

Private Housing Service Privacy Notice

Bristol City Council is the data controller for the purposes of the Data Protection Act 2018 and other regulations including the UK General Data Protection Regulation which means it determines what your personal data is used for and why it is collected. The purpose of this privacy notice is to tell you about how we collect and use personal data in connection with our service. We may update this privacy notice from time to time. When we do this, we will communicate any changes to you and publish the revised privacy notice on our website.

Our main address is Bristol City Council, City Hall, College Green, Bristol, BS1 5TR and our contact details can be found at <https://bristol.gov.uk>.

What data we need to collect and use?

To provide the Private Housing Service, we will collect and use some or all of the personal information below:

- Name
- Date of birth
- Gender
- Contact details including address, phone number, email address
- Residency status
- Financial circumstances
- Information relating to your accommodation or accommodation you have an interest in
- Any health data you provide
- Family and household details
- Family and social circumstances and history
- Your spoken, preferred written and reading language and whether you are a BSL or Makaton user or require a translator
- Business details including legal entities
- Information relating to any offences committed or alleged to be committed by the individual
- Information relating to legal proceedings, outcomes and sentences regarding the individual

We get most of this information from you and from what we learn about you through your use of our services, but we may also get some information about you from:

- Technology you use to access our services
- Information you make public on social media
- Information from publicly available sources (press, electoral register, company registers and other public records, online search engines),
- Health and education providers
- Commissioned partners
- Family members, friends or acquaintances
- Your landlord
- Your tenant
- Your legal representative

- Regulatory bodies
- Avon and Somerset Police
- National Crime Agency
- Avon Fire and Rescue
- Other Bristol City Council departments
- Other local authorities
- HM Customs and Excise
- Charity Commission
- Land Registry
- Lendology
- WE Care & Repair
- Bristol Waste Company
- Tracing agents (in relation to Empty Property or Renewal work)

In order to carry out the functions of parts 1-4 of the Housing Act 2004, Bristol City Council, being a local housing authority, are permitted to use any information that has been obtained in connection with the administration, collection and payment of council tax and housing benefit. This permission is granted by section 237 of the Housing Act 2004.

How do we use your personal information?

We use this information for one or more of the following reasons:

- To comply with all legal and statutory obligations and powers under various pieces of legislations, e.g. Housing Act 2004, Housing and Planning Act 2016, Environmental Protection Act 1990, Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. (This list is not exhaustive, see Appendix 1 for the list of legislation);
- The information will be used to carry out private sector housing functions in order to deal with inquiries or investigate complaints or offences;
- We may make contact with landlords, tenants, agents and other relevant service users. Arrange and conduct property inspections. May investigate your circumstances and contact relevant parties using the information in the course of our activities which may include giving advice as well as undertaking enforcement;
- Process your property licence or caravan site licence application;
- To bring empty properties back into use;
- To maintain relevant public registers;
- To determine fit and proper persons status of caravan site owners/managers;
- To make entries of persons in the data base of rogue landlords and property agents
- Determine if you are eligible for certain loans and grants;
- Provide you with updates and newsletters about statutory and regulation changes, and events of relevance to landlords in the private rented sector.

For further information on how Private Housing uses its enforcement powers, please refer to the [Private Housing Enforcement Policy 2016 \(Revised 2017\)](#).

If you don't allow us to use your data this will mean that we may be unable to provide you with a service in relation to our statutory powers and duties, including taking enforcement action, processing property licence applications and processing loans and grants, assisting you with your enquiries and other services provided by the Private Housing Service.

In the following circumstances you are required by law or contract to provide personal information.

- If you are served with a Section 16 notice of the Local Government (Miscellaneous Provisions) Act 1976. It is intended to establish information about ownership and other interests of land. It is an offence to fail to comply with the requirements of the notice within the period set for its return, or to make false or misleading statements in reply.
- If you are served with a Section 330 notice Town and Country Planning Act 1990. It is intended to establish information as to interests in land. It is an offence to fail to comply with the requirements of the notice within the period set for its return, or to make false or misleading statements in reply.
- If you are served with a Section 235 notice of the Housing Act 2004, which require you to produce documents in your custody or under your control. It is an offence to fail to comply with the requirements of the notice or intentionally alters, suppresses or destroys any document you have been required to produce by a Section 235 notice.
- A local housing authority under Section 19 of the Housing and Planning Act 2016, may require a person to provide specified information for the purpose of enabling the authority to decide whether to apply for a banning order against the person. It is an offence to fail to comply with a requirement, or provide information that is false or misleading if the person knows that the information is false or misleading or is reckless as to whether it is false or misleading.
- If you are served with a notice under Section 7 of the Protection from Eviction Act 1977. The notice is intended to establish the full name and place of abode or business of a landlord. It is an offence to fail or refuse to comply with the requirements of the notice within the period stated.
- There are circumstances where you may be required to provide personal information to a Trading Standards Officer. These powers usually derive from Schedule 5 of the Consumer Rights Act 2015. The main powers afforded to a Trading Standards Officer include the power to enter premises, powers of inspection and powers to secure or seize material that might be required in evidence.
- Processing licensing application details – you must provide personal information to allow for the processing of property licence applications for properties required to have a licence under the Housing Act 2004.

