

# General Data Protection Regulation (GDPR) - FPHC Privacy Notice

## 1. Purpose of this document

FPHC is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect, store and use personal information about you during your relationship with FPHC, in accordance with data protection law, including the UK General Data Protection Regulation (GDPR).

In its role as a social housing provider, we are/FPHC is a "data controller". This means that we are responsible for deciding how we hold and use information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice. This notice can be updated at any time, and we will inform you if this occurs.

## 2. Data protection principles

We will comply with data protection law. This says that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
- Relevant to the purposes we have told you about and limited only to those purposes;
- Accurate and kept up to date;
- Kept only as long as necessary for the purposes we have told you about;
- Kept securely with appropriate level of protection;
- Processed in line with data processing regulations and the right of data subjects;
- Made available to the data subject on request under certain conditions;
- Disposed of safely and securely when no longer needed.

For FPHC, this means that personal data will only be kept and processed if there is a legitimate need to keep it and should only be kept for the duration it is required for. Furthermore, personal information should only be shared for legitimate and relevant co-op business. It is a legal responsibility to securely maintain records of personal data, and there is a legal liability for any breaches.

There are **two types** of personal information governed by the General Data Processing Regulations (GDPR). These are:

This Privacy notice was ratified at an SGM on 10<sup>th</sup> December 2024 and is subject to regular reviews.

**non-sensitive personal information**, such as name, address, contact details (e.g. phone number or email address), date-of birth, and

**sensitive personal information**, such as physical or mental health data, financial information, racial or ethnic origin, religious or political beliefs, sexual life or orientation, trade union membership, allegations or proceedings of a crime or an offence, genetic or biometric data. These data are also called **Special Category data**.

### **3. The kind of information FPHC holds about you**

We collect, store and use the following categories of personal information about you:

#### **Non-sensitive personal information**

- Personal contact details such as name, title, address, telephone number and personal email address;
- Contact details for next-of-kin to be contacted in case of an emergency.

Furthermore, if you are a member of the Management Committee:

- Date of birth, as this is needed as part of proof of identity.

#### **Sensitive personal information or Special Category information**

- Bank account details governing rent payments;
- Basic Benefits information where housing benefit is paid directly to FPHC;

Furthermore, if you are a member of the Management Committee:

- Copy of passport or other proof of identity;

Further information that you may provide to FPHC in particular circumstances:

- Information about disability or medical conditions, e.g. to facilitate effective ways of communicating;
- Photos, CCTV footage and other personal information that may be used as part of evidence in a complaint in addition to name and contact details. (Photos and CCTV footage are sometimes, but not always, considered sensitive personal information.)

### **4. Collection of personal information**

We typically collect personal information about you **from you directly**. See below for personal information **FPHC needs or is legally required to hold** about you:

- a) When you contact us for the first time, we ask you for your name and contact details such as telephone number or email address to be able to communicate with you.

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- b) When you become a member of FPHC, we ask you to provide your full name and current address and contact details for accurate membership information.
- c) When you sign a tenancy agreement, we hold your full name, address and contact details for accurate tenant information.
- d) When you start paying rent, we hold your payment information, such as bank details, in addition to your name, address and contact details. Under certain circumstances, you may decide to inform us about your benefit status.
- e) When necessary repairs or cyclical maintenance are to be carried out, we may hold information **you give us about yourself**. This may include information about disability or other **sensitive** information.
- f) When you make a complaint, the **Complaints Team** will hold information you provide about yourself or the nature of the complaint. This **may include sensitive** information and will be treated confidentially.

**If you fail to provide certain personal information when requested**, it may affect the relationship you have as a tenant and member with the FPHC.

**Equal opportunity monitoring:** At present, **we do not collect or hold** information about you for the purpose of equal opportunity monitoring. If, at any time, the law requires FPHC to do so, you may be asked to fill in an equal opportunity monitoring form. This means we would hold information about race or national or ethnic origin, religious beliefs or sexual orientation provided by all tenants for the sole purpose of ensuring meaningful equal opportunity monitoring and reporting. This kind of information would be provided anonymously and stored separately from any information we hold about you in such a way that individuals are not identifiable.

## 5. Data storing

Personal data is stored securely and can only be accessed by dedicated members of FPHC. For example, financial information about you can only be accessed by designated FPHC officers and finance worker.

Disposal of data: The Information Commissioner's Office (ICO) states that if an individual leaves employment, then "personal data that is unlikely to be needed again should be removed from the organisation's records – such as the individual's emergency contact details, previous addresses, or death-in-service beneficiary details." For the FPHC this means that if a member of FPHC ceases to be a member or if a tenant ceases to be a tenant, personal or sensitive personal data will be removed and disposed of securely (secure shredding and seeking specialist IT advice for data stored digitally). Rent payment records will be kept for legitimate interests for at least 6 years after the end of the tenancy.

## 6. How information about you may be used, processed, or shared with a third party

Complying with the law, FPHC will only use your personal information for the purpose for which we collected it. Most commonly, FPHC will use your personal information in the following circumstances:

- Within the role of you as a member and/or tenant of FPHC, to communicate with you (for example to invite you to meetings, inform you about decisions made, alert you to changes regarding rent payments or inform you about repairs or contract work to be carried out);
- Where we need to comply with a legal obligation;
- Where it becomes necessary to use your personal information to protect your interests or someone else's interests.

