

Croydon's Private Sector Housing Team

Use of Data collated for and from the Croydon Private Rented Property Stock Condition survey – June to September 2024

Croydon's Private Sector Housing Team [PSHT] is committed to providing a good service and at the same time protecting and respecting your privacy.

The PSHT are responsible for providing a range of services designed to improve the standard of the large private rented sector in the Borough. This includes houses in multiple occupation (HMOs), responding to service requests about property repair including fire safety, energy efficiency and electrical safety and services around property inspections including to support non-UK visa applications (immigration property inspection report) and HMO advice visits.

To better understand the condition of the Borough's private rented sector, the Council will be undertaking a stock condition survey of a sample of the private rented sector in the borough. The survey will make a judgment about whether a property meets the current decent homes standard, including part 1, the housing health and rating safety system.

An understanding of the condition of private rented properties supports the statutory role of the PSHT to provide tenants and landlords with advice to ensure that their rights are protected and provision of safe and suitable private sector accommodation to continue to promote standards, safety and compliance in the private rented sector.

The council has a duty under section 3 of the Housing Act 2004 to review housing conditions in their district. Section 3(1) says that a local housing authority must keep the housing conditions in their area under review with a view to identifying any action that may need to be taken by them.

This Privacy Notice details the use, collection and retention of information in respect of the Croydon Private Rented Property Stock Condition survey taking place from June to September 2024.

The stock condition survey will be completed by John Rowan Partnership LLP (JRP). JRP and the Housing Department have a current 4+1 year Stock Condition Contract awarded in a report dated 13th June 2023. This further work is being awarded as a variation of this existing contract.

The information used or collected under the stock condition survey will consist in of:

- Contact details of a tenant or tenant's representative.
- The contact details will include one or all of the name, email, telephone number and postal address (where it is not the subject property address)
- Information relating to property standards and safety issues. The survey will involve a visual inspection of the property and information about the property type, condition and hazards will be collected and recorded on a hand held device (smart phone);

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This Privacy Notice explains how the Council will use the information in relation to the work of the PSHT and JRP (surveying team) and how we protect your privacy in compliance with our legal obligations under the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) 2018. This Privacy Notice applies to any activity involving our use of your personal data, for example, collecting, storing, sharing, and secure disposal.

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The Inspection Process.

The stock condition survey is being organised by the Council's Private Sector Housing team (PSHT). The surveys will be completed by John Rowan Partnership (JRP), a private company under contract with the Council.

The Council will use its resources and current data sources to identify privately rented properties for survey. The sources of information will include;

1. Addresses from the Energy Performance Database that provides a list of those properties that were privately rented at the point of survey for the EPC.
2. Addresses from the Tenancy deposit protection list. This is a list that identifies properties where the landlord has registered a deposit with one of the three Government approved TD providers.
3. Service request data. Situations where a referral has been made to the PSHT. This referral often comes from a tenant.
4. The Housing Department. They are using properties in the private rented sector to place tenants.
5. Door knocking (PSHT or JRP staff). A cold call to a property is undertaken and where the property is identified as privately rented the tenant is asked if they would like an inspection. Where the tenant says yes, their contact details are taken to allow an appointment to be made.

Tenants who have said that they are happy to have an inspection undertaken will be contacted and be offered an inspection time. The time will relate to when the surveyor is in the area of Croydon their property is located. It will be a 2 hour slot in which time they can expect a visit and a survey. A survey will last about 45 minutes.

The surveyors for JRP will be given a list of addresses and an appointment time.

Whilst the surveyors are visiting properties, they may collect contact details of a tenant or tenant's representative. This may happen when:

1. The tenant of the property being surveyed offers their details.
2. The tenant of the property scheduled to be surveyed can no longer make the appointment time and provides their contact details for a further inspection to be arranged.
3. Whilst on district the JRP surveyor may try to identify further privately rented properties for survey through door knocking (cold calling). The tenant or tenant's representative may then provide their personal details to allow an appointment to be made.

When JRP receive contact details of a tenant this will be passed on securely to the PSHT so a further inspection can be organized, as necessary.

For the greater majority of properties, the survey will be the only and last contact with the tenant and that property under this scheme.

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On the occasion that a significant hazard is identified at the property, and in the surveyor's view the landlord or property agent should be informed, this address will be referred to the PSHT within 48 hours for enforcement action. A significant hazard covers a situation where the health of the tenant could be impacted and so repair works are necessary. As part of taking action the PSHT will need to keep in contact with the tenant and so their email or phone details will continue to be used.

All further action to ensure that remediation work is taken to remove the hazard will be led by the PSHT. JRP will have no further involvement at that address.

On receipt of the referral that a significant hazard has been identified, the PSHT will log this referral on the team's database. It will be considered as a "*standard request for service*". Each year the PSHT receives 1,500 requests for service, 396 were received in the first quarter of 2024/25. The team's database (uniform) is a case management database to allow progress with the case to be recorded and monitored.

