Craigdale Housing Association

Legitimate Interest Assessment – Data Sharing with Utility Providers During and After Termination of Lease

Part 1: Purpose test

You need to assess whether there is a legitimate interest behind the processing.

- Why do you want to process the data?
- What benefit do you expect to get from the processing?
- Do any third parties benefit from the processing?
- Are there any wider public benefits to the processing?
- How important are the benefits that you have identified?
- What would the impact be if you couldn't go ahead with the processing?
- Are you complying with any specific data protection rules that apply to your processing (eg profiling requirements, or e-privacy legislation)?
- Are you complying with other relevant laws?
- Are you complying with industry guidelines or codes of practice?
- Are there any other ethical issues with the processing?

Craigdale Housing Association (the Association) wishes to process new and former tenants' details contained within their tenancy agreement such as name, tenancy address, forwarding address and date of entry into the property to then pass on to major utility companies such as Scottish Power, SSE Hydro etc. The reason for this is the Association pays for gas and electricity when a property is void (vacant), however, when a property is tenanted it is the responsibility of the tenant to notify utility companies that they are occupying the property.

We expect the benefit of this is the Association would not be referred onto debt collection agencies for debt that is not our responsibility. A result of this is the Association could default and exceed on our credit limit days. This would also affect our bad debts. In addition, word of mouth could spread and other tenants may assume they are not liable for their own utility bills as this will be passed on to the Association to pay.

Third parties will benefit from the processing as they will be able to chase the liable party who is responsible for the debt. As a result, they would then be able to set up payment plans etc. to clear the debt.

Wider public benefits are in relation to saving of public funding which may indirectly be affected by legal fees incurred by the Association in defending our position in relation to the debts.

The benefits identified are extremely important. The Association operates as a charity and all profits are reinvested into the business for the benefit of our tenants. If our bad debts increased, this could potentially reduce service provision such as providing our welfare rights service. In addition, each year the Association procures planned projects such as kitchen, bathroom and boiler replacement etc. Due to reduced capital, this could have an impact on the number of tenants who would qualify for a new kitchen and bathroom etc.

There are no specific data protection rules which apply to the processing. The Association would not be processing nor sharing special category data. No other laws are applicable nor relevant to the processing.

There are no ethic issues with the processing.

Part 2: Necessity test

You need to assess whether the processing is necessary for the purpose you have identified.

- Will this processing actually help you achieve your purpose?
- Is the processing proportionate to that purpose?
- Can you achieve the same purpose without the processing?
- Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?

The processing will help achieve our purpose as utility companies will be given the tenants' / former tenants' name and current/forwarding address to contact them directly about their utility bills. They will also be given the date of entry and can amend the bill where appropriate i.e. the Association pays the bill for the period the property was void.

The processing is proportionate to the processing insofar as it is current and former tenants who are liable to these utility companies for arrears owing to them, rather than us.

The Association is unable to achieve the same purpose without the processing. The Association contacts utility companies when a property becomes void and when the void date ends. Tenants are expected to contact the utility company when they move into the property, but in some cases not all tenants do this, therefore, the utility company contacts the Association about unpaid bills.

The Association would not be processing/sharing any special category data other than as detailed above. The personal data which would be processed and shared is the tenants name, address, forwarding address and date of entry. The amount of data processed is already minimal.

Part 3: Balancing test

You need to consider the impact on individuals' interests and rights and freedoms and assess whether this overrides your legitimate interests.

First, use the DPIA screening checklist. If you hit any of the