 - To promote healthy lifestyle and spending habits
 - To offer you support and guidance on accessing services relevant to your situation

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you, or we may be prevented from complying with our legal obligations.

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION

Special categories of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent such as responding to your enquiries and we need to view your records in order to provide you with a response, this also ensure that you receive the best service from us.
2. Where we need to carry out our legal obligations or exercise rights in connection with our public task in connection with:
 - Providing you with housing related support regarding:
 - Homelessness and Housing Advice
 - Managing Supporting People Services
 - Strategic Housing Function
 - Accessing the Private Rented SectorWe will provide these services in accordance with the Welsh Government's Code of Guidance relating to the Allocation of Accommodation and Homelessness.
 - To comply with our official legal obligations as a public body which are imposed under the following laws:
 - Housing Act 1996
 - The Housing (Wales) Act 2014

The Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 including the Welsh Governments National Strategy on Violence against Women, Domestic Abuse and Sexual Violence – 2016 - 2021
Planning (Wales) Act 2015
Renting Homes (Wales) Act 2016
Well-being of Future Generations (Wales) Act 2015
Social Services and Wellbeing (Wales) Act 2014
The Homelessness (Suitability of Accommodation) (Wales) Order 2015

3. Where we have a public duty to assist with homelessness prevention and housing support issues in the public interest and for equal opportunities monitoring.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

For more information regarding the services provided by the Housing Division please visit our living Merthyr Tydfil website www.livingmerthyrttydfil.org.uk

DATA SHARING

We may have to share your data with third parties, including third-party service providers. We require third parties to respect the security of your data and to treat it in accordance with the law.

Why might you share my personal information with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the services we are providing to you or where we have another legitimate interest in doing so.

We may share anonymised personal data on an annual basis regarding your participation in the services provided by the Council with Welsh Government for research and statistical analysis performed in order to improve the care and support provided to people in Wales.

If we consider your particular circumstances to be of concern we may refer you to an external agency, such as a charity or organisation to provide you with the help you need. We may also refer you to another Council department if they are able to provide you with help.

There may be occasions where we have to work alongside another local authority to provide you with the services you require. We will tell you if that is the case.

How secure is my information with third-party service providers and other data controllers?

All our third-party service providers and other data controllers are required to take appropriate security measures to protect your personal information in line with the Data Protection Legislation. Our third party suppliers and data controllers will provide you with information on how they use your personal information.

When might you share my personal information with other data controllers?

We will share personal data relating to your application for housing or your homelessness referral with the registered social landlord operating within the Merthyr Tydfil area. The Council no longer owns any social housing as such we have to make enquiries with external providers, which may even include private landlords, in order to secure accommodation. A list of the Registered Social Landlords operating in the borough can be found on the Merthyr Housing Choice website www.merthyrhousingchoice.org.uk/partners.

What about other third parties?

We may also need to share your personal information with a regulator, or supervisory authority in order to comply with the law. This may include the Police, the National Probation Service, the Ombudsman, the Information Commissioners Office or other Government Department and appointed Regulatory Commissioner's.

We may also share your data with the National Health Service or make a referral to another health professional on your behalf should you require such assistance.

Transferring information outside the EU

We will not transfer your data to any countries outside of the EU. If we do we will inform you as soon as possible. If we do, you can expect a similar degree of protection in respect of your personal information.

DATA RETENTION

How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. For the purposes of housing and homelessness applications we will retain this information for 6 years after the file has closed.

Details of retention periods for different aspects of your personal information are available in our Records Management policy which is available on our website (www.merthyr.gov.uk) or from the Information Governance Team who can be contacted on the details provided at the top of this notice. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer receiving services from the Council we will retain and securely destroy your personal information in accordance with our Records Management Policy including any applicable laws and regulations.

RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please

keep us informed if your personal information changes during your working relationship with us.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information 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 information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the responsible manager detailed at the top of this notice in writing.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

RIGHT TO WITHDRAW CONSENT

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the responsible manager detailed at the top of this notice. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

DATA SECURITY

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

MAKING A COMPLAINT

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the Data Protection Officer using the contact details provided at the top of this privacy notice. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues:

Information Commissioner's Office (Wales)
2nd Floor
Churchill House
Churchill Way
Cardiff
CF10 2HH

Tel: 0330 414 6421
Email: casework@ico.org.uk

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will ensure that the new privacy notice is made available to you when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.