

PRIVACY NOTICE

Tenant Representation Declaration Form

Who we are

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, moray.gov.uk 01343 543451, is a local authority established under the Local Government etc. (Scotland) Act 1994. We are the Data Controller of the information being collected.

Why we are collecting your personal information

Information will be collected on the declaration form so that the Council, specifically the Area Housing team, can discuss your tenancy with the representative you have named. The information we will collect as part of this process is:

- your name;
- the addresses that relate to your tenancy;
- your phone number; and
- your email address

These details will be collected so that we can discuss your tenancy with your declared representative. We will also ask you to specify which categories of information relating to your tenancy you give your permission to be shared and discussed on your behalf.

The declaration form will also ask for your appointed representative's name; their relationship to you; their address and contact details, so that we can contact them as your representative.

Our legal basis

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand the Council's basis in data protection law to be Article 6(1)(a) of the United Kingdom General Data Protection Regulation (UK GDPR) because you have given consent to your personal data being used as outlined in this privacy notice.

Personal data that counts as 'special category data', such as health, ethnicity and religion, must satisfy extra conditions when processed. If you have selected for the Council to share such information with your appointed representative, we understand our legal basis in data protection law for processing this data to be Article 9(2)(a) of the UK GDPR, because you have provided your explicit consent to the processing of this special category data.

If you have selected for your criminal convictions or offence information to be shared with your representative, the Council's legal basis in data protection law for processing this information is set out under Article 10(1) of the UK GDPR; as the processing is authorised by domestic law, in this case – Schedule 1, Part 3, Paragraph 29 of the Data Protection Act 2018 – as you have given your consent to the processing.

Information you give us about other people

Please ensure you inform your representative that you have given their information to Moray Council. We will only use this information to contact them as your appointed representative.

Who we share your information with

We will share the information you have specified on the declaration form with your representative, as named on the form.

As part of this process your personal data may be shared with third parties. These third parties include but are not limited to, NHS Grampian and other registered social landlords. We may share your information with these third parties in instances where a transfer or change of accommodation is undertaken based on your medical needs, and, you have consented to the Council sharing and discussing medical information and information about your health with your appointed representative.

Your personal data may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are accurate and up to date. It may also be shared with other relevant Council departments where applicable.

The Council may share your personal data with other relevant Council departments and third parties, where we are under a legal obligation to do so. For example this may be with Police, Social Security Scotland, UK Border Agency or other Registered Professional Bodies.

The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council departments and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

How long the information is held for

Your personal data will be securely stored by Moray Council for a pre-determined length of time. Information is only kept for the minimum amount of time necessary. We maintain a record retention schedule which sets out how long we retain different types of personal data. This is available on our website: http://www.moray.gov.uk/moray_standard/page_92820.html (under Section 5 of the Records Management Plan).

The Council stores information within the UK.

Your rights

Moray Council is the Data Controller for this personal data. You have legal rights about the way the Council handles and uses your personal data. These include the right to ask for a copy of it, to ask us to correct it and to ask us to stop doing something with your personal data. As so far as the legislation permits, you also have the right to request the deletion of your data, and to object to the processing.

You have the right to withdraw or update your consent for this process at any time, you can do this by contacting the Council's Area Housing Team by email at: housing@moray.gov.uk or by phone on: 0300 123 4566.

For more information about these rights, please see the Information Management pages on the Council's website here: http://www.moray.gov.uk/moray_standard/page_41220.html. Alternatively, email the Council's Data Protection Officer at: dataprotection@moray.gov.uk

You also have the right to make a complaint to the Information Commissioner's Office. They are the body responsible for making sure organisations like the Council handle your personal data lawfully.

Information Commissioner's Office

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Telephone: 0303 123 1113 Website: <https://ico.org.uk/>