

General Data Protection Regulations (GDPR)

**Rotherham & District Residential Landlord
Association**

Monday 30th April 2018

Agenda

- What is GDPR?
- First steps – In summary
- Complying with the GDPR – 6 legal bases
 - Compliance
 - Audit
 - Lawfully processing information
 - Evaluating your data protection policy
 - Privacy notice
 - Compliant data processors
- Frequently Asked Questions
- Additional information

What is GDPR?

- General Data Protection Regulation (GDPR)
 - forms the new standard by which landlords and agents deal with personal information about their tenants and clients
- Replaces the Data Protection Act 1995
- Comes into force on 25th May 2018
- Penalties for non-compliance
 - Fines are up to €20 million or 4% of turnover (whichever is higher)

First Steps – In summary

- Register with the Information Commissioners Office (ICO)
 - It costs £40 for most landlords (<10 staff or max. turnover of £632k)
- Collecting new data
 - Adopt a privacy or fair processing notice
- Audit existing data
 - Question the reason why you hold the information and record the answers

Complying with the GDPR

- Six stage process to assess whether they;
 1. Need to comply
 2. Fully map out/audit what personal information is held, how it is used and who it is shared with?
 3. Have a lawful basis for processing personal information
 4. Have an appropriate data protection policy in place
 5. Have a satisfactory privacy notice in place
 6. Ensure that data processors are compliant

1. Compliance

- Does a landlord need to comply with GDPR?
- Answering 'yes' to four questions
 - Do you offer goods/services with/without payment?
 - Do you hold personal information?
 - Do you process personal information?
 - Are you processing personal data wholly or partly by automated means
- Also; is the data 'sensitive'?
 - If so, additional restrictions apply and are covered in later stages

2. Audit

- Understand;
 - All the ways that you capture personal information
 - What the information is?
 - Is it sensitive personal information, or not?
 - How you currently hold the information?
 - Who is the information shared with?
 - How long do you hold the information for?
 - How will the information be destroyed?

3. Lawfully processing information

- Establish whether or not you are allowed to process the personal information
- Is it necessary to enable the landlord to carry out his part of a letting contract?
 - Appropriate when managing a tenancy
- Is the landlord legally required to hold the information?
 - Ex. Data processing - right to rent or gas safety (legal) requirements
- Is it for a legitimate interest? i.e. credit checks, etc.
- Ensure that any consent given is appropriate to meet new requirements

4. Evaluating your data protection policy

- Limited impact for most landlords (>250 employees)
- Produce a written record showing how the data protection policy has been formulated
- Keep records for processing sensitive personal information e.g. tenants with a disability
- Data protection principles – comply to 6 points
- Retain records of decisions/changes made

5. Privacy notice

- Also referred to as a Fair processing Notice
- What is it?
 - used by a landlord when requesting any personal information from a third party to explain what they are going to do with their data.
- Data controllers responsibility to provide the privacy notice meeting specific requirements
- Examples found on RLA/NLA websites

6. Compliant Data Processors

- Those who process data on behalf of the data controller
- It is the data controllers responsibility that data processor is compliant with the GDPR
- Contractual arrangement between the data controller and the data processor
- Both data controller and data processor are obligated to reduce the risk of information being breached

Frequently Asked Questions

Q. Do I need to obtain consent?

- Consent is one of the legal bases for processing personal data but it may not be the most appropriate. Consent can be used for simplicity but make sure you document this and remember that consent can be withdrawn.

Q. Do I need a privacy notice?

- Something is needed which explains how you process data and what rights your tenants have. This is most easily articulated in a privacy or fair processing notice.

Q. What do I do with records of old tenancies?

- Review all of them and retain only those required for legal purposes e.g. right to rent, tax, etc.

Summary

- Register with the ICO
- Adopt a privacy notice
- Review all data you currently hold
- Evaluate how you collect, hold, and use new data
- Review all data processors you work with

Additional Information

- NLA website – [GDPR Requirements](#)
Solutions/NLA Forms, Documents and Guides/England and Wales – All documents
- RLA website – [‘General data protection for landlords and agents’](#)
- ICO website – Home page/General Data Protection Regulations (GDPR)
- You Tube [ICO 8 practical Steps](#)
[NLA Great data puzzle revealed](#)

Thank you

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