PRIVACY NOTICE

Private Landlord Registration

Who we are

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, 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

Personal data is collected from you when you complete a Landlord Registration application. The Council is required to maintain a register of landlords under Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004 ("the 2004 Act"). Your personal data is collected in order for the Council to determine whether you are "fit and proper" to rent out residential property in Scotland, in fulfilment of the Council's duties under Part 8 of the 2004 Act. If you do not provide the data requested, the Council will be unable to add you to the register of landlords; it is a criminal offence to rent out a property without being registered with the Local Authority.

The application form will ask for personal data including your: name; address history; contact telephone/mobile number(s); email address; age; date of birth and landlord registration information.

The form will also ask you to provide details about the management and ownership of the property, details of licences, registration or accreditations related to the letting of houses held, refused or revoked and details of any Repairing Standards Enforcement Orders. If you are applying on behalf of an organisation, the form will ask for a company registration number, or charity number.

Details of convictions and relevant tribunal judgements against you, including whether you or any tenant(s) residing at any of your properties have ever been served with an Antisocial Behaviour Order will also be collected.

We may also use the data provided to:

- contact you regarding your application, and, renewing an existing registration;
- contact you regarding your landlord registration, such as to keep you up to date with relevant information on private landlord registration and guidance, advise of legislative changes, or inform you of the decision to revoke a registration.

Public Register

The Council's register is part of the Scottish Landlord Register, an online register provided by the Scottish Government and hosted by Registers of Scotland (RoS) on behalf of local authorities in Scotland. This is a public register, available at www.landlordregistrationscotland.gov.uk.

Under Part 8 of the Antisocial Behaviour (Scotland) Act 2004, registration status and contact details for a landlord should be made available via the public search facility: https://www.landlordregistrationscotland.gov.uk/search.

The public search facility provides assurance to prospective tenants that a landlord or a property is legitimately registered, and allows members of the public, such as neighbours of rented out properties to contact landlords. It will also show where a landlord has had a registration refused or revoked. Repairing Standard Enforcement Orders are also displayed against any property upon which they have been served.

Your contact details will be shared via the public search facility, unless it would be unsafe to do so. Should this be the case, please email landlord.registration@moray.gov.uk or contact the Council via phone at 0300 1234 561.

The public search does not allow mining of landlords' contact details, only targeted searches using a specific property or landlord registration number are possible.

Note: It is a landlord's responsibility to ensure their information held within the system is accurate and up to date. Landlords can update their information to reflect changes via the online register: www.landlordregistrationscotland.gov.uk. Alternatively, landlords can update their personal data by emailing landlord.registration@moray.gov.uk or via phone at: 0300 1234 561.

Personal data we collect from other sources

We will receive personal data about you from Scottish Government if you have applied for Landlord Registration within Moray via the form available on the Scottish Landlord Register website: www.landlordregistrationscotland.gov.uk. This is provided by the Scottish Government and hosted by RoS on behalf of Moray Council.

During the registration process, limited details of your application, including your name and address will be shared with Police Scotland for their views. Limited details may also be shared with Scottish Fire & Rescue Service for their views.

We may also receive personal data about you from other Local Authorities.

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)(c) of the United Kingdom General Data Protection Regulation (UK GDPR); because your personal data is necessary for the Council to comply with its legal obligations under the 2004 Act.

During the registration process, personal data relating to criminal convictions and offences or related security measures will also be processed. This type of data must

satisfy extra conditions when processed. We understand that our legal basis in data protection law for processing this type of data to be Article 10 of the UK GDPR, in that the Council is exercising its function under Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004.

Who we share this personal data with

Your data will be shared with the Scottish Government and RoS. The Scottish Government and RoS are both data processors as regards any personal data that may be collected and processed in connection with public access to the landlord register website and public search facility.

The Scottish Government may contact you, via RoS, regarding issues affecting the Private Rental Sector, including on the following issues:

- changes in current legislation that directly impact landlords,
- new legislation that will directly impact landlords,
- routine annual communication that directly impacts landlords.

As part of the landlord registration process, limited details of your application will be shared with Police Scotland and may be shared with Scottish Fire and Rescue Service.

It may also be shared with the First-tier Tribunal for Scotland (Housing and Property Chamber), registered letting agents in Moray, and, the Health and Safety Executive to ensure that legislative requirements are met.

Your application may be granted under delegated powers or may require a decision to be taken by the Licensing Committee. If your application is considered by the Licensing Committee, the Council will share application information with the members of the Committee determining your application. The Committee meeting agenda, minutes and accompanying papers including limited details of your application, provided it was not deemed confidential, are published on the Council's website indefinitely. If the Committee has deemed your application confidential and considered it in private, the minute which is published will be anonymised.

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 Services 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 Services and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

Personal data you give us about other people

If you have provided personal data about other people on the application form, please make sure that you inform them that you have given their data to Moray Council. We will only use this data to process the registration application.

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

Registration lasts for 3 years from the date an application is approved.

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

If you have a concern about the way the Council has handled your personal data, you can make a complaint to the Council's Data Protection Officer in the first instance; an e-form is available on the Council's website here: www.moray.gov.uk/Complaints

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/
Online: https://ico.org.uk/make-a-complaint/data-protection-complaints/