

Bussey & Armstrong Lettings Privacy Notice

Our Privacy Notice tells you what information we obtain and hold about you whether you are initially applying to us for a tenancy or if you become a tenant, resident or guarantor, it explains what information we collect, why we collect it, what we do with it, and who we will share it with.

We collect and handle personal information about our tenants, residents and prospective tenants along with any guarantors to enable us to provide residential accommodation. This includes dealing with applications for tenancies, checking the suitability of tenants, residents along with any guarantors (including credit, immigration and similar referencing checks), arranging lettings, property management (including dealing with repairs), rent collection, dealing with any complaints, maintaining our accounts and records, tenancy terminations and administering tenancy deposits.

When giving us personal information, carefully read the privacy notice to ensure you know how and why we will use it.

We refer to this information as “your information” or “data”.

Where there is more than one person’s information listed both sets of information will be used by us.

If a guarantor is not required, please disregard any reference in this notice to guarantor or guarantee.

We are required by law to give you this notice. We must make you aware why we collect information about you and what is then done with it. We must act fairly in relation to this information. You have various legal rights relating to this information which are given in further detail in this notice.

If you are already a tenant, resident or guarantor some of the items in this notice may not be relevant to you. Different information will be involved depending on whether you are a tenant, resident or guarantor.

Should we collect or use information about you there must be a legal basis or gateway for doing so. This notice identifies the gateway for the various types of information we collect and hold about you. You will find a detailed explanation of these gateways in this notice.

Under data protection legislation we must only process data “as necessary” and only to the extent of which is needed. For example, bank details must only be used regarding payments and other limited purposes. In certain instances, as necessary, we will share your data, for example with our own professional advisers or letting agents. We may also share your data, as necessary, with the police/law enforcement agencies or regulatory authorities.

References to a tenant in this notice also include a guarantor if there is one. This is because a guarantor underwrites a tenant’s obligations so references to your tenancy are to include your guarantee.

We will collect data about you in various ways including the information you supply to us when applying for a tenancy/residency. If you fail to provide this information, we may not be able to proceed with the application.

As necessary personal data is processed by us or by any letting/managing agent we retain relating to tenants/prospective tenants/residents/prospective residents/guarantors consisting of the following as applicable: -

- Tenancy details including renewals, joint tenants, other residents and guarantors
- Immigration/right to rent checks (England only)

- Rent and other payments
- Recovery of arrears, claims or possession proceedings
- Repairs/health and safety/housing conditions
- Breach of tenancy terms/nuisance/anti social behavior
- Council Tax liability
- Water charges payable
- Utilities and services provided
- Welfare Benefits
- Termination of tenancy
- Audio and CCTV recordings (if any)
- Complaints
- Insurance
- Health or disability
- Emails texts and other communications and via our website where we operate one.
- Website and online portal information.

We will also generate and use data internally.

We also collect and receive data about you from third parties. This may be information given to us by other tenants or residents or neighbours. It can include information from a guarantor where there is a guarantor for your tenancy or from a joint tenant or other residents. Public bodies such as local authorities or the police, or other law enforcement agencies may give us information about you. Information may be given to us relevant to Council Tax by the local authority. Utility companies or service providers may also give us personal information about you. We obtain information about you when we carry out credit checks or take up references. We may also receive information from you via websites or from online rental portals such as, Rightmove, Zoopla and Prime location. Any information which we receive in this way is set out in the Table to this privacy notice which gives you more details about information which we can receive from third parties.

We will share information we hold with others, where this is necessary. When we do this, we must comply with data protection legislation. Information can be shared with other landlords including where you apply to another landlord for a tenancy; contractors/ suppliers; utilities and service providers; tradespeople; financial organisations (including banks and insurance companies); debt collection and tracing agents; public and government bodies; courts; police and law enforcement agencies; taxation authorities; local authorities in relation to Council Tax and regulatory functions; letting and managing agents; and any future owner of the property. We may need to share information with your next of kin etc., e.g. in an emergency. It may be necessary for us to share information with a future owner of the property if we are selling. We also may share information with professional advisers such as lawyers and accountants or an advice agency which involves sharing information about you with them. If you live in a flat, we give information to the freeholder, managing agent etc., for the block of flats. We also send notifications to and have correspondence with any tenancy deposit scheme protecting any tenancy deposit which has been paid.

In some cases, we may be under a legal obligation to provide information either because of the law or because of a contractual obligation binding on us. What we share will depend on what is necessary in the circumstances and more details are given in the Table in respect of different kinds of information which we hold about you.

