



PRIVACY NOTICE

Housing – Tenancy Management (Current Tenants)

Who we are

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, www.moray.gov.uk 01343 543451, is a Local Authority established under the Local Government etc. (Scotland) Act 1994. We are the Data Controller of the personal data being collected.

Why we are collecting your personal data

The Council has to process your personal data to manage your tenancy. Further to the personal data already collected by the Council's Housing Needs team, personal data will be collected by the Area Housing team. The data collected will be used to manage your tenancy and provide you with services to assist you with tenancy related matters, including:

- updating your tenancy, mutual exchanges and the downsizing incentive scheme
- providing and managing you and your household's housing and residential services, including processing payments of rent and service charges
- to monitor you and your household's compliance with your tenancy conditions (including Antisocial Behaviour and evictions)
- to provide you with support to manage or maintain your tenancy and uphold your tenancy agreement in order to prevent you becoming homeless and/or resolve any tenancy issues or breaches
- management of your rent, including payment and rent arrears
- to provide additional services such as the renting of garage sites and lockups, decoration vouchers, compensation payments, disabled adaptations, fire safety checks and the Grass Cutting Scheme to those that meet the eligibility criteria.

The personal data processed for the above purposes includes:

- Names, contact details and preferences (email address/phone number), date of birth, National Insurance number, gender, ethnicity, marital status
- health information
- data relating to criminal convictions or offences
- financial information (including debt, rent arrears, employment details and salary/income/benefits received). Furthermore, to manage your rent account, we may also collect details of the address of debt and your forwarding address upon termination of your tenancy (this information is required so that we can contact you regarding recovery of rent arrears)
- details of your household, your next of kin, Power of Attorney, and any other representative(s).

Personal data we collect from other sources

Most of the personal data we process for the above purposes is provided to us by you directly. Your personal data may also be provided by other sources.

Internally, we may collect data from other Council Services and teams, such as Social Work, Benefits and Money Advice, Employability and Environmental Health. We may also collect data from multi agencies, including MARAC/MATAC/MAPPA (SOLO).

Externally, we may collect data from private landlords, Letting Agents, Registered Social Landlords, Social Security Scotland, the Department for Work and Pensions (DWP), the National Health Service (NHS), Scottish Prison Service, Police Scotland, Scottish Fire and Rescue Service, Commissioned Providers, Moray Women's Aid, Abused Men in Scotland (AMIS), external contractors, and, the Armed Forces.

To manage your rent account, we may collect information about you in relation to debt arrangement schemes from the [Accountant in Bankruptcy](https://aib.gov.uk/) website (<https://aib.gov.uk/>), including the eDEN online case management system.

Personal data you give us about other people

If reasonable to do so, please make sure that you have told individuals that you have given their personal data to us as part of this process.

Our legal basis

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand the Council's legal basis in data protection law to be Article 6(1)(b) of the United Kingdom General Data Protection Regulation (UK GDPR); as the processing is necessary for the performance of a contract with you, or to take steps to enter into a contract with you; to manage your housing, tenancy and rent account as your landlord.

Once the tenancy is agreed, we understand the Council's legal bases for tenancy management (including management of rent arrears) to be UK GDPR Article 6(1)(e); as the processing is necessary for the performance of a task carried out in the public interest, and, Article 6(1)(c), as the processing is necessary for the Council to comply with its legal obligations under legislation including:

- Housing (Scotland) Act 1987 as amended by 2001, 2006, 2010, 2014 and 2025 Housing (Scotland) Acts
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2010
- Homelessness etc. (Scotland) Act 2003
- The Housing Support Services (Homelessness) (Scotland) Regulations 2012
- Children (Scotland) Act 1995
- Children and Young People (Scotland) Act 2014
- Equality Act 2010
- The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012
- Immigration and Asylum Act 1999
- Public Finance and Accountability (Scotland) Act 2000
- Antisocial Behaviour etc. (Scotland) Act 2004

For rent arrears, the Council must also comply with the below legislation to meet pre-action requirements:

- Scottish Secure Tenancies (Proceedings for Possession) (Pre-Action Requirements) Order 2012
- Scottish Secure Tenancies (Proceedings for Possession) (Confirmation of Compliance with Pre-Action Requirements) Regulations 2012
- Scottish Secure Tenancies (Proceedings for Possession) (Form of Notice) Regulations 2012
- Scottish Secure Tenancies (Repossession Orders) (Maximum Period) Order 2012
- Housing (Scotland) Act 2010 (Commencement No.7 and Transitional Provision) Order 2012
- Local Government (Scotland) Act 1973
- Housing Benefit Regulations 2006
- Debt Arrangement and Attachment (Scotland) Act 2002

Personal data that counts as ‘special category data’, such as health information and personal data relating to criminal convictions or offences must satisfy extra conditions when processed. We understand our legal basis in data protection law for processing these types of data to be UK GDPR Article 9(2)(g) and Schedule 1, Part 2, Paragraph 6 of the Data Protection Act 2018 (DPA 2018), and, UK GDPR Article 10, together with Schedule 1, Part 2, Paragraph 6 of the DPA 2018; as the processing is necessary for reasons of substantial public interest for statutory and government purposes.

Who we share this personal data with

As part of managing your tenancy, we may share information about you internally with other Council Services and teams, such as Social Work, Benefits and Money Advice, Environmental Health and Employability.

Externally we may share your data with private landlords, Letting Agents, Registered Social Landlords, Benefits Agencies (Social Security Scotland), DWP, other Local Authorities, the NHS, Scottish Prison Service, Police Scotland, the Scottish Fire and Rescue Service, Commissioned Providers, utility providers, Moray Fresh Start, Moray Women’s Aid, AMIS, and the Armed Forces. Data may also be shared with multi agencies, including MARAC/MATAC/MAPPA (SOLO).

In order to recover rent arrears, when necessary, personal data including the address of debt, tenant name, tenant/former tenant’s forwarding address, email address, phone number, value of debt and what the debt is for will be shared with debt collectors and/or Sherriff Officers. We make sure they manage your personal data appropriately through our contractual arrangements with them.

Your personal data may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are accurate and up to date. It may also be shared with other relevant Council Services where applicable.

The Council may share your personal data with other relevant Council departments and third parties, where we are under a legal obligation to do so. For example, this may be with Police, Social Security Scotland, UK Border Agency, or other Registered Professional Bodies.

The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council departments and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

How long the personal data is held for

Your personal data will be securely stored by Moray Council for a pre-determined length of time. Information is only kept for the minimum amount of time necessary. We maintain a record retention schedule which sets out how long we retain different types of personal data. This is available on our website: www.moray.gov.uk/RetentionSchedules.

The Council stores information within the UK.

Your rights

Moray Council is the Data Controller for this personal data. You have legal rights about the way the Council handles and uses your personal data. These include the right to ask for a copy of it, to ask us to correct it and to ask us to stop doing something with your personal data.

As so far as the legislation permits, you also have the right to request the deletion of your data, and to object to the processing.

For more information about these rights, please see the Information Management pages on the Council's website here: www.moray.gov.uk/InformationRights.

Alternatively, email the Council's Data Protection Officer at: IG@moray.gov.uk

You also have the right to make a complaint to the Information Commissioner's Office. They are the body responsible for making sure organisations like the Council handle your personal data lawfully.

Information Commissioner's Office:

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 0303 123 1113 Website: <https://ico.org.uk/>