

## Privacy Notice (How we use your information)

### Housing Services

The main aim across Housing Services is to prevent homelessness by helping people find and sustain a suitable home. This is achieved through a range of housing related information, advice and support for:

- Households who are homeless (or at risk of being homeless) or temporarily housed
- Private sector or social housing tenants
- Homeowners
- Landlords and/or Letting Agents

In addition:

- the **Housing Solutions Service** carries out the Council's legal duties in relation to homelessness, tenancy support, the housing register and compliance with housing standards. *This includes close partnership work with housing and homelessness accommodation providers e.g., hostels/ private sector landlords/Registered Providers of Social Housing etc.*
- The **Accessible Homes team** provides assessment, adaptations and a re-housing service for disabled people in Kirklees regardless of age. *This includes facilitating agreements between customers and contractors and overseeing any recommended work. **Please note: phone calls to our Accessible Homes Team may be recorded for training and quality improvement purposes.***
- The **Excellent Homes for Life (EHL) team** enables the Council to deliver its duties as a landlord in relation to the management and maintenance of a small number of extra care and general needs homes. *This includes working in partnership with and the contract management of relevant commissioned providers. **Please note that there is a separate privacy notice for the EHL contract.***

**The categories of information that we collect, process, hold and share include:**

- Personal information
  - Name
  - Date of birth
  - Address
  - Telephone number
  - Email address
- Assessment information
- Financial information
- Household Information
- National insurance number
- A copy of your ID

- Where relevant we may also hold copies of other documentation which we require to enable us to process your application/s. This may include but not limited to evidence of others in the household (e.g. child benefit statements; financial statements; household bills); evidence of home ownership; tenancy related documents etc.
- Characteristics
  - Gender
  - Ethnicity
  - Disability
  - NHS number
  - Relevant medical information
  - Social care needs
  - Criminal offence data (offending history, related support needs)

## **Why we collect and hold this information**

We use this personal data:

- To better assess customers' housing needs.
- To provide customers (and their household members) with housing related services including help and information needed to access housing and support, ensure your home is suitable and safe for your needs and maintain your tenancy.
- To provide landlords/letting agents with housing related services including HMO licencing.
- To meet our legal obligations in relation to housing and homelessness including ensuring landlords are compliant with private rented sector regulations.
- To enable us to carry out specific functions for which we are responsible, including facilitating others to carry out adaptations work on behalf of customers; the review of these and processing payments.
- To enable us to expand the range and quantity of accommodation available to our customers.
- To provide central government departments with statistical and research information e.g., H-CLIC.
- For the purposes of prevention and detection of crime and fraudulent activities.
- For safeguarding reasons in relation to staff health and safety.
- For safeguarding reasons relating to vulnerable adults and children.
- We also use this information to monitor our own performance and assess the quality of our services (we may ask others to do this on our behalf), meet our duties under equality legislation and to inform our future service planning.

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

### **Personal data**

Under Article 6 of the UK General Data Protection Regulation (UK GDPR), the lawful bases we rely on for processing this information are:

**6(1)(c) We have a legal obligation.**

**6(1)(e) We need it to perform a public task.**

For some of the support we provide and other work we undertake, we may rely on:

**6(1)(a) Your consent.** This would be for specific projects or specialised areas of work such as the provision of some aspects of tenancy support, post-decision asylum seekers support or for permission to discuss aspects of your situation with a family member or other third party you nominate.

**You can remove your consent at any time. You can do this by contacting [housing.solutions@kirklees.gov.uk](mailto:housing.solutions@kirklees.gov.uk) or telephoning 01484 221350.**

On very rare occasions, we may also need to share your data in emergency situations and the lawful basis we would rely on is that:

**6(1)(d) We have a vital interest.** This lawful basis would only ever be used in a potentially life-threatening situation, and we weren't able to gain your consent at that point to share your information with emergency services. We would never rely on this lawful basis to collect or store your personal information.

**6(1)(f) We have a legitimate interest.** This would only be used for the recording of incoming calls into the Accessible Homes Team. We can use legitimate interest if we can demonstrate that the processing is for purposes other than for performing our tasks as a public authority. In this context our objectives include:

- Ensuring you receive a quality service from us;
- To investigate and resolve a complaint;
- Protecting our staff's personal safety and welfare (e.g. from abusive callers);
- For training, monitoring and statistical purposes;
- Detection, investigation and prevention of crime (including fraud).

