

Privacy Notice for Tenants and Applicants

What we need

Hjaltland Housing Association Limited (Hjaltland) will be a "controller" of the personal information that you provide to us when you apply for housing through a range of ways, including:

- Application forms,
- Direct communication via letter, email, etc.

Throughout your tenancy with Hjaltland, we may ask you for, gather and hold the following personal information:

- Personal details
 - Contact details: Name, Address (utility bills as proof of residency), Email address, Phone number,
 - Date of birth,
 - Gender
 - Details of other members of the household,
 - Next of kin / Emergency contact,
 - National Insurance number,
 - Forms of identification (Driving Licence / Passport),
 - Copies of personal bills / Household contracts,
 - With you for you,
 - Getting It Right For Every Child (GIRFEC),
- Payment details
 - Salary information / Employer details,
 - P45 / P60,
 - Tax details / Codes / Rebate,
 - Income / Expenditure,
 - Bank account number / Bank statements,
 - Pension details,
 - Universal Credit / housing benefit claim information,
 - Wage arrestment order,
 - Court orders / Fines,
- Equality information
 - Race,
 - Disability status,
 - Support needs requirements,
 - Religious affiliation,
 - Sexual orientation,
 - Ethnic origin,
- Health information
 - Misuse of substances,
 - Pregnancy details / scans,
 - Occupational Therapy reports,
 - Doctor reports/recommendations,
- Rent information,
 - Reasons for applying for housing,
 - Previous addresses / tenancies,
 - Employment status / Evidence of seeking employment,
 - Household information,
 - Social care work places,
 - School information,
 - Outside agency support,
 - Property access preferences,

- Marriage certificate,
- Power of attorney details,
- Death certificate,
- Guardianship order,
- Photographs,
- Complaints regarding other tenants,
- Disputes with neighbours,
- Criminal convictions and offences.

Some of the information we collect about you may include Special Categories of Personal Data (as defined by the Data Protection Legislation).

Why we need your personal information

Contractual purposes

We need to collect your personal information so that we can assess your eligibility for and manage your housing if successful. We will use your personal information for the following purposes:

- Consider and process your application for allocation,
- Manage your housing services, including but not limited to repairs,
- Process payment of rent and service charges,
- Monitor your compliance with your tenancy agreement,
- To ensure the safety and security of you and others.

If you do not provide us with all of the personal information that we need to collect then this may affect our ability to provide you with housing and manage your tenancy if successful.

Legal obligations

We are under a legal obligation to process certain personal information relating to our tenants for the purposes of complying with our obligations under:

- the Scottish housing legislation,
- the Scottish homelessness legislation,
- the Protection of Vulnerable Groups (Scotland) Act 2007,
- the Equality Act 2010, which requires us to process personal information to make reasonable adjustments where necessary, and
- the Scottish Housing Regulator's regulatory requirements.

Public interest purposes

As a registered social landlord, Hjalmland needs to use your personal information in order to exercise our tasks set out in law or in the public interest, including:

- providing "housing services" as set out in the Scottish housing legislation,
- reporting to local authorities under the Scottish homelessness legislation, and
- complying with regulatory reporting requirements, including disclosing information to the Scottish Housing Regulator and other relevant public bodies.

Where we process personal information in the public interest, you have the right to object to us using your personal information for the above purposes. If you wish to object to any of the above processing, please let us know. If we agree and comply with your objection, this may affect our ability to undertake the tasks above for the benefit of Hjalmland.

Legitimate purposes

We also process your personal information in pursuit of our legitimate interests to:

- issue communications to our tenants regarding services, etc.

- undertake research to improve our services, and
- manage our properties in accordance with good practice.

Where we process your personal information in pursuit of our legitimate interests, you have the right to object to us using your personal information for the above purposes. If you wish to object to any of the above processing, please contact us. If we agree and comply with your objection, this may affect our ability to undertake the tasks above for the benefit of providing you with a house and managing your tenancy if successful.

