

YORKHILL HOUSING ASSOCIATION

HOW WE USE YOUR PERSONAL INFORMATION (FACTORED OWNER)

We, Yorkhill Housing Association, are the controller of the personal information that we hold about you. This means that we are legally responsible for how we hold and use personal information about you. It also means that we are required to comply with data protection laws when holding and using your personal information. This includes providing you with the details contained within this statement of how we hold and use your personal information, who we may share it with and your rights in relation to your personal information.

We have appointed a Data Protection Officer (DPO), Daradjeet Jagpal, who ensures we comply with data protection laws. If you have any questions about this statement or how we hold or use your personal information, please contact the DPO by: e-mail at daradjeet@infolawsolutions.co.uk; telephone on 07852 905 779; or writing to: Data Protection Officer, Yorkhill Housing Association, 1271 Argyle Street, Glasgow, G3 8TH.

You can also contact us by: e-mail at administration@yorkhillha.org; telephone on 0141 285 7910; or writing to: Yorkhill Housing Association, 1271 Argyle Street, Glasgow, G3 8TH.

Your attention is particularly drawn to section 2 of this statement, which confirms that you consent to your personal information and special category personal information being held and used by us as described in section 1 of this statement.

1. What personal information do we hold and use about you and why?

As part of your factoring agreement with us, we hold and use the personal information that you provided to us and / or other personal information that we may obtain about you from you and third parties on an ongoing basis.

We use such personal information for the following purposes:

- complying with our legal duties and responsibilities as a registered property factor;
- providing you with services as the factor of your property;
- communicating with you, including to: respond to your enquiries, requests for information, policies and documents and complaints; notify you of any major repairs required to the common parts of the building in which your property is located; invite you to attend owners' meetings; and ask you to complete satisfaction surveys;
- providing you with a copy of the written statement of services, including any updates to the statement;
- improving our services and responding to changing needs;
- factoring management and administration, including record keeping, carrying out repairs to the common parts of the building in which your property is located

(including informing you about progress of the same) and processing your common charges and / or service charge invoices and payments;

- recovering any outstanding charges from you;
- keeping the personal information that we hold about you accurate and up-to-date;
- protecting and defending our legal rights if you apply to the First Tier Tribunal (FTT) for Scotland (Housing and Property Chamber); and
- taking any action following the issue of a property factor enforcement order against us by the FTT.

2. What is our legal basis for holding and using your personal information?

Data protection laws require us to have a legal reason for holding and using your personal information.

Our legal reasons for holding and using your personal information are:

- performance and management of the factoring agreement between us;
- legal and regulatory obligations which apply to us as a property factor;
- protection of your vital interests; and
- our legitimate interests – while you have a legitimate interest in the protection of your personal information, we also have an overriding legitimate interest in handling and using your personal information, including sharing it with our contractors and service providers for the purposes described in section 1 of this statement.

In some circumstances, we may rely on your consent as the legal reason. By providing us with your personal information and special category personal information (relating to your health, racial or ethnic origin, religious or other beliefs or sexual orientation) and the personal information and special category personal information of other members of your household (for example, an alternative contact), you:

- consent to it being used by us as described in section 1 of this statement; and
- confirm that you have informed the other members of your household of 12 years old and above of the content of this statement and they have provided their consent to their personal information and special category personal information being used by us as described in section 1 of this statement.

You and the other members of your household have the right to withdraw your consent to us holding and using your and their personal information and special category personal information by contacting us. Once you / they have withdrawn your / their consent, we will no longer use your / their personal information and special category personal information for the purpose(s) set out in section 1 of this statement, which you originally agreed to, unless we have another legal reason for doing so.

3. Who do we share your personal information with?

We share your personal information with the following organisations for the purposes described in section 1 of this statement:

- our contractors to undertake repairs, works and maintenance to the common parts of the building in which your property is located;
- our service providers to maintain the systems on which your personal information is stored and to allow you to make payments of charges to us;
- our solicitors for providing advice on debt recovery actions;
- your solicitor to recover any outstanding charges when you sell your property;
- our debt collection and tracing agents for the recovery of charges payments; and
- the FTT, if you apply to the FTT.

If the management of your property is to be transferred to a new property factor, then we will provide your personal information to the new property factor. This personal information will include your contact details and information about any ongoing and outstanding complaints.

4. Where is your personal information transferred to?

Some of the organisations we share your personal information with (listed in section 3 of this statement) may be based or may make use of data storage facilities that are located outside the United Kingdom. Their handling and use of your personal information will involve us and / or them transferring it outside the United Kingdom. When we and / or they do this, we will ensure similar protection is afforded to it by:

- only transferring it or permitting its transfer to countries that have been deemed to provide an adequate level of protection for personal information under data protection laws; or
- using specific contracts with such organisations, which are approved for use in the United Kingdom, and which give your personal information the same protection it has in the United Kingdom after it is transferred.

Please contact our DPO for further information on the specific mechanism used by us when transferring your personal information outside the United Kingdom.

5. How long do we keep your personal information?

We will only keep your personal information for as long as we need to for the purposes described in section 1 of this statement, including to meet any legal, accounting, reporting or regulatory requirements. More information is contained in our data retention policy, which is available by contacting our DPO.

6. What rights do you have in relation to your personal information that we hold and use?

It is important that the personal information that we hold about you is accurate and current. Please keep us informed of any changes. Under certain circumstances, the law gives you the right to request:

- A copy of your personal information and to check that we are holding and using it in accordance with legal requirements.
- Correction of any incomplete or inaccurate personal information that we hold about you.

- Deletion of your personal information where there is no reason for us continuing to hold and use it. You also have the right to ask us to do this where you object to us holding and using your personal information (details below).
- Temporarily suspend the use of your personal information, for example, if you want us to check that it is correct or the reason for processing it.
- The transfer of your personal information to another organisation.

You can also object to us holding and using your personal information where our legal basis is a legitimate interest (either our legitimate interests or those of a third party).

Please contact our DPO if you wish to make any of the above requests. When you make a request, we may ask you for specific information to help us confirm your identity for security reasons. You will not need to pay a fee when you make any of the above requests, but we may charge a reasonable fee or refuse to comply if your request for access is clearly unfounded or excessive.

7. Feedback and complaints

We welcome your feedback on how we hold and use your personal information, and this can be sent to our DPO.

You have the right to make a complaint to the Information Commissioner, the UK regulator for data protection, about how we hold and use your personal information. The ICO's contact details are as follows:

Telephone: 0303 123 1113

Website: <https://ico.org.uk/concerns/>

If you would like to receive this statement in alternative format, for example, audio, large print or braille, please contact us.

8. Updates to this statement

We may update this statement at any time, and we will provide you with an updated version when we are required to do so by law.

Last updated: July 2024