Where you have a tenancy jointly with someone else or there is a guarantor for your tenancy, as necessary, we will share information either with the joint tenant or the guarantor (or both). This relates to your performance of your responsibilities under the tenancy agreement including information about any rent arrears or other breach of the tenancy terms. It can also relate to issues around the termination of the tenancy and any claims we may have as a result.

By law, in England, we are required to check your immigration status before we rent a property to you. This means that you are legally obliged to produce certain documentation (e.g. a passport or driving licence) to us. This applies whether or not you are a UK or EU citizen. Not only are we required to see original documentation but we must take and keep copies of it. We also check this documentation as part of our process to verify your identity at the outset of the tenancy. Prospective tenants and all adult residents who will live at the property must be checked.

In limited situations we will process information about your health or any disability. This data is given special protection under data protection law. Normally we would expect to ask you for your explicit consent before we collect or use this kind of data.

In cases where you rent a property where a child resides, information will be given to us about resident children; usually by the parent/guardian on their behalf. Data protection law requires us to give such information additional protection where we collect or use it. In particular, where the rented property is located in England, we need to check on the age of any residents to see whether or not an immigration/right to rent check must be carried out.

As a landlord we have an obligation to carry out gas safety checks under gas safety legislation. We may need to handle data for this purpose, e.g. to give the contracted gas safety engineer access to the property. In other areas, in line with Information Commissioner advice, we will pass over details of your occupancy to the relevant utility companies/local authorities to enable them to collect charges as it is in their legitimate interests to receive this information.

We will also hold and process information relating to any tenancy deposit which you pay to us including sharing your information with a deposit scheme by which the deposit is protected.

We must tell you why we collect and hold information about you.

We must also have a legal basis before we are allowed to collect or process your personal data. Processing personal data includes recording, storing, altering, using, sharing or deleting data. We only need one of these “gateways” for our purposes they are

- You consent. Consent may be requested in certain cases, e.g. to obtain a reference but generally we do not rely on your consent to process your personal data.
- To perform our contract so that we can carry out our responsibilities under the tenancy agreement with you, including anything you request us to do with a view to you becoming a tenant (or resident).
- Compliance by us with a statutory or other legal obligation.

- Where this is in your vital interests, e.g. if there is a life-threatening situation.
- Where we are pursuing our own legitimate interests or those of a third party. This will not apply if our interests are overridden by your interests or your fundamental rights and freedoms. We must carry out a balancing exercise therefore to decide whether we can rely on this gateway to ensure that it applies. In each case we have done this and we do not consider your interests, rights or freedoms outweigh our own or those of the third party concerned.

Any data must be processed by us fairly and openly. It may be necessary for us to process various categories of your information, For example:

- In our legitimate interests for deciding on the suitability of a proposed tenant/resident
- In our legitimate interests for verifying the credit worthiness/suitability of tenants/residents
- Our legal obligation to check immigration status/right to rent.
- To perform our tenancy contract to deal with joint tenants and residents who are linked to the tenancy
- To perform our contract to complete the tenancy agreement
- In our legitimate interests to secure rental payments/performance of tenant obligations, e.g. deposits and guarantors
- For contractual performance for rent collection and collection of other payments including banking details
- For contractual performance for managing the tenancy and the property
- For contractual performance and/or in our legitimate interests for record keeping
- For contractual performance for arranging repairs and maintaining the condition of the property and keeping it in a safe condition.
- For contractual performance for monitoring and enforcement of tenant responsibilities
- For contractual performance or in our legitimate interests for recovering debts and other payments due, including any possession proceedings
- In our legitimate interests for administering liability for Council Tax
- Our legal obligation or otherwise in our legitimate interests and those of the Water company for the payment of water charges
- In our legitimate interests and those of the provider relating to arranging and paying for utilities and services
- In our legitimate interests for dealing with welfare benefits (including Universal Credit and housing benefit) where payable in respect of the rent
- In our legitimate interests in relation to tenancy termination including the return of any deposit
- In our legitimate interests for processing complaints
- For contractual performance or in our legitimate interests for dealing with health and disability issues relating to tenants/residents