The steps that the PSHT take will be discussed with the tenant. Commonly the landlord or property agent will be contacted by the PSHT to raise the disrepair with them and give them the opportunity to complete some remedial works. The tenant will also be able to raise the issue in the first instance. The landlord or property agent will be informed of the defective conditions with the expectation that they take steps to remedy the issue.

The PSHT is a regulatory team and has been delegated powers under a wide range of legislation to improve conditions such as with fire safety, dampness, cold and electrical safety. The informal route normally achieves a successful outcome. But the PSHT will, as necessary, use the wide range of legislation available to it to enforce the requirement for the works to be completed.

The data set that is subject to this Privacy Notice is minimal but it is still the private contact details for tenants in the borough of Croydon.

The lawful basis on which we use this information

The Council considers that the Lawful basis for processing was at the time it was originally collected and continues to be Article 6 (e) Public task: the processing is necessary for the Council to perform the following tasks in the public interest to supports its official functions listed below:

- Section 3 of the Housing Act 2004 requires that a local housing authority must keep the housing conditions in their area under review with a view to identifying any action that may need to be taken by them. The data can support a high level

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review.

- Enforcement action contained in Chapter 2 (improvement notices, prohibition orders and hazard awareness notices); the new emergency measures contained in Chapter 3 (emergency remedial action and emergency prohibition orders), and the existing kinds of enforcement action dealt with in Chapter 4 (demolition orders and slum clearance declarations).
- The requirements under part 1 of the Housing Act 2004 and for landlords under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 it is a duty to provide smoke alarms on every storey. The same regulations, under regulation 5, place a duty on a local authority, where they consider there is a premises with a breach to serve a remedial notice on a landlord.
- Licencing as a mandatory Home of Multiple Occupation under Part 2 of the 2004 Act.
- Other legislation and duties that may fall under the Public Health Acts, Environmental Protection Act, Building Act, Electrical Safety legislation and Tenant Fees Act.

How your Data will be used

The data will be used for two purposes:

- to enable PSHT to organize an inspection for a JRP surveyor. To keep in contact about the stock condition survey in case of changes to the process or timings.
- Then following the inspection, where remediation is needed, to allow the PSHT to perform the following tasks in the public interest to supports its official functions as detailed above.

Who we share information with

We may share information about you to third parties where permitted or required by law to do so for all lawful purposes as specified in this Notice:

- JRP. Where necessary a tenant or tenant's representative's details will be shared to enable the property inspection to proceed.
- other Croydon Council services so they can carry out their statutory roles and support our service (e.g. community protection, anti-social behaviour team,

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wider Public Protection and Licensing, corporate internal fraud investigation team, social services, complaints, business intelligence, corporate finance, legal services, IT services, quality assurance, debt recovery and council tax);

- government departments e.g. Ministry for Housing, Communities and Local and Government, Department for Work and Pensions, HM Revenue and Customs, Home Office and Mayoral private sector housing team and other local housing authorities or social housing providers;
- tenants who are taking formal action as enabled by various legislation such as making a rent repayment order, in defence of eviction through service of an unlawful section 21 notice, applying for injunctions or taking steps under the Fitness for Human Habitation Act 2018 for repairs or compensation; and
- HMRC, Police and fraud prevention agencies, HM Courts and Tribunals System Health and Safety Executive and/ or law enforcement agencies in relation to the prevention or detection of crime or fraud.

We will only share your information with other organisations and/or individuals in accordance with the requirements of GDPR and/or the Data Protection Act 2018, and where there is a legal basis allowing this to take place.

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Storing this information

The data is stored securely in Council databases. This includes within the council server or databases of companies under license to provide a service which includes the storage, interrogation and access facilities.

PSHT will usually keep records for up to 7 years after provision in case of queries, information requests, repeat enquiries and they will then be destroyed securely.

Cases relating to enforcement action will be retained for 7 years from final decision (with no appeal made).

We securely destroy all information once we have decided that it is not lawfully retained and no longer need it.

If you would like to know more about how we store your data, please contact hsg-privatesector@croydon.gov.uk.

Requesting access to your personal data

Under GDPR and the Data Protection Act 2018, you have the right to request access to information that we hold about you. To make a request for your personal information, contact the Council's Information Management Team at SAR@croydon.gov.uk.

Further information

The GDPR and the Data Protection Act 2018 gives you a number of rights to control what personal information is used by us and how it is used by us. Information about your data rights is listed in the Council's corporate Privacy Notice at www.croydon.gov.uk/privacy.

If you have any questions or concerns about the way we collect, store or use your personal information, please contact in the first instance hsg-privatesector@croydon.gov.uk

For advice about data protection issues, you can contact the Information Commissioner's Office (ICO) at www.ico.org.uk.

We reserve the right to amend this Privacy Notice at any time and will keep it under review. If we do make any changes, we will post the current version to our website at this address.

For more general information about how the Council uses your information and your data rights, please refer to the Corporate Privacy Notice available at www.croydon.gov.uk/privacy.