



## BHA Enterprise Ltd

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### GDPR Fair Processing Notice

(How we use your personal information)

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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?**

BHA Enterprise is a limited company with Registered Number SC230617 and having its Registered Office at 55 Newtown Street, DUNS TD11 3AU (“we” or “us”) take the issue of security and data protection very seriously and strictly adhere to guidelines published in the Data Protection Act of 2018 (“the 2018 Act”) and the UK General Data Protection Regulation (“the GDPR”), together with any domestic laws subsequently enacted.

We are registered as a Data Controller with the Office of the Information Commissioner (ICO) under registration number ZB157066 and we are the data controller of any personal data that you provide to us.

Our Data Protection Officer is Berwickshire Housing Association’s Corporate Services Manager.

Any questions relating to this notice and our privacy practices should be sent to:

The Data Protection Officer  
Berwickshire Housing Association  
55 Newtown Street  
DUNS  
TD11 3AU

Or by email to [data@berwickshirehousing.org.uk](mailto:data@berwickshirehousing.org.uk)

## **How we collect information from you and what information we collect**

We collect information about you to enable us to perform our contractual obligations. You, in turn, are under a contractual obligation to provide the data requested from you to enable performance of the contract (i.e. the tenancy agreement you are party to)::

- when you apply for housing with us, become a tenant, request services/ repairs, enter into a factoring agreement with ourselves howsoever arising or otherwise provide us with your personal details
- when you apply to become a member;
- from your use of our online services, whether to report any tenancy/ factor related issues, make a complaint or otherwise;
- from recordings of your phone calls to us or from our phone calls to you
- images of you from CCTV recordings if you visit our offices
- from your arrangements to make payment to us (such as bank details, payment card numbers, employment details for benefit entitlement and any other income and expenditure related information);

- Under the terms of the tenancy agreement, you are under a required to provide us with the following information:

- name;
- address;
- telephone numbers (landline and mobile);
- e-mail address;
- National Insurance Number;
- Next of Kin;
- Date of Birth
- Proof of identity
- If you use our online services of any kind we may collect your IP address or details of the device type that you are using including but not limited to the make, model, type, operating system + version and MAC address.
- Payment card details you use to make payments to us through payment processors
- All of the above that is relevant to members of your household

We receive the following information from third parties:

- Benefits information, including awards of Housing Benefit/ Universal Credit from the Local Authority and the Department of Work and Pensions

- Payments made by you to us from our payment processors;
- Complaints or other communications regarding behaviour or other alleged breaches of the terms of your contract with us, including information obtained from Police Scotland;
- Reports as to the conduct or condition of your tenancy, including references from previous tenancies, and complaints of anti-social behaviour
- If you use our online services provided by a third party we may be passed the details of your IP address or details of the device type that you are using including but not limited to the make, model, type, operating system + version and MAC address

### **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. This includes:

- 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 details of any changes to our suppliers which may affect you;
- for all other purposes consistent with the proper performance of our operations and business
- to contact you to discuss any aspect of your contract with us including obtaining your views on our products and services; and
- To ensure our online services are being used lawfully and not being exploited

### **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.

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:

- If we enter into a joint venture with or merged 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 any contractor;
- If we are investigating a complaint, information may be disclosed to Police Scotland, Local Authority departments, Scottish Fire & Rescue Service and others involved in any complaint, whether investigating the complaint or otherwise. If you refer a complaint your information will be disclosed to the Scottish Public Services Ombudsman;
- If we are updating tenancy details, your information may be disclosed to third parties (such as utility companies and the Local Authority);
- If we are investigating payments made or otherwise, your information may be disclosed to payment processors, Local Authority and the Department for 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;
- If we are seeking advice, legal or otherwise, in connection with matters concerning or relating to you.

Unless we have a lawful basis for disclosure, 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 to:

- Provide housing providers outside the UK with a tenancy reference for you if we are requested to do so
- If electronic systems we use have storage facilities located outside the UK. We will never store your data outside of the EEA.

Where information is transferred outside the UK or EEA we ensure that there are adequate safeguards in place to protect your information in accordance with this notice, including the following:

- Ensuring that the organisation we are transferring your data to has adequate safeguards/ details of appropriate security provisions in place.
- That the organisation we are transferring your data to is within the EEA
- That you are informed of the transfer and you give your consent to the transfer.

### **Security**

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

- The electronic systems and devices that are used to store and process your data are encrypted and secured against unauthorised access
- All staff are trained on the importance of data and information security and do not get access to our electronic or manual filing systems until they have completed and passed relevant training to our required standard
- Our electronic systems are controlled using role based permissions. This means that only staff that need access to your data get access.
- Our manual filing systems are stored in secure locked cabinets and access to these is restricted again, based on the staff members role and their need for access.

### **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 minimum periods detailed below:

#### **Tenants, Service Users and Applicants for housing**

<b>Data Processed</b>	<b>Retention period</b>
Applications for accommodation	6 years after offer accepted
Continuous Recording of lettings and sales (CORE)	As long as necessary to support affordable housing policy

data record form	
Housing Benefit notifications	2 years
Rent statements	2 years
Tenants' tenancy Files, including rent payment records, and details of any complaints and harassment cases	6 years after tenancy ends
Former tenants' Tenancy Agreements, and details of their leaving	6 years
Care plans for children and related documents	Until 75 <sup>th</sup> year of child's birth or 15 years after death if child dies before 18. (Case records including care plans)
Care plans for adults and related documents	8 years from end of care. (Adult Social Care)
Documentation, correspondence and information provided by other agencies relating to special needs of current tenants	While tenancy continues
Records relating to offenders, ex-offenders and persons subject to cautions	While tenancy continues
ASB case files and associated documents	5 years or until end of legal action
Supporting people – subsidy claims / support plans / single assessments including supporting information	Duration of tenancy
Resident meeting minutes	1 year

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

Our full retention schedule is available at [www.berwickshirehousing.org.uk/gdpr](http://www.berwickshirehousing.org.uk/gdpr)

## **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 of fact in your information;
- request that we restrict your data processing
- data portability
- Rights related to automated decision making including profiling
  
- 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 please contact:

**The Data Protection Officer, 55 Newtown Street, DUNS TD11 3AU or by email to [data@berwickshirehousing.org.uk](mailto:data@berwickshirehousing.org.uk). You should note that your rights under the GDPR and 2018 Act are not absolute and are subject to qualification.**

If you have any complaints about the way your data is processed or handled by us, please contact **the Data Protection Officer, 55 Newtown Street, DUNS TD11 3AU or by email to [data@berwickshirehousing.org.uk](mailto:data@berwickshirehousing.org.uk)**

If you remain unsatisfied after your complaint has been processed by us, 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: -0303 123 1115

Email: [Scotland@ico.org.uk](mailto: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, mobile phone number and other contact details.