



Lochaber Housing Association

Fair Processing Notice

Sharing Owners

How we use your personal information

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?

Lochaber Housing Association Ltd, 101 High Street, Fort Willim, PH33 6DG, a Scottish Charity (Scottish Charity Number SCO30951), a registered society under the Co-operative and Community Benefit Societies Act 2014 with Registered Number 151, and having their Registered Office at 101, High Street, Fort William, PH33 6DG.

Lochaber Housing Association (LHA) – IC Registered number – Z9955654 are the controllers of any personal data that you provide to us.

Our Data Protection Officer is Jenny MacKay.

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

The Data Protection Officer
Lochaber Housing Association Ltd
101 High Street
Fort William, PH33 6DG
Or email: DPOLHAGroup@lochaberhousing.org.uk

How we collect information from you

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 occupancy agreement you are party to):

- when you apply for shared ownership for one of our properties;
- when you use our online services, whether to contact us issues, make requests, make a complaint or otherwise;
- when you engage with us on social media;
- when you make payment arrangements with us; and

- when you exercise your rights under the Freedom of Information (Scotland) Act 2002.

What information we collect from you

When you apply for shared ownership, enter into a occupancy agreement, and contact LHA in relation to your property, we may collect the following personal information:

- your name, address (previous addresses), date of birth, national insurance number, email address, phone number(s);
- details of other occupants in the property and their relationship to you (their name, relationship, date of birth;)
- your employer and details of your employment;
- protected characteristics data, as defined by Equality Act 2010 (Age, disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion or belief, Sex and Sexual orientation);
- bank details, payment card numbers, and any other income and expenditure related information;
- your voice recording when telephoning one of our contact numbers;
- your image and voice recording in photographic and video form, for example but not limited to video conferencing facilities or when in the vicinity of one of our CCTVs, vehicle dashcams or personal safety devices;
- information collected through surveys and competitions and minutes of meetings;
- information received relating to complaints and alleged criminal behaviour; and
- correspondence between you and LHA including records and details of complaints made by you.

We may receive the following information from third parties:

- Previous landlords - name and address;
- Benefits information, including awards of Housing Benefit, Discretionary Housing Benefit and Universal Credit;
- Homeless referrals are made by The Highland Council so we will receive all the personal information that comes with the referral;
- Payments made by you to us in respect of occupancy charges, rechargeable repairs, and service charges;
- Complaints or other communications regarding behaviour or other alleged breaches of the terms of your Occupancy Agreement / Shared Ownership Agreement) with us, including information obtained from Police Scotland, the Highland Council's Anti-Social Behaviour Team and other residents;
- Reports as to the conduct or condition of your occupancy, including references from previous tenancies, and complaints of anti-social behaviour and any arrears balances;

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 assess your application for shared ownership;
- to you to provide you with information on your occupancy agreement, as well as information on services that LHA provides;
- respond to complaints made;
- to monitor you and your household's compliance with your occupancy agreement conditions;
- for public protection and health and safety in relation to management of properties;
- 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 or services which may affect you;
- to issue communications, newsletters and briefs, via post, email, social media and on the website
- to communicate with you remotely, including via video conference; and
- for training and monitoring of telephone calls (not all telephone calls will be recorded).
- for all other purposes consistent with the proper performance of our operations and business; and
- to contact you for your views on our services.

If you do not provide us with all of the personal information that we need to collect, then this may affect our ability to effectively manage your tenancy within the contractual obligations set out or assess your housing application and provide you with housing.

Lawful processing

Data protection law requires us to rely on one or more lawful grounds to process your personal information. We may process your personal data under the following lawful basis:

- Performance of a contract
- Consent
- Performance of a task in the public interest and / or with official authority
- Legal obligation
- Vital Interests
- Legitimate interests
- Recognised Legitimate Interests

Where we process your personal information in pursuit of our legitimate interests, you have the right to object to us using your personal information for the above purposes. If you wish to object to any of the above processing, please contact the Data Protection Officer at 101 High Street, Fort William, PH33 6DG or emailing:

DPOLHAGroup@lochaberhousing.org.uk

If we agree and comply with your objection, we can no longer process your personal information for the above purposes unless we can demonstrate legitimate grounds for the processing, which override your interests, rights and freedoms, or the processing is to establish, exercise or defend legal claims.