We collect web statistics automatically about your visit to our site based on your IP address. This information is used to help us to improve your experience on our website.

Where we use automated decision making or profiling

- Data you provide through our online triage form will be processed automatically and may be used to make non-legally significant decisions based on the information you supply. Decisions are reached by determining your private housing circumstances, after which we may offer our services to you. This is important because we have a number of duties under the various pieces of legislation we enforce.
- The Housing Act 2004 requires mandatory licensing of certain houses in multiple occupations (HMOs) and provides for licensing to be extended by local authorities to include HMOs and

non-HMO properties not covered by the mandatory licensing regime. Landlords are able to apply for property licences online, making a series of declarations and providing personal data. This data will be processed automatically and will be used to make legally significant decisions based on the information supplied. These decisions are reached by the declarations and information provided. These are legally significant as false or misleading declaration could mean applicants committing criminal offences and licences being issued incorrectly.

Who else might we share your personal information with?

Sometimes we may need to share your information, but we will only do so where we have your consent, or it is necessary or required by law during the course of our duties. We will only share the minimum information for each circumstance. We may share some of your personal information with one or more of the following but not limited to:

- BCC Landlord Liaison Officer
- Other BCC departments
- Avon and Somerset Police
- Bristol Waste Company
- National Crime Agency
- HM Customs and Excise
- Avon Fire and Rescue
- Charity Commission
- Lendology
- WE Care and Repair
- HSE
- Building Research Establishment (BRE)
- Ministry of Housing, Communities and Local Government (MHCLG)
- National Trading Standards Estate & Letting Agency Team with Powys County Council
- Business Enterprise Innovation and Skills - BEIS
- Other local authorities
- Tracing agents (in relation to Empty Property or Renewal work)

This data will be shared with some of the above agencies depending on your enquiry to ensure that we are able to provide services to you. Where we have shared your data with other Bristol City Council services, the general Bristol City Council retention schedule will apply and is available on the Bristol City Council website.

The information provided may be shared with other organisations such as those listed above, who have demonstrated that they have a lawful and legitimate interest in the information, for the purposes of detecting fraud, criminal activity, fire safety, applications for licences, carrying out enforcement of court proceedings and assisting service users.

As required by section 232 of the Housing Act 2004 (<http://www.legislation.gov.uk/ukpga/2004/34/section/232>) it is a legal requirement that we

establish and maintain a public register of properties licensed under the Housing Act 2004, and specifically to ensure that the contents of the register are available for inspection by the public and if requested to provide a copy of the register.

The register contains the information set out in regulation 11 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (<http://www.legislation.gov.uk/uksi/2006/373/regulation/11/made>). This includes the names and addresses of licence holders and any managing agents.

Our financial assistance policy is set out with regard to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. In order to assess an applicant's eligibility for certain loans and grants, we need to ask for personal and financial information regarding their property ownership. Our grants and loans are delivered both by ourselves and with partners Lendology and WE Care and Repair.

The BRE undertake regular Stock Condition Surveys on behalf of the Council using some of the council's local property data and along with other data sources provide a profile of the stock and estimate stock condition etc. For more information visit <https://www.bregroup.com/privacy-policy>

Bristol City Council jointly hosts the National Trading Standards Estate & Letting Agency Team with Powys County Council. This reflects their appointment as lead enforcement authority (LEA) under the Tenants Fees Act 2019 and Estate Agents Act 1979 respectively. The LEA's work as a single team with shared resources and data collected relating to the Estate Agency & Lettings sector will be shared between the two local authorities. Their privacy notice can be found here: <https://en.powys.gov.uk/privacy>

Bristol Waste Company (BWC) provides waste services on behalf of Bristol City Council. Private Housing will provide landlord name, landlord address, landlord telephone number, landlord e-mail address and landlord rental property address information so BWC can provide information to landlords about their waste services that they deliver on behalf of BCC via letters and leaflets. BWC may also contact landlords and/or tenants by knocking on the door of the properties or sending letters where there are on-going waste collection issues or contacting landlords directly through telephone or e-mail.

Tracing agents may be used to assist with probate research and tracing owners or the next of kin for empty properties connected with a deceased owner to aid bringing empty properties back into use.