Use of special categories of personal data

We are required to use your personal information relating to your health, racial or ethnic origin, religious beliefs, sexual orientation, and criminal offences or convictions:

- for equality monitoring purposes as required by the Scottish Housing Regulator. We will process such personal information to identify and keep under review the existence or absence of equality of opportunity or treatment between groups of people within the same categories to promote or maintain equality within Hjaltland;
- for health and social care purposes, such as the provision of social care,
- where we have a function under law and it is in the public interest,
- to prevent or detect any unlawful acts,
- to safeguard children and individuals at risk, including to safeguard the economic well-being of individuals, and
- to engage with elected representatives who are acting on your behalf.

Other uses of your personal information

We may ask you if we can process your personal information for additional purposes. For example, in the newsletter, on the website, etc., and will use any additional personal information in accordance with this privacy notice or provide you with an additional privacy notice.

Who we share your personal information with

We may be required to share personal information with statutory or regulatory authorities and organisations to comply with statutory obligations.

We may also be required to publish personal information to meet the Scottish Housing Regulator's regulatory requirements or our legal obligations under the freedom of information legislation. Hjaltland will only publish your personal information where we believe it is lawful.

In the event that we do share personal information with external third parties, we will only share such personal information strictly required for the specific purposes and take reasonable steps to ensure that recipients shall only process the disclosed personal information in accordance with those purposes.

Organisations we may share information with include:

- Scottish Housing Regulator
- Her Majesty's Revenue & Customs (HMRC)
- Department of Work and Pensions (DWP)
- The Care Inspectorate
- Shetland Citizens Advice Bureau
- Shetland Islands Council Benefits section
- Other Shetland Islands Council services relating to your application or tenancy
- Social work and health services to assist in determining housing need
- Shetland Islands Council Housing Service, in line with the Common Housing Register
- Current and former landlords

- Prospective landlords where you are applying to move elsewhere – tenancy reference checks
- Any third sector agency you have approached in relation to your housing application or tenancy
- Debt collection agencies linked to current or former arrears with Hjalmland Housing Association
- Third party suppliers, including IT, internal and external auditors. These suppliers may process personal information as 'processors'
- Third party contractors completing repairs and maintenance on behalf of the Association
- Hjalmland Housing Association's professional and legal advisors
- Family member who may be part of your current, future or former household
- Police Scotland
- Her Majesty's prison, if you are or have been in prison
- The Home Office

How we store your personal information

Your personal information is stored in a secure, lockable filing room and on our electronic filing system and servers based in the UK and is accessed by our employees for the purposes set out above.

Where your personal information is transferred outwith the EU, we will provide you with information regarding the safeguards that we have put in place with the recipient country to protect your personal information.

How long we keep your personal information

We will only keep your personal information for as long as necessary to comply with our legal obligations and to safeguard Hjalmland in the event of any claims, complaints, litigation, enquiries or investigations during or following the termination of your tenancy. Unless you ask us not to, we will review and possibly delete your personal information in line with the document retention tables included within our Data Protection policy.

We will keep certain personal information of members for longer in order to confirm your identity and how long you were a tenant of Hjalmland. We need to do this to allow us to provide a reference for you to a future landlord or in the event of a claim against Hjalmland.

We have document retention tables included within our Data Protection policy that set out the periods for retaining and reviewing all information that we hold. The tables set out different retention periods and you can request a copy at any time.

Your rights

You can exercise any of the following rights by writing to our Data Protection Officer at 2 Harbour Street, Lerwick, ZE1 0LR (mail@hjalmland.org). We have appointed Harper Macleod LLP as our Data Protection Officer.

Your rights in relation to your personal information are:

- you have a right to request access to the personal information that we hold about you by making a "subject access request",
- if you believe that any of the personal information that we hold about you is inaccurate or incomplete, you have a right to request that we correct or complete your personal information,
- you have a right to object to and/or request that we restrict the processing of your personal information for specific purposes,

- if you wish us to delete your personal information, you may request that we do so, and
- if you would like to obtain the personal information that we hold about you to reuse it for your own purposes, you may request that we do so.

Any requests received by Hjaltland will be considered under applicable Data Protection Legislation. If you remain dissatisfied, you have a right to raise a complaint with the Information Commissioner's Office at www.ico.org.uk