These legal bases are underpinned by acts of legislation that dictate what actions can and should be taken by local authorities. This includes, but may not be limited to:

- Part 6 and Part 7 of the Housing Act 1996
- Deregulation Act 2015
- Homelessness Act 2002
- Housing Act 2004
- Localism Act 2011
- Homelessness Reduction Act 2017
- Housing Grants Construction and Regeneration Act 1996
- Care Act 2014

- NHS & Community Care Act 1990
- Children and Families Act 2014
- Community Care (Delayed Discharges) Act 2003
- Housing Act 1985, section 27
- Local Governments (Contracts) Act 1997 section 1
- Equality Act 2010
- Energy Efficiency (Private Rented Property) Regulations 2015 (Domestic MEES Regulations)
- Caravan Sites & Control of Development Act 1960, as amended by Mobile Homes Act 2013
- Mobile Homes Regulations 2020 (Fit and proper person)

### **Special category data**

In order to do this work, we also need to collect some special category data. This is personal data that needs more protection because it is sensitive. Under Article 9 of the UK General Data Protection Regulation (UK GDPR), the lawful bases we rely on for processing special category information are:

#### **9(2)(g) Reasons of substantial public interest (with a basis in law)**

#### **9(2)(h) Health or social care (with a basis in law)**

For some of the support we provide and other work we undertake, we may also rely on:

**9(2)(a) Your explicit consent.** This would be for specific projects or specialised areas of work such as the provision of some aspects of tenancy support, post-decision asylum seekers support or for permission to discuss aspects of your situation with a family member or other third party you nominate. We may also need your consent to collect additional health related information e.g., from your GP or for you to confirm you are happy for someone else to be involved in discussions about your situation including when you want a family member to act on your behalf.

**You can remove your consent at any time. You can do this by contacting [housing.solutions@kirklees.gov.uk](mailto:housing.solutions@kirklees.gov.uk) or telephoning 01484 221350.**

### **How we store your personal information**

Your information is safely stored on Kirklees Council's secure network drives or on corporately procured secure storage systems. Any paper-based information is stored securely in accordance with corporate guidance or within the corporate central archive site.

To ensure compliance with the Limitation Act 1980, we generally keep your personal information for 7 years, however, each function has individually specified lengths of time depending on the tasks undertaken and other legal requirements e.g. in relation to finance. Call recordings are retained for 2 years.

More detailed information on this is set out in [Appendix 1](#).

At the appropriate time, we will then dispose your information, using corporately agreed secure processes e.g., manual destruction of paper-based information using agreed confidential waste routes; automatic deletion by the system in which the information is held etc.

### **Why we may share your information**

We may sometimes share the information we have collected about you where it is necessary, lawful and fair to do so. In each case we will only share the minimum amount of information and only when required, for the following reasons:

- To perform and discharge the Council's statutory duties in relation to homelessness, the housing register and compliance with housing standards including the provision of temporary accommodation.
- To provide assessment, adaptations and rehousing services for disabled people in Kirklees regardless of their age.
- To provide customers and landlords/letting agents with the help and information you need to access housing and support, ensure your home is suitable and safe for your needs and maintain your tenancy.
- To enable the Council to deliver and discharge its landlord's functions for the provision of management and maintenance services to extra care and general needs housing in Kirklees Council's Housing Revenue Account pursuant to the Government's Private Finance Initiative.
- To comply with legal obligations in relation to private rented sector housing.
- To safeguard vulnerable children and young people or adults at risk.
- To administer and allocate funding.
- Where there is deemed to be a safety or safeguarding risk to staff or others or for circumstances where MAPPA is in place, it has been determined as appropriate by the primary offender management personnel.
- To enable us to expand the range and quantity of accommodation available to our customers via proactive partnership work with private sector or other landlords.

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

- Other services within Kirklees Council including (but not limited to) Adult Social Care; Children's Services; Customer and Exchequer; Homes and Neighbourhoods; Legal Services; teams with the Communities Service; internal audit; Kirklees Direct.
- National government departments including (but not limited to) Department for Education; Health and Safety Executive; Department for Levelling Up, Housing and Communities
- Other partners including (but not limited to) health services; the police; fire service; probation services; HM Courts and Tribunals Service; trading standards; contractors delivering services on our/your behalf; commercial fibre infrastructure providers; registered providers of social housing; other local authorities; voluntary and

community organisations; private sector landlords, letting agents or other accommodation providers (including temporary accommodation).

We do not share personal information about you with anyone else without consent unless the law and our policies allow us to do so.

## **Your data protection rights**

Under data protection law, you have a number of rights, including the right to have your records rectified and the right to ask for access to all the information the Council holds about you. These rights are listed in more detail on [Kirklees Council's data protection rights page](#). You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact us at [Data.protection@kirklees.gov.uk](mailto:Data.protection@kirklees.gov.uk) if you wish to make a request

## **Further information**

If you would like further information about how we manage your data, please see the [Kirklees Council privacy notice](#).

