

PRIVACY NOTICE

Housing – Housing Needs (including Housing Options, Homelessness, Allocations and Support)

Who we are

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, www.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 personal data being collected.

Why we are collecting your personal data

Moray Council collects information about your housing needs, in order to provide you with advice and assistance regarding your housing options, to allocate tenancies and to establish if we have a duty to offer you accommodation, either permanent or emergency accommodation.

Personal data will be collected from you when you liaise with the Housing Service, initially with the Housing Options team, and via forms such as a Homelessness Application or a Housing Application. The personal data collected includes:

- Name, date of birth, National Insurance number, gender, ethnicity, marital status, contact details and contact preferences (email address/phone number).
- rough sleeping information, address history, current tenure and property ownership
- health information
- data relating to criminal convictions or offences
- financial information (including debt, rent arrears, employment details and salary/income/benefits received).

If you are asked to complete a Functional Assessment form, we will also collect additional information, such as:

- Medical diagnosis details, treatment/medication
- Mental health issues, learning disabilities and addictions
- Support Plans, Risk Assessments, Financial Assessments
- Mobility and falls information.

The personal data collected is used to:

- give you housing options advice
- make enquiries into your current housing situation across the Council's data systems
- determine your eligibility for assistance under homelessness legislation and make relevant enquiries where required
- determine and evidence your eligibility for housing from Moray Council, other Councils and housing associations
- provide suitable temporary accommodation if/when required
- determine your housing needs, priority, and type of tenancy
- assist and manage any allocation of suitable housing
- give you advice on your legal rights and responsibilities.

Personal data we collect from other sources

As part of assessing your housing need, we may need to collect personal data about you from other sources.

Internally we may collect data from other Council Services and teams, such as Social Work, Benefits and Money Advice, and Employability. We may also collect data from multi agencies, including MARAC/MATAC/MAPPA (SOLO).

Externally we may collect data from private landlords, Letting Agents, Registered Social Landlords (for example when you have applied for a Mutual Exchange), Social Security Scotland, the Department for Work and Pensions (DWP), Mortgage Lenders, the National Health Service (NHS), Scottish Prison Service, Police Scotland, Commissioned Providers, Moray Women's Aid, Abused Men in Scotland (AMIS), and, the Armed Forces.

Personal data you give us about other people

When you liaise with Housing Options, or complete a Homelessness, or Housing Application we will ask you to provide information about individuals who provide you with support, and your household members (including their names, dates of birth, gender, relevant health information and criminal conviction and offence details). We will also ask you to provide details of whether the children who live with you are dependent children, care experienced and the access arrangements for them. We will also ask you about any relationships you have with Council Housing Staff and Councillors.

During your functional needs assessment, you will be asked to provide the name and contact details of your next of kin, family members, friends, guardians, representative, Power of Attorney(s), any Doctor, Specialist and/or Consultant details.

If reasonable to do so, please make sure that you have told individuals that you have given their personal data to us as part of this process.

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 legal bases in Data Protection law to be Article 6(1)(e) of the United Kingdom General Data Protection Regulation (UK GDPR) because your personal data is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council, and, Article 6(1)(c) - as the processing is necessary for the Council to comply with its legal obligations under legislation including:

- Housing (Scotland) Act 1987 as amended
- Housing (Scotland) Act 2001
- Homelessness etc. (Scotland) Act 2003
- The Housing Support Services (Homelessness) (Scotland) Regulations 2012
- Children (Scotland) Act 1995
- Children and Young People (Scotland) Act 2014
- Equality Act 2010
- The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012
- Immigration and Asylum Act 1999

- Public Finance and Accountability (Scotland) Act 2000

Personal data that counts as ‘special category data’, such as health information and personal data relating to criminal convictions or offences must satisfy extra conditions when processed. We understand our legal basis in data protection law for processing these types of data to be UK GDPR Article 9(2)(g) and Schedule 1, Part 2, Paragraph 6 of the Data Protection Act 2018 (DPA 2018), and, UK GDPR Article 10, together with Schedule 1, Part 2, Paragraph 6 of the DPA 2018; as the processing is necessary for reasons of substantial public interest for statutory and government purposes.

Who we share this personal data with

As part of assessing your housing need, we may share information about you internally with other Council Services and teams, such as Social Work, Benefits and Money Advice, Environmental Health and Employability.

Externally we share your data with private landlords, Letting Agents, Registered Social Landlords, Benefits Agencies (Social Security Scotland), DWP, other Local Authorities, Mortgage Lenders, the NHS, Scottish Prison Service, Police Scotland, Commissioned Providers, Moray Fresh Start, Moray Food Bank, Moray Women’s Aid, AMIS, and the Armed Forces. Data may also be shared with multi agencies, including MARAC/MATAC/MAPPA (SOLO).

Performance Monitoring and Reporting

The Council has a statutory requirement under the Housing (Scotland) Act 1987 (as amended) to share personal data of housing applicants, including those on our housing and homeless waiting lists. Under these statutory requirements, the following personal data is shared with the Scottish Government.

- HL1 Return - Homeless Applicants - All Scottish Local Authorities are required to gather and send information, every 3 months, to the Scottish Government using HL1 (homelessness) guidance. The following personal data is shared: unique identifiers, gender, National Insurance (NI) number, ethnicity, date of birth, Looked After status, postcode of the applicant’s last settled home address and property reference number (code for property address/type).
- HL3 Return - Temporary Accommodation Offers and Placements - All Scottish Local Authorities are required to gather and send information, every 3 months, to the Scottish Government using HL3 (homelessness) guidance. The personal data shared includes: unique identifier linked to the HL1 return and address of temporary accommodation.
- PREVENT1 Return - Housing Options Cases - All Scottish Local Authorities are required to gather and send information, every 3 months, to the Scottish Government using PREVENT1 guidance for Housing Access and Scottish Welfare Fund Statistics. The personal data shared includes: unique identifiers, gender; NI number, ethnicity and date of birth.

The Council is also required, under the Public Finance and Accountability (Scotland) Act 2000, to regularly submit information about its Housing Waiting List, Transfer List and Current Applications to Audit Scotland. The personal data shared includes:

- Housing Waiting List: Unique identifier (same as HL1 reference noted above), name (surname and forename), address (in full), date of birth and NI number.
- Transfer List: rent account, housing benefit, property and tenant’s reference numbers.

- Current Applicants: application reference number (same as HL1 as noted above) and correspondence name.

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 Services 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 personal data 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: www.moray.gov.uk/RetentionSchedules.

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.

For more information about these rights, please see the Information Management pages on the Council's website here: www.moray.gov.uk/InformationRights.

Alternatively, email the Council's Data Protection Officer at: IG@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/>