



ARK Housing Association Ltd GDPR Fair Processing Notice

(How we use your personal information)

This notice explains what information we collect, when we collect it and how we use this. During the course of our activities we will process personal data (which may be held on paper, electronically, or otherwise) about you and we recognise the need to treat it in an appropriate and lawful manner. The purpose of this notice is to make you aware of how we will handle your information.

Who are we?

ARK Housing Association Ltd, a Scottish Charity (Scottish Charity Number SC015694), a registered society under the Co-operative and Community Benefit Societies Act 2014 with Registered Number 1899RS and having our Registered Office at The Priory, Canaan Lane, Edinburgh EH10 4SG (“we” or “us”) take the issue of security and data protection very seriously and strictly adhere to guidelines published in the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679, together with any domestic laws subsequently enacted.

We are notified as a Data Controller with the Office of the Information Commissioner under registration number Z9714372 and we are the data controller of any personal data that you provide to us.

Any questions relating to this notice and our privacy practices should be raised with our Data Protection Officer at dataprotection@arkha.org.uk, or Data Protection Officer, The Priory, Canaan Lane, Edinburgh EH10 4SG/ 0131 447 9027

How we collect information from you and what information we collect

We collect information about you:

- When you apply for housing with us, become a tenant, request services/ repairs, with ourselves howsoever arising, or otherwise provide us with your personal details
- When you apply to become a member;
- When you contact us by email, either through our website or directly, or by post, to request a service, e.g. to report any tenancy-related issues, or to make a complaint;

- From your arrangements to make payment to us (such as bank details, payment card numbers, employment details, benefit entitlement and any other income and expenditure related information); and
- When you provide us with your opinions about our services, via surveys and questionnaires.

We collect the following information about you:

- Name, and previous names;
- Address, previous address, and forwarding address if you take and then end a tenancy with us;
- Telephone number;
- E-mail address;
- National Insurance Number;
- Financial Information, such as bank details;
- Housing Benefit Reference Number;
- Next of Kin, family members, including children;
- Guardianship orders, intervention orders, and powers of attorney
- Details of any relevant offences, antisocial behaviour allegations and orders, and MAPPA orders;
- Pregnancy, gender, mental health, physical disability, learning disability, illnesses, ethnicity, Immigration status;
- At the time of creating a tenancy, copies of two forms of ID such as Passport/ Birth Certificate, as well as a photograph;
- If you receive a support service from ARK or another care and support provider, copies of relevant risk assessments and support plans; and
- Photographs of you if you attend ARK events and consent.

We receive the following information from third parties:

- Benefits information, including awards of Housing Benefit/ Universal Credit;
- Details of payments made by you to us;
- Information relevant to your tenancy application and requirements from Local Authorities/ support providers, exchange partners or family;
- Information in relation to applications for housing made through Edindex, the Edinburgh Common Housing Register, by applicants in the Edinburgh area;

- Details of complaints or other communications regarding behaviour or other alleged breaches of the terms of your contract with us, including information obtained from Police Scotland; and
- Reports as to the conduct or condition of your tenancy, including references from previous landlords, and details of any complaints of anti-social behaviour.

Why we need this information about you and how it will be used

We need your information and will use your information:

- To undertake and perform our obligations and duties to you in accordance with the terms of our contract with you;
- In relation to applications for Housing Benefit/ Council Tax Reduction/ Discretionary Housing Payments/ Welfare Fund, and other relevant benefits applications, publicity materials in relation to any ARK tenant events that you may attend, and references in relation to you provided to prospective new landlords after you end a tenancy with us, with your consent;
- In relation to information disclosures to Police/ solicitors/ Sheriff Officers/ Antisocial Behaviour Services/ protection services/ regulators and auditors, to comply with relevant legal obligations;
- To send you newsletters and surveys, in accordance with ARK's legitimate interests, unless you advise us that you prefer not to receive these;
- To enable us to supply you with the services and information which you have requested;
- To enable us to respond to your repair request, housing application and complaints made;
- To analyse the information we collect so that we can administer, support and improve and develop our business and the services we offer;
- To contact you in order to send you information about our services and details of any changes to our services which may affect you;
- For all other purposes consistent with the proper performance of our operations and business; and
- To contact you for your views on our products and services.

Some of the personal data that we process in relation to you is called 'special category data'. This type of data is more sensitive, and therefore needs more protection. We process

special data, as relevant, in relation to gender, health and ethnic origin. We process this data so that we can provide our housing service, in accordance with the substantial public interest involved in our work as a Registered Social Landlord.

Sharing of Your Information

The information you provide to us will be treated by us as confidential and will be processed only by our employees within the UK/EEA, subject to the comments in the 'Transfers outside the UK and Europe' section below. We may disclose your information to other third parties who act for us for the purposes set out in this notice or for purposes approved by you, including the following:

- In the event that you make an application for a tenancy with us, with your current or previous landlord(s);
- In the event that you end a tenancy with us and move to another landlord, with your prospective new landlord should they ask us for a reference in relation to you, and should you consent;
- If you instruct a third party representative to act for you, such as a family member or advocacy worker;
- If you become an ARK tenant, with our bank/ ALLPAY/ WORLDPAY/ Local Authorities, DWP and benefits agencies;
- If you become an ARK tenant, and we are purchasing furniture, fixtures or fittings on your behalf, in accordance with your tenancy agreement, and our policies and procedures, with relevant suppliers;
- If you receive a support service, with your support provider, and with any Local Authority which commissions your support service;
- If you require any medical adaptations made to your home, with the relevant Local Authority, health professionals, contractors and support providers;
- If you seek our support to make an application for Housing Benefit/ Council Tax Reduction/ Discretionary Housing Payments/ Welfare Fund, or any other relevant benefits applications, or give your consent for us to share relevant information with a prospective new landlord, with the relevant body (eg Local Authority/ DWP/ New Landlord etc);
- If you are an ARK tenant, in order to support you to access the credit profile building service offered by them, with Experian;
- If we require to begin legal proceedings in relation to you, or if we are required to disclose information by law, with the relevant solicitor, Sheriff Officer, Local Authority

Anti-Social Behaviour Team, Multi Agency Public Protection Teams, the Police or Courts as appropriate;

- If we enter into a joint venture with or merge with another business entity, your information may be disclosed to our new business partners or owners;
- If we instruct repair or maintenance works, your information may be disclosed to the relevant contractor;
- If we require to conduct an investigation, for example in relation to a complaint, Health and Safety related incident, allegation of antisocial behaviour etc, information may be disclosed to the Scottish Public Services Ombudsman, Police Scotland, Local Authority departments, the Care Inspectorate, Scottish Fire & Rescue Service, the Health and Safety Executive, and others involved, whether investigating or otherwise;
- If we are updating tenancy details, such as following completion of our annual rent review exercise, your information may be disclosed to third parties (such as utility companies, DWP and Local Authority);
- If we are investigating payments made or otherwise, your information may be disclosed to payment processors, such as the Local Authority and the Department of Work & Pensions;
- If we are conducting a survey of our products and/ or service, your information may be disclosed to third parties assisting in the compilation and analysis of the survey results;
- In the event of an adult or child protection concern or issue, with the relevant NHS service (e.g. General Practitioner) and/ or Local Authority; and
- In relation to payments received from you or made to contractors or suppliers in relation to your property, in accordance with our obligations to share details of our financial transactions with the relevant auditors and regulators.

Unless required to do so by law, we will not otherwise share, sell or distribute any of the information you provide to us without your consent.

Transfers outside the UK and Europe

We may transfer your information outside the UK and/or EEA in the following circumstances:

Where information is transferred outside the UK or EEA, for example where you are a housing applicant who resides outside the UK or EEA, and we require to write to you, we

ensure that there are adequate safeguards in place to protect your information in accordance with this notice, including the following:

- Systems for ensuring that the addressee information is accurate; and
- Posting via a tracked/ verifiable delivery method.

Security

When you give us information we take steps to make sure that your personal information is kept secure and safe.

We will only store relevant information in accordance with the following policies, copies of which are available on request:

- Privacy Policy; and
- Email, Internet & ICT Policy.

How long we will keep your information

We review our data retention periods regularly and will only hold your personal data for as long as is necessary for the relevant activity, or as required by law (we may be legally required to hold some types of information), or as set out in any relevant contract we have with you.

We will generally keep your information for the following periods:

Item	Retention Period
Housing Application Form	For duration of tenancy and for 3 years thereafter
Cancelled Housing Application Form	3 months from cancellation
Housing Applicant Reference	For 3 years after commencement of the relevant tenancy
Applications for benefits etc	Until claim has been processed and payment made
Tenant Surveys and feedback forms	3 years

<p>Current tenant files –</p> <ul style="list-style-type: none"> • application form • tenancy agreement • Local Authority housing benefit notifications • information from 3rd parties relating to anti-social behaviour • paperwork linked to medical adaptations 	<p>Duration of tenancy & 3 years thereafter</p> <p>Duration of tenancy</p> <p>For current financial and one preceding financial year</p> <p>Duration of tenancy</p> <p>Duration of tenancy</p>
<p>Former tenant files –</p> <ul style="list-style-type: none"> • tenancy agreement and termination notice • housing application form • paperwork associated with any legal action during tenancy 	<p>3 years from end of tenancy</p>
<p>Rent payment records</p>	<p>6 years after year end</p>
<p>Property maintenance records –</p> <ul style="list-style-type: none"> • general repairs, planned/cyclical maintenance, major repairs, improvements • annual/statutory safety or maintenance checks 	<p>Duration of tenancy</p>
<p>Complaint Records</p>	<p>5 years (from final reply)</p>
<p>Incident reports (including accidents)</p>	<p>10 years from incident date</p>

after which this will be destroyed if it is no longer required for the reasons it was obtained.

Further information on retention is available on request.

Your Rights

You have the right at any time to:

- Ask for a copy of the information about you held by us in our records;
- Require us to correct any inaccuracies in your information;
- Make a request to us to delete what personal data of yours we hold; and
- Object to receiving any marketing communications from us.

If you would like to exercise any of your rights above, or have any questions about this notice or ARK's use of your personal data, please contact ARK's Data Protection Officer:

Data Protection Officer
ARK Housing Association Ltd
The Priory, Canaan Lane
Edinburgh, EH10 4SG
Telephone: 0131 447 9027
Email: dataprotection@arkha.org.uk

You also have the right to complain to the Information Commissioner's Office in relation to our use of your information. The Information Commissioner's contact details are noted below:

The Information Commissioner's Office – Scotland
45 Melville Street, Edinburgh, EH3 7HL
Telephone: 0131 244 9001
Email: Scotland@ico.org.uk

The accuracy of your information is important to us - please help us keep our records updated by informing us of any changes to your email address and other contact details.