



## **Ark Services Ltd Privacy Notice for Housing Applicants and Tenants**

### **How we use your personal data**

Ark takes the issue of security and data protection very seriously, and strictly adheres to guidelines published in the Data Protection Act 2018, the UK General Data Protection Regulation (UK GDPR), together with any domestic laws subsequently enacted.

During the course of our activities we will process personal data about you (which may be held on paper, electronically, or otherwise) 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 what information we collect, when we collect it, and how we will handle your information.

This Privacy Notice is for Housing Applicants and Tenants. Separate notices are available for our employees, supported people, management board members, visitors to our Website and premises, job applicants, contractors and suppliers.

### **Who are we?**

We are Ark Services Ltd, a Scottish Charity (Scottish Charity Number SC030804), a Private company limited by guarantee with Registered Number SC213778 and having our Registered Office at The Priory, Canaan Lane, Edinburgh EH10 4SG.

We are notified as a Data Controller with the Office of the Information Commissioner under registration number Z2040232 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 sent to either:

Our Data Protection Lead Officer [dataprotection@arkha.org.uk](mailto:dataprotection@arkha.org.uk), 0131 447 9027 The Priory, Canaan Lane, Edinburgh EH10 4SG

Our Data Protection Officer [info@rgdp.co.uk](mailto:info@rgdp.co.uk) 07741 738842 / 0131 222 3239RGDP LLP Level 2, One Edinburgh Quay 133 Fountainbridge, Edinburgh EH3 9QG

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

We collect information about you:

- When you apply for housing with us, when you become a tenant, request services/repairs and maintenance, contact us in your position as a tenant, or make contact with Ark 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 related issues, make a complaint or otherwise

- 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
- From images captured by our CCTV cameras
- when you visit our website in relation to tenancy issues or otherwise
- If in relation to tenancy issues or otherwise you visit our premises, including offices, estates or properties
- When you request or are in receipt of our services

**The information we collect includes:**

- 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
- Photographs of you if you attend an Ark event with 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 a common housing register
- 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
- 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 the legal bases for processing**

We need your information and will use your information:

- To undertake and perform our obligations and duties 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

- For 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 Scotland, 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 services and information which you may have requested
- To enable us to respond to repair requests, housing application and complaints
- To analyse the information we collect so that we can administer, support and improve and develop our business and services
- 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
- To contact you for your views on our services

When we use your information, we are required to have a lawful basis to do so. The lawful bases we may rely on include:

- **Consent:** where you have given us clear consent for us to process your personal information for a specific purpose. This will only apply in limited circumstances where we have clearly asked for your consent.
- **Contract:** where our use of your personal information is necessary for a contract we have with you, or because you have asked us to take specific steps before entering into a contract. This includes where you apply for housing and in order to enter into and perform your tenancy agreement.
- **Legal obligation:** where our use of your personal information is necessary for us to comply with the law. This includes our regulatory obligations, such as those imposed on us by the Scottish Housing Regulator.
- **Vital interests:** where our use of your personal information is necessary to protect you or someone else's life.
- **Public task:** where our use of your personal information is necessary for us to perform a task in the public interest or for our official functions and the task or function has a clear basis in law. This may apply to our public functions as a registered social landlord.
- **Legitimate interests:** where our use of your personal information is necessary for our legitimate interests or the legitimate interests of a third party (unless there is a good reason to protect your personal information which overrides our legitimate interests).

Some of the personal data that we process in relation to you is called 'special category personal data'. This type of data is more sensitive and therefore needs more protection including an additional legal basis.

We process special category data, as relevant, in relation to all nine protected characteristics. This data is processed 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, subject to the comments in the 'Transfers outside the UK' section below.

We may disclose your information to other third parties if we are required to by law, or if they act for us for the purposes set out in this notice, or for other 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 Services tenant, with our bank, a local authority, the DWP and benefits agencies
- If you become an Ark Services 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 a local authority/ DWP/ new landlord etc.)
- 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, 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, a health and safety related incident, allegation of antisocial behaviour etc. Information may be disclosed to the First Tier Tribunal, 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 or 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 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
- 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**

When required, eg, if you are a housing applicant who resides outside the UK and we need to contact you, we may transfer your information outside the UK as follows:

- To EU/EEA countries or countries which have an adequacy agreement with the UK or EU.
- To countries outside the EU/EEA where there is no adequacy agreement. In these instances we will ensure that appropriate safeguards are in place.

### **Security**

When you give us information we take steps to make sure that your personal data is kept secure and safe. We will only store relevant information in accordance with our Data Protection policy and associated policies & procedures, copies of which are available on request.

### **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, as required by law or as set out in any relevant contract we have with you.

Our retention procedure and schedule is available from our office on request.

### **Your Rights**

You have the right at any time to:

- Access information about the personal data we process and to obtain a copy of it
- To change incorrect or incomplete data
- To erase or stop processing your personal data (in certain circumstances)
- Request and end to any marketing messages
- To object to the processing of your information in certain circumstances

If you would like to exercise any of your rights, have any questions or would like to complain about the way that we process your personal data, please contact the Data Protection Lead Officer at:

Ark Housing Association Ltd  
The Priory  
Canaan Lane  
Edinburgh  
EH10 4SG

Telephone: 0131 447 9027

Email: [dataprotection@arkha.org.uk](mailto:dataprotection@arkha.org.uk)

Any requests received by us will be considered under applicable data protection legislation.

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 Office's contact details are below:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

[www.ico.org.uk](http://www.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.