Shetland Islands Council

Housing Service – Managing Tenancies
Data Protection Privacy Statement

Who we are?

Shetland Islands Council is a local authority established under the Local Government etc. (Scotland) Act 1994. Its office headquarters is located at 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ, United Kingdom.

You can contact our Data Protection Officer by post at this address, by e-mail at: dataprotection@shetland.gov.uk and by telephone on (01595) 744 550.

The Data Protection Officer for Shetland Islands Council is the Executive Manager – Governance and Law.

Why do we need your personal information and what do we do with it?

You are giving us your personal information to allow us to perform our statutory functions, in line with relevant housing legislation. The collection of data ensures the following legislation is applied appropriately:

- Housing (Scotland) Act 1987, as amended.
- Homelessness etc (Scotland) Act 2003
- The Antisocial Behaviour etc. (Scotland) Act 2004

The information you provide will be used for the following purposes:

- To support you in upholding your tenancy agreement and ensuring that the terms and conditions of your tenancy are adhered to.
- To facilitate the operation of an effective repair and maintenance service. Personal information relating to a tenant will be passed on to the relevant trades, which may include third party contractors, to allow them to undertake the work. This will include planned maintenance work.
- To gather information on tenant satisfaction in order improve service delivery. To collect, analyse and respond to any feedback you have raised during tenant consultation. To assist with performance reporting.

We also use your information to verify your identity where required, contact you by post, email or telephone and to maintain our records.

Legal basis for using your information

We provide these services to you as part of our statutory function as your local authority. You can find more details of our role on our website. Processing your personal information is necessary for the performance of a task carried out in the public interest by the council.

If you do not provide us with the information we have asked for then we will not be able to provide this service to you.

We also need to process more sensitive personal information about you for reasons of substantial public interest as set out in the Data Protection Act 2018. It is necessary for us to process it to carry out key functions as set out in law.

What personal data we hold, and how we obtain it?

For all purposes detailed, we collect basic personal data so that you can be identified and contacted.

The types of personal data we hold and process about you can include:

- Name
- Address
- Phone Number/s
- Email address/s
- Date of birth
- Health / Medical Conditions
- Nationality
- Racial or Ethnic Origin
- Household Composition
- Marital status
- With You For You
- Emergency Contact details
- Education
- Police/Criminal information
- Financial
- Employment
- Third Party Personal information
- Relationship status
- Language Spoken
- National Insurance number
- Information on dependents
- Gender
- Tenancy references

We obtain some of this personal data directly from you. Where we obtain information concerning certain "special categories" of particularly sensitive data, such as health information, extra protections apply under data protection legislation. We will only process your personal data falling within one of the special categories with your consent, unless we can lawfully process this data for another reason permitted by that legislation.

Where you provide us with contact details for another person (i.e. next of kin) it is your responsibility to make sure that the person whose details we are collecting is aware that we are holding this information as part of our records.

Who do we share your information with?

We are legally obliged to safeguard public funds so we are required to verify and check your details internally for fraud prevention. We may share this information with other public bodes (and also receive information from these other bodies) for fraud checking purposes.

We are also legally obliged to share certain data with other public bodies, such as HMRC and will do so where the law requires this. We will also generally comply with request for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate.

Your information is also analysed internally and externally to help us improve our services and to comply with legislations. We provide an internal audit service because the law states we must do so. The law also states we must be audited externally. The external auditors are appointed by Audit Scotland. Our internal audit team and the external auditors may process any personal information held within the Council for its contractors and partners) in order to assess and provide assurances on the arrangements for governance, risk management and internal control within the service

area. External audit will also ensure that the financial position stated in the annual accounts give a true and fair view in accordance with the law and codes of practice.

The Council is legally obliged to participate in the National Fraud Initiative in Scotland. As part of this exercise, the Council shares information with Audit Scotland for the prevention and detection of fraud. Further information can be found on Audit Scotland's website at http://www.audit-scotland.gov.uk/our-work/national-fraud-initiative.

We may share personal information with:-

- Other council services
- Health & Care services
- Third party contractors
- Third sector agencies
- Hjaltland Housing Association
- Household members including family members, lodgers and carers.
- The Department of Work and Pensions
- Her Majesty's Prison
- Scottish Public Services Ombudsman.
- The Scottish Government
- The Scottish Housing Regulator
- The Home Office
- Emergency Services

Will we send your information outwith the UK?

We do not transfer your information outwith the UK. If it becomes necessary to do so, we would ensure that the appropriate safeguards are in place.

How long do we keep your information for?

We only keep your personal information for the minimum amount of time necessary. Sometimes this time period is set out in the law, but in most cases it is based on the business need. We maintain a records retention and disposal schedule which sets out how long we hold different types of information for. You can view this on our website at http://www.shetland.gov.uk/information-rights/InformationManagement.asp or you can request a hard copy from the address above.

Your rights under data protection law

Access to your information

You have the right to request a copy of the personal information that we hold about you.

Correcting your information

We want to make sure that your personal information is accurate, complete and up to date. Therefore you may ask us to correct any personal information about you that you believe does not meet these standards.

Deletion of your information

You have the right to ask us to delete personal information about you where:

- you think that we no longer need to hold the information for the purposes for which it was originally obtained
- you have a genuine objection to our use of your personal information – see Objecting to how we may use your information below
- our use of your personal information is contrary to law or our other legal obligations.

Objecting to how we may use your information

You have the right at any time to tell us to stop using your personal information for direct marketing purposes.

Restricting how we may use your information

In some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information that we hold about you or we are assessing the objection you have made to our use of your information.

This right might also apply if we no longer have a basis for using your personal information but you don't want us to delete the data. Where this right is realistically applied will mean that we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Please contact us as stated above if you wish to exercise any of these rights.

Information you have given us about other people

If you have provided anyone else's details to the Council, please make sure that you have told them that you have given their information to Shetland Islands Council. We will only use this information for a specific purpose, e.g. to contact those people in the event of an emergency, to assess your own entitlement to a service.

If they want any more information on how we will use their information they can visit our web site at http://www.shetland.gov.uk/information-rights/DataProtection.asp
or email dataprotection@shetland.gov.uk.

Complaints

We aim to directly resolve all complaints about how we handle personal information. If your complaint is about how we have handled your personal information, you can contact the Council's Data Protection Officer by E-mail at dataprotection@shetland.gov.uk or by Phone on (01595) 744 550.

However, you also have the right to lodge a complaint with the Information Commissioner's Office, who can be contacted by post at:

Information Commissioner's Office
Wycliffe House
Water Lane

Wilmslow
Cheshire SK9 5AF

Phone: 0303 123 1113 (local rate) or 01625 545 745.

Visit their website for more information at- https://ico.org.uk/concerns

Please note if your complaint is not about a data protection matter or does not concern the handling of personal information, please contact us using the Council's Complaints Handling Procedure.