Empty property information may be shared with the Homes for Ukraine Team (see [Homes for Ukraine Privacy Notice](#)) so they can target information to the empty property owners with specific information about schemes for empty property owners and landlords for the purpose of bringing empty property units into use and thus providing accommodation to Ukrainian refugees.

Will my personal data be sent outside the UK?

No personal information is routinely sent or held outside the UK. Should the transfer of personal information outside the UK become necessary, it will only take place if permitted by law, and then only where there are appropriate safeguards in place to protect the data.

What is the legal basis for our use of your personal information?

The information below shows the legal bases we are relying on to use your personal or special category (sensitive) personal information. You can see a list of the full legal bases we may rely on by looking at our main privacy notice.

Personal information

Our legal basis for using your personal information are:

- The lawful exercising of such powers is confirmed in the General Data Protection Regulation 2018:
 - In Article 6(1)(e). The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
 - In Article 6(1)(c) - the processing is necessary for compliance with a legal obligation.

Special category (sensitive) personal information/criminal offence personal information

Our additional legal bases for using your special category/criminal offence personal information are:

- Exercise of official authority and Article 9 (g) – reasons of substantial public interest; Data Protection Act 2018, Schedule 1, Part 2 (6) – Statutory etc and government purposes.

How long we will keep your personal information?

We will hold this information for as long as it is needed or we are required to do so by law. In practice this means that your personal information may be retained for the relevant period listed below:

- We will normally hold this information for 6 years after we have completed our enquiries or enforcement action and in accordance with Bristol City Council's retention schedule which is available on the Bristol City Council. The exceptions are detailed below.
- In relation to information specifically relating to empty property enforcement, the time period is not specified. The period of time we will hold this information is dependent on any action taken to bring long term empty properties back into use and information is required to demonstrate that the property is empty for extensive periods. Information would also be retained if there are any associated debts with the property and would be retained due to the possibility of compensation claims or ongoing relevance after empty property enforcement has concluded.
- In relation to notices, works in default with associated local land charges – Until associated local land charge is removed.
- In relation to banning orders and records of entries on the government's Rogue Landlord database, the retention period is 10 years after the end of the banning order or entry. There is no statutory maximum period for a banning order.
- In relation to Disabled Facilities Grants (DFGs), the retention period is 10 years.

After this, your personal information will be deleted or archived.

Your rights as a data subject:

The law gives you a number of rights to control what and how personal information is used by us, including the right to access a copy of your personal information and withdraw your consent when we

rely on your permission to use your personal data. Full details about your rights can be found in our [main privacy notice](#). To access a copy of your personal information, more details and how to make a request can be found on our website [here](#). To update or correct your information if it is inaccurate please contact Citizens Services [here](#).

You can exercise any of these rights, ask questions about how we use your personal data or complain by contacting us at data.protection@bristol.gov.uk or by writing to our data protection officer at:

Data Protection Officer
Information Governance
Bristol City Council
City Hall
College Green
Bristol
BS1 5TR

If you think we have dealt with your information inappropriately or unlawfully, you have the right to complain to the ICO at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Website: <https://ico.org.uk/>

September 2022

Appendix 1.

List of legislation

1. Public Health Act 1936
2. Public Health Act 1961,
3. Building Act 1984
4. Environmental Protection Act 1990
5. Town and Country Planning Act 1990
6. Prevention of Damage by Pests Act 1949
7. Housing Act 1985
8. Housing Act 1988
9. Housing Act 1996
10. Housing Act 2004
11. Housing and Planning Act 2016
12. The Housing Health and Safety Rating System (England) Regulations 2005
13. The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
14. Smoke and Carbon Monoxide Alarm (England) Regulations 2015
15. Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014
16. Enterprise and Regulatory Reform Act 2013(a)
17. The Client Money Protection Schemes for Property Agents (Requirements to belong to a Scheme etc) Regulations 2019
18. Consumer Rights Act 2015
19. The Tenant Fees Act 2019
20. Energy Performance of Buildings (England and Wales) Regulations 2012
21. The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
22. Protection from Eviction Act 1977
23. Section 29 Local Government (Miscellaneous Provisions) Act 1982
24. Section 33 Local Government (Miscellaneous Provisions) Act 1976
25. Housing Grants, Construction and Regeneration Act 1996
26. Local Government and Housing Act 1989
27. Caravan Sites and Control of Development Act 1960
28. Caravan Sites Act 1968
29. Mobile Homes Act 2013
30. Criminal Justice and Public Order Act 1994
31. Anti-social Behaviour, Crime and Policing Act 2014
32. Law of Property Act 1925
33. Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
34. Any act extending or amending the same or incorporated therewith or any orders or regulations made there under