If you would like further information about this privacy notice, please contact: [housing.solutions@kirklees.gov.uk](mailto:housing.solutions@kirklees.gov.uk)

If you have any worries or questions about how your personal data is handled, please contact the Data Protection Officer at [DPO@kirklees.gov.uk](mailto:DPO@kirklees.gov.uk) or by ringing 01484 221000.

You can also complain to the ICO if you are unhappy with how we have used your data. You can contact the ICO via the ['Contact us' page on their website](#), or by ringing 0303 123 1113.

The following linked Privacy Notices may also be useful:

- [Choose n Move Privacy Policy - choose 'n' move](#)
- [Accessible Homes Bath Out 2 project](#)

## Appendix 1 – Storing your information

Should you require any further details about a specific type of record listed below, please email your query to: [housing.solutions@kirklees.gov.uk](mailto:housing.solutions@kirklees.gov.uk)

### Activity: Housing Register

File/record type	Relevant Legislative/ Statutory Requirements	Retention Period	Destruction Method
Household records	Part 6 of Housing Act 1996	7 years	Automatic
Household medical details	Part 6 of Housing Act 1996	7 years	Automatic
Housing register application form	Part 6 of Housing Act 1996	7 years	Automatic
Ineligible / unsuccessful applications	Part 6 of Housing Act 1996	7 years after closure	Automatic
Supporting documents	Part 6 of Housing Act 1996	1 to 7 years	Automatic
Duty to Refer	Homelessness Reduction Act 2017	18 months initial referral	Manual
Callbacks	Part 7 of Housing Act 1996	18 months then anonymised for contact monitoring purposes	Manual
Customer satisfaction survey		Personal data not collected, any disclosed is redacted immediately	Automatic

**Activity: Allocations**

<b>File/record type</b>	<b>Relevant Legislative/ Statutory Requirements</b>	<b>Retention Period</b>	<b>Destruction Method</b>
Management Let request form	Part 6 and Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	6 years or length of tenancy + 6 years	Manual
Sensitive Lets form	Part 6 and Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	6 years or length of tenancy + 6 years	Manual
Officer Review Panel submission form	Part 6 and Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	2 years from date of decision	Manual

**Activity: Advice and Prevention/Relief Homelessness**

<b>File/record type</b>	<b>Relevant Legislative/ Statutory Requirements</b>	<b>Retention Period</b>	<b>Destruction Method</b>
Electronic calendar appointments	Part 6 and Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	1 month from appointment date	Manual
Housing Advice	Part 6 and Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	7 years	Automatic
Homelessness Prevention/Relief (including referrals to other agencies)	Part 6 and Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	7 years	Automatic
Housing Action Plans	Part 6 and Part 7 Housing Act 1996,	7 years	Automatic

<b>File/record type</b>	<b>Relevant Legislative/ Statutory Requirements</b>	<b>Retention Period</b>	<b>Destruction Method</b>
	Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017		
Risk assessments	Part 6 and Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	7 years	Automatic
Homeless applications	Part 6 and Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	7 years	Automatic
Multi-agency public protection arrangement (MAPPA) files	Part 6 and Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017 and Probation Protocols	6 years from closure of case	Manual
MAPPA meeting minutes	Part 6 and Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	After all cases on minutes resolved	Manual
Rough sleeping referral	Part 6 and Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	Initial referral deleted once data transferred to other processes	Manual
Rough sleeping initiative client data	Part 6 and Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	Data remains 'live' whilst support in place. Closed cases retained for 12 months from closure. Verification only data retained for 6 months from referral	Manual

**Activity: Temporary Accommodation**

<b>File/record type</b>	<b>Relevant Legislative/ Statutory Requirements</b>	<b>Retention Period</b>	<b>Destruction Method</b>
Temporary accommodation placements	Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	7 years	Automatic
Working document to allocate TA	Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	Primary data kept as per TA placements. Working data is removed once household vacates TA.	Manual
Unit files	Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	3 years after licence ended	Manual
Nightly paid accommodation control sheets	Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	3 years after licence ended	Manual
Rent accounts	Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	3 years after licence ended	Manual
Removals and storage	Part 7 Housing Act 1996, Homelessness Act 2002,	3 years after licence ended	Manual

File/record type	Relevant Legislative/ Statutory Requirements	Retention Period	Destruction Method
	Localism Act 2011, Homelessness Reduction Act 2017		