Your personal information is usually only processed or **shared** for a purpose we have told you about and where relevant to your relationship with FPHC, for example when repairs or contract work needs to be carried out. According to the Data Protection Act 2018 and UK GDPR, personal data can only be shared **when one of six lawful bases applies**. These 6 bases are:

- a) Contract basis – Processing data is lawful to perform a contract, such as delivering a service. On this basis, your contact details may be shared with a contractor to perform repairs or contractual work. This lawful basis also applies for our Agreement with Co-op Homes, where we are employing Co-op Homes to deliver/perform Services for us (e.g. rent collection). Under this lawful basis, even contractors employed by Co-op Homes in order to deliver a Service for us (e.g. repairs or cyclical maintenance) are bound by the Privacy and Data Protection regulations according to the Data Protection Act 2018.
- b) Legal Obligation – Processing data is lawful to comply with the law.
- c) Vital Interest – Processing data is lawful to protect someone's life, e.g. in an emergency situation. Processing data may include sensitive personal information (Special Category Information).
- d) Legitimate Interest – Processing data is lawful when legitimate interest applies. This basis is often used for marketing or research interests. This basis applies for specific purposes, for example when FPHC asks you to provide emergency contact details of your next-of-kin. This kind of processing of non-sensitive personal data may also be governed by Consent (see below) instead.
- e) Public Task - Processing data is lawful when it is in the public interest and complies with the law, for example when sharing details for health or social care. This basis may apply, for example, to share information regarding a complaint with individuals outside FPHC for purposes of mediation or resolving a complaint (see FPHC Complaints and Mediation Policy and Procedure).
- f) Consent – Processing data for specific purposes is permitted when consent is given freely and in an informed manner. This basis is often used for marketing purposes, and under the new rules an organisation needs to ask clients or customers to opt in, rather than assuming consent in an explanation in the small print. When signing your

tenancy agreement, you consent to observe FPHC rules and data processing for specific purposes necessary to maintain your relationship with FPHC.

The need for sharing sensitive personal information is rather rare relating to FPHC's day-to-day business, however, it does occur in its role as a social housing provider. When this does become necessary, we will inform you. For **sharing Special Category data**, a **Special Category Condition** is needed in addition to a lawful basis. There are 10 Special Category Conditions under which sensitive information can be shared:

- 1) Processing for reasons of employment, social protection or security (e.g. medical details);
- 2) Protecting vital interests of someone (e.g. when that person is not able to give consent);
- 3) When information has already been made public (e.g. on national/local news, Instagram);
- 4) Processing when necessary for authorities or the exercise of legal claims (e.g. court action);
- 5) For reasons of substantive public interest (e.g. accessing a driver's information);
- 6) For reasons of public interest in the area of public health (e.g. ebola outbreak);
- 7) For archiving purposes in the public interest (e.g. for scientific/statistical purposes);
- 8) Processing with explicit consent (e.g. in a survey of religious beliefs);
- 9) Processing for provisions of health and social care or treatment (e.g. some medical data);
- 10) Legitimate activity with appropriate safeguards (e.g. for trade unions or political organisations).

If it becomes necessary to use your personal information for a purpose unrelated to the one for which your information was collected, we will notify you and explain the legal basis or the Special Category Condition which allows us to do so.

Please note that we will, if necessary, process your personal information without your knowledge or consent in compliance with GDPR rules and where this is required or permitted by law, for example in cases of **emergency, crime or health and safety matters**.

In some circumstances, we may need to process sensitive information where it is needed in relation to **legal claims** or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

## 7. Your rights

According to the Data Protection Act 2018, you have the **right to challenge or object** to specific ways your data may be used, for example when a company wants to use your data for marketing or profiling purposes. FPHC is not going to use your data for marketing or profiling purposes, or, in fact, for any purposes other than those we need for the smooth

upkeeping of our relationship between FPHC as a social housing provider and you as a member and tenant of FPHC. As explained above, the storage and use of some of your personal data is unavoidable within this relationship.

You do have the **right to request a copy** of the data we hold about you and how it is processed. This is called a **Subject Access Request**. Upon your request, we will reply within a month. There may be requests that may be refused for legitimate reasons, for example if a request is unreasonable or excessive or when it involves our statutory or protective duty. This can possibly be avoided if the request is very clearly defined and limited.

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Sources:

British Landlords Association (BLA) – GDPR guidance. Available at: <https://thebla.co.uk/how-to-comply-with-gdpr-landlord-agent-guide-2021/>

CCH GDPR Membership Guide. Available at: <https://www.cch.coop/wp-content/uploads/2018/03/Membership-guidance-GDPR.pdf>

Data Protection Act 2018. Available at: <https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

Example text adapted from Ministry of Justice "GDPR Privacy notice for employers, workers and contractors (UK). Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/822868/HMCTS\\_privacy\\_notice\\_for\\_employees\\_workers\\_and\\_contractors.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/822868/HMCTS_privacy_notice_for_employees_workers_and_contractors.pdf)

International Commissioner's Office (ICO) – UK GDPR guidance. Available at: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/lawful-basis/a-guide-to-lawful-basis/lawful-basis-for-processing/legitimate-interests/>

Information Commissioner's Office (ICO) – UK GDPR guidance and resources regarding data storage and data sharing. Available at: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/data-sharing/data-sharing-a-code-of-practice/data-sharing-in-an-urgent-situation-or-in-an-emergency/>

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