

Perth and Kinross Council Privacy Notice

Name of Processing Activity- House in Multiple Occupation (HMO) Licence

Date notice written- 2022/09

1. Why is this information being processed?

The information provided by you will be used by Perth & Kinross Council for the purpose of issuing licences in the Perth and Kinross area which come under the Housing (Scotland) Act 2006 (the 2006 Act). Under the 2006 Act, a licence from us is required to operate a house or flat as a house in multiple occupation (HMO).

Personal information is needed to allow us to process your application for a licence, to determine your application and issue your licence, to include your licence in the public register of licences, to ensure you comply with the terms of your licence, to send you any necessary reminder notices and to process and determine any complaints we receive in respect of your licence.

2. Who is processing this information?

The personal information you've provided will be processed by Perth and Kinross Council, 2 High Street, Perth, PH1 5PH, enquiries@pkc.gov.uk, 01738 475000.

3. Why is it lawful for the Council to process this information?

The Council is permitted to process your personal data in this way because the Council has a legal obligation under the Housing(Scotland) Act 2006

Formally, the processing of personal data provided to us for this purpose satisfies Article 6(1)(c) of the General Data Protection Regulation - Processing shall be lawful...*to the extent that processing is necessary for compliance with a legal obligation to which the controller is subject.*

3. Will any sensitive personal information (Special Category Data or information about criminal convictions etc.) be processed?

Yes. Some applications may involve the processing of sensitive personal information, such as criminal convictions, and/or health information.

If so, why is it lawful for the Council to process this information?

Processing of information about criminal convictions etc. is permitted under the terms of Article 10 of the GDPR "*Processing of personal data relating to criminal convictions and offences shall be carried out...when the processing is authorised by domestic law*". In this case the relevant legislation is Schedule 1, 6 (1) (b) of the Data Protection Act 2018 "*...the processing is necessary for for reasons of substantial public interest' and where Those purposes are.... the exercise of a function conferred on a person by an enactment or rule of law.*"

4. Will this information be shared?

Yes. Your information may be shared with Police Scotland, other local authorities, Scottish Fire and Rescue Service, and other public bodies. Some information will also be shared with the public via the register of licences and the statutory advertising process.

Your personal information may also be disclosed to other third parties if it's necessary for us to do so in order to verify its accuracy, prevent or detect crime, protect public funds or where required by law. The Council may check information provided by you, or information about you provided by a third party, with other information held by us.

6. How long will this information be kept for?

Personal information held on Perth and Kinross Council systems in relation to these licensing applications will be kept for the validity of the licence, plus 2 years after expiry. After this it will be deleted.,

In the case of refusal of a licence application, the personal information will be kept for 2 years from the date of the refusal. After this it will be deleted.

7. Personal Information Rights

Individuals have rights in relation to the information the Council holds about them, including the right to request a copy of their information. You can find out more about your [Personal Information Rights](#) on our website or by contacting the Council's Information Governance team at the address below.

8. Data Protection Officer

The Council has a Data Protection Officer who you can contact in the first instance if you have any questions or complaints about how we are processing your personal information.

Please contact; Data Protection Officer, 2 High Street, Perth, PH1 5PH, DataProtection@pkc.gov.uk, 01738 475444.

9. Information Commissioner's Office

If you want to complain about how the Council has processed your information you have the right to contact the Information Commissioner's Office (<https://ico.org.uk/> 0303 123 1113).

10. Information Governance Team

If you have any questions about how the Council processes your information, or if you would like a copy of this notice in another language or format, please contact the Information Governance team;

Information Governance

Legal and Governance Services

2 High Street

Perth

PH1 5PH

Email: DataProtection@pkc.gov.uk

Telephone:01738 477933