- In our legitimate interests for obtaining and holding audio and cctv recordings
- To perform our legal obligations to provide information to public or local authorities who are legally entitled to require this information
- In your vital interests for contacting next of kin etc., in an emergency
- In our legitimate interests for the storage of emails, records of calls and other communications
- In accordance with our legal obligations if you exercise your rights under data protection law
- To perform our legal obligations for compliance with legal and regulatory requirements
- In our legitimate interests for the establishment and defence of legal rights
- In our legitimate interests for prevention, detection and investigation of crime and anti social behaviour and the security of any website or other means of electronic communication

We will monitor, record and retain your calls, emails, text messages, social media messages and other communications. This is in our legitimate interests to maintain an accurate record of these. This may be necessary to manage your tenancy or the property or to deal with your application for a tenancy or to deal with tenants/residents or prospective tenants/residents/guarantors. We need these records for our ongoing dealings with you, including our data protection obligations.

We will hold personal data about you for the duration of your tenancy and for seven years after your tenancy has ended. This is the statutory limitation period six years plus a further year to allow for service of proceedings should proceedings commence later. We are also required to retain information for up to six years for tax purposes. If your tenancy application is declined, we will retain your data for one year.

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

Information is stored securely electronically on servers or devices. Certain information is also retained on a secure basis in hard copy format.

Your tenancy agreement provides that in certain situations you must give us information when asked. This is a legal obligation because it is a contractual requirement. You should refer to the relevant clauses in your tenancy agreement which tell you the situations in which such information should be given.

You have a right to object to the processing of your information where we are processing this in our on legitimate interests or those of someone else. This applies if you feel that this impacts on your own interests or your fundamental rights or freedoms. These rights are

- Access – you have the right to make a request to be told what personal data we hold about you. This is a right to obtain confirmation that data has been processed and to have access to your personal data and the right to information details which should be provided with the privacy notice.
- Correction/Rectification – if you consider any data we hold about you is inaccurate you can tell us so that where appropriate this can be corrected. Where a mistake is made in data processing then you can ask to have it rectified. Any third parties who have received the data from us should then be told of the rectification and you should be informed by us of any such third parties.

- Erasure – you have a right to ask us in certain circumstances to erase any data we hold about you. Individuals can request the right to have personal data erased to prevent processing in specific circumstances, i.e. it is no longer necessary, consent has been withdrawn, there is an objection and where applicable your rights etc., override the legitimate interests to continue our processing, or data has been unlawfully processed.
- You can object to our processing of data – this allows you to object to our processing of data about you. We must then stop processing data unless we can establish legitimate reason for continuing.
- Restricting processing – you can ask us to suspend processing of your personal data and we must then restrict processing of data. This includes where you are contesting the accuracy of a statement or the lawfulness of the processing.
- Data portability – this allows individuals to reuse their personal data for their own purposes across different services allowing them to move, copy or transfer personal data more easily.

Where your consent provides us with the legal gateway to process your data, you can withdraw this at any time by telling us by email or post.

We operate an internal complaints policy and if you have any concerns about the way in which we collect or handle data please contact us.

Your data may be used in the following ways:

Personal information

Background information Other landlords, employers, debt collectors, tracing agents, next of kin, insurers, banks etc.

Other landlords, employers, debt collectors, tracing agents, next of kin, insurers, banks etc.

Bank details Our bank, credit reference agency, debt collectors, tracing agents.

Tenancy details Other landlords, employers, benefit authority, taxation authority.

Deposits Tenancy deposit agent, debt collectors.

Right to rent checks &

verification of tenant identity Home office, credit reference agent.

Rent payments Bank, benefits authority, taxation authority, joint tenants, guarantor, insurers, other landlords.

Debt recovery Debt collectors, tracing agents, other landlords, taxation authority, joint tenants, guarantors.

Repairs, legal requirements,

health and safety. Contractors, deposit protection agent, insurers, joint tenants, guarantors.

Council tax Local authority taxation authority.

Water charges Water supply company.

Utilities and services Utility suppliers, service providers.

Termination of tenancy Other landlords, debt collectors, tracing agent, taxation authority, deposit protection agent.

When able we are obliged to provide you with the identity of those people, organisations or local authorities referred to. Please see the list of People, organisations and local authorities with whom we may share your information.

- Darlington Borough Council
- Durham County Council
- Richmond District Council
- Van Mildert Referencing
- Deposit Protection Scheme
- Northumbrian Water
- Npower
- SSE
- Scottish Power
- EDF Energy
- British Gas
- First Utility
- Eon
- World Pay
- Westpark Estate Agents
- Property Box
- LW Plumbing
- G.A Oliver
- Brinkburn Domestic
- Iresons

