

Service Area: Right to Buy
Directorate: Legal Services
PN-128

November 2022

The Right to Buy team are part of Nottingham City Council, who are the data controllers for the personal data (or personal information) that we process about you. When we process personal information relating to you, we will only do so when it is necessary and where we have a lawful reason to do so. We will use the information provided by you for a number of reasons, depending on the service or reasons for interacting with you. This includes:

- To determine whether or not you meet the criteria for eligibility of the Right to Buy scheme Part V Housing Act 1985 (amended by the Housing Act 2004) including property exemptions, the qualifying period and discount entitlement.

When we process your personal information, we will comply with data protection legislation and enable you to exercise your rights contained within the legislation.

What personal information will the Council process?

The information that we collect about you to fulfil the purposes, objectives, or to deliver the services outlined above will relate to your: (this may include all, or some of the following, depending on the service).

- Names, addresses, date of birth and contact details of all tenants and household members wishing to join in the scheme.
- Information relating to your financial history, such as any bankruptcy or an Individual Voluntary Arrangement (IVA); and information around how the funds used to purchase the property have been obtained.
- Information relating to your tenancy, residency and rent account.
- Information relating to any previous public sector tenancies you may have held, or of those relating to a spouse or family member; as well as information relating to the ownership of another property.
- Contact details to arrange for the valuation of the property be carried out.

The information we process about you may include the following ‘special categories of personal data’:

- Physical or mental health data – this may be collected from you if relevant for the type of property you are applying to purchase

Lawful basis for processing

The basis under which we use your personal information for these purposes is either; your consent, or that it is necessary for the performance of a task carried out in the public interest by the Council or in the exercise of official authority vested in the Council.

This is a result of the powers or duties contained in:

- Part V Housing Act 1985 (amended Housing Act 2004).

The condition under which we process ‘special categories of personal data’ is that such use is necessary for reasons of substantial public interest for the support of individuals with a particular disability or medical condition and in accordance with the provisions of the UK General Data Protection Regulation and the Data Protection Act 2018.

Will my information be shared with other organisations or used for other purposes?

The Council will only share your personal information with other departments within the Council, and with other organisations when it is necessary to provide the services to you, and when we have a lawful reason to do so. The Council may also share your information when we are obliged to by law.

In relation to this service, the Council may share your personal information with:

- External bodies who provide services in relation to the determining of the valuation of properties

The information may also be used for the purpose of any other function carried out by the Council. This may include sharing your information across the Council, or with external organisations. Information about these functions and the legal basis on which information is used for them can be found at <http://www.nottinghamcity.gov.uk/privacy-statement/>

The information will only be used for another purpose where it is lawful to do so.

Do I have to provide the information?

You are not obliged by statute or contract to provide the information that is specified here. However, if we were not able to process your personal data this could result in us not being able to determine whether you have the right to buy your home and/or whether we are able to calculate your full discount entitlement.

How long will the Council retain the data for?

The information that you have provided for a minimum of 6 years to enable us to respond to post-sale matters and any other matters which may require us to adhere to the legislative criteria for The Right to Buy scheme under Part V Housing Act 1985 (amended Housing Act 2004).

The Council publish an Information Asset Register (IAR), this will outline the retention periods for the personal data we process. You can find this IAR on our website <https://geoserver.nottinghamcity.gov.uk/information-asset-register/>

Information Rights

The UK General Data Protection Regulation provides for the following rights as prescribed by the legislation:

A right to request a copy of your information

A right to request rectification of inaccurate personal data

A right to request erasure of your data known as 'the right to be forgotten'

A right to in certain circumstances to request restriction of processing

A right in certain circumstances to request portability of your data to another provider

A right to object to processing of data in certain circumstances

A right regarding automated decision-making including profiling

However, Nottingham City Council can restrict the above rights in certain circumstances for example to avoid obstructing an investigation, avoid prejudicing the prevention, detection, investigation or prosecution of criminal penalties or to protect the rights and freedoms of others.

Data Protection Officer

The Data Protection Officer is Naomi Matthews. You can contact the data protection officer at:

Loxley House

Station Street

Nottingham

NG2 3NG

or at data.protectionofficer@nottinghamcity.gov.uk .

Information Commissioner's Office

The Information Commissioner's Office (ICO) website provides guidance on data protection and privacy matters, you can visit the website at www.ico.org.uk. You also have the right to complain to the ICO if you consider that the Council have processed your personal data incorrectly or that we have breached our obligations to you. You can contact the ICO at:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK95AF

www.ico.org.uk

Further Information

For more information about these rights please refer to our detailed privacy statement at <https://www.nottinghamcity.gov.uk/privacy-statement> .