**Activity: Housing Standards assessment**

File/record type	Relevant Legislative/ Statutory Requirements	Retention Period	Destruction Method
Reports and professional opinions on housing standards produced from assessments	Housing Act 2004	7 years	Manual
Housing Health and Safety Rating System (HHSRS) Surveyors reports	Housing Act 2004	7 years	Manual
Post inspections	Housing Act 2004	7 years	Manual
Surveys – block building	Housing Act 2004	7 years	Manual

**Activity: Housing Standards enforcement**

File/record type	Relevant Legislative/ Statutory Requirements	Retention Period	Destruction Method
Records relating to enforcement of housing standards	Housing Act 2004	7 years	Manual
Housing Category 1 and 2 Hazard notices,	Housing Act 2004	7 years	Manual

File/record type	Relevant Legislative/ Statutory Requirements	Retention Period	Destruction Method
revocation/variation notices, overcrowding notices			
Prohibition Orders	Housing Act 2004	Destroyed once the order has expired	Manual

**Activity: Safety and energy efficiency inspections**

File/record type	Relevant Legislative/ Statutory Requirements	Retention Period	Destruction Method
Electrical appliance testing records and installation certificates	Housing Act 2004, The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020	7 years	Manual
Fire safety certificates	Housing Act 2004	7 years	Manual
Gas test certificates	Gas Safety (Installation and Use) (Amendment) Regulations 1998	7 years	Manual
Housing Health and Safety Rating	Housing Health and Safety Rating System (England) Regulations 2005	7 years	Manual
Requests for service, logbooks of inspection, inspection records, issues identified, statutory notices, records of remedial actions taken	Housing Act 2004 The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015, Minimum Energy Efficiency Standard (MEES) 2018	7 years	Manual

**Activity: Specialist Support**

<b>File/record type</b>	<b>Relevant Legislative/ Statutory Requirements</b>	<b>Retention Period</b>	<b>Destruction Method</b>
Young People and Refugees - Support plans (including needs and risk assessments)	Public Task in relation to tenancy support and sustainment	3 years	Manual
Young People and Refugees - Contact case notes (including tenancy monitoring)	Public Task in relation to tenancy support and sustainment	3 years	Manual
Vulnerable Persons Resettlement Scheme - Home Officer referral form	Contractual requirement through Government funded project	5 years	Manual

**Activity: Accessible Homes Team**

<b>File/record type</b>	<b>Relevant Legislative/ Statutory Requirements</b>	<b>Retention Period</b>	<b>Destruction Method</b>
Recording of telephone calls	Legitimate interest relating to training and quality purposes	2 years	Manual
Records relating to the provision of Home Appreciation Loans – copies of agreements signed, and work carried out.	Financial Services Act	Retained for the lifetime of the loan	Manual

File/record type	Relevant Legislative/ Statutory Requirements	Retention Period	Destruction Method
Adaptation and grant files	Housing grants construction and regeneration act 1996; Care act 2014	10 years	Manual
Occupational Therapist /Assessment case notes	Housing grants construction and regeneration act 1996; Care act 2014	8 years	Manual

**Activity: Miscellaneous**

Activity description	File/record type	Relevant Legislative/Statutory Requirements	Retention Period	Destruction method
Home Starter Fund (to create sustainable tenancies)	Home Starter Fund order form	Homelessness Reduction Act 2017	3 years	Manual
Landlord accreditation	Administration of the scheme – applications, register of accredited landlords	Housing Act 2004	Retained for lifetime of membership	Manual
Landlord accreditation	Bond guarantee tenancies	Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	7 years from end of tenancy	Manual
Identification of households to secure private rented tenancies	Internal use list	Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	Removed from list once housed	Manual

Activity description	File/record type	Relevant Legislative/Statutory Requirements	Retention Period	Destruction method
Identification of private sector landlords/ agents/ properties to work with	Internal use list	Part 7 Housing Act 1996, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017	6 months to 7 years	Manual
Ongoing work with households supported to move to private sector housing (creating sustainable tenancies)	Internal use records	Homelessness Reduction Act 2017	Up to 2 years after tenancy sign-up	Manual
Houses in Multiple Occupation (HMO) licences	Records relating to provision of licences for mandatory licensable Houses in Multiple Occupancy	Housing Act 2004	Retained for the lifetime of the licence	Manual
Park Homes/ Mobile Homes regulation	Records relating to licencing of residential caravan parks including fit and proper person checks	Caravan Sites & Control of Development Act 1960, as amended by Mobile Homes Act 2013 Mobile Homes Regulations 2020 (Fit and proper person)	Retained for the lifetime of the licence	Manual
Older People from Ethnic Minorities Housing Needs and Preferences study	Study responses from participants and any personal contact information shared for the purpose of being updated on the subject matter.	Public Interest/ substantial public interest – Equality Act 2010	3 years	Manual