Use of special categories of personal data

Where we are required to use your personal information relating to your health, racial or ethnic origin, religious beliefs, sexual orientation, and information relating to alleged or actual criminal behaviour, we will apply one of the lawful bases above **and** under one of the following conditions:

- Explicit Consent for specific purposes;
- It is necessary to comply with obligations re employment or social security;
- It is necessary to protect vital interests of the data subject;
- It is necessary for the establishment of, exercise or defence of legal claims;
- It is necessary for reasons of substantial public interest; or
- For equality monitoring purposes as required by the Scottish Housing Regulator. We will process such personal information for equality monitoring purposes to identify and keep under review the existence or absence of equality of opportunity or treatment between groups of people within the same categories to promote or maintain equality within the LHA Group. (This information is always collected anonymously.)

Sharing of your information

The information you provide to us will be treated by us as confidential. 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 or prospective business partners or owners;
- If we are investigating a complaint, information may be disclosed to Police Scotland, The Highland Council, Scottish Fire & Rescue Service, LHA's Solicitor, 1st tier tribunal solicitors, independent investigators such as auditors, the Scottish Housing Regulator, SPSO, and other regulatory body and others involved in any complaint, whether investigating the complaint or otherwise;
- We may pass your information to our third party service providers, suppliers, agents, subcontractors and other associated organisations for the purposes of completing tasks and providing services to you on our behalf;

- If we are pursuing debts associated with an occupancy agreement we may share your basic information with a third party agency to assist in the recovery of those debts;
- If we are conducting a survey of our services, your information may be disclosed to third parties assisting in the compilation and analysis of the survey results;
- If we are making an insurance claim following an incident we may share your information with our insurers;
- If we need to facilitate the payment of any benefits, your information may be disclosed to the Department of Work and Pensions, The Highland Council or any other relevant department; and
- When required by a regulatory body, such as the Scottish Housing Regulator, Financial Conduct Authority or the Office of the Scottish Charity Regulator.

In the event that we do share personal information with external third parties, including but not limited to our subsidiary companies Lochaber Housing Association Property Services CIC and Lochaber Care and Repair, we will only share such personal information strictly required for the specific purposes and take reasonable steps to ensure that recipients shall only process the disclosed personal information in accordance with those purposes.

Unless we have a lawful basis for disclosure, we will not otherwise share any of the information you provide to us without your consent.

Transfers outside the UK

Your information is currently only stored within the UK (Fife and Edinburgh).

Where information is transferred outside the UK, we will ensure that there are adequate safeguards in place to protect your information in accordance with this notice.

Security

When you give us information we take steps to make sure that your personal information is kept secure and safe, either in hard copy in secure lockable filing cabinets, on our electronic filing system and on our servers based in the UK, and is only accessed by our employees for the purposes set out above.

Use of Generative Artificial Intelligence (GenAI) and Automated Decision Making Technologies

The LHA Group recognises the potential benefits of GenAI in improving administrative efficiency, supporting staff productivity, and enhancing access to information. This is covered in detail in the AI Usage Policy.

Automated decision making technologies are not used by the LHA Group and there is currently no intention to adopt any.

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.

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

Our full retention schedule is available upon request by emailing:

DPOLHAGroup@lochaberhousing.org.uk

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;
- ask us to correct any inaccuracies of fact in your information;
- request that we restrict your data processing or object to our processing in certain circumstances;
- data portability (in certain circumstances);
- make a request to us to delete what personal data of yours we hold;
- object to receiving any marketing communications from us; and
- submit a complaint to us if you believe your personal data has been handled in a way that does not comply with data protection law.
- In addition you have certain rights where we use automated decision making in respect of you or your personal data and we will inform you of any such processing and those rights should we use any such processes. (However, we do not intend using automated decision making processes.)

You should note that your rights under the UK GDPR and 2018 Act are not absolute and are subject to qualification.

If you would like to exercise any of your rights above please contact us at:

The Data Protection Officer
Lochaber Housing Association Ltd
101 High Street
Fort William, PH33 6DG

Or email: DPOLHAGroup@lochaberhousing.org.uk

Data protection complaints

If you have any complaints about the way your data is processed or handled by us, please contact:

The Data Protection Officer
Lochaber Housing Association Ltd
101 High Street
Fort William, PH33 6DG

Complete the Online Complaints Form: <https://www.lochaberhousing.org.uk/data-protection-complaints/>

Or email: DPOLHAGroup@lochaberhousing.org.uk

For guidance on this, please refer to the document 'Guide to Making a Data Protection Complaint'.

If you remain unsatisfied after your complaint has been processed by us, you also have the right to complain to the Information Commission in relation to our use of your information. The Information Commission's contact details are noted below:

The Information Commission – Scotland
6th Floor, Quatermile One
15 Lauriston Place
Edinburgh, EH3 9EP
Telephone: 0303 123 1113
Email: 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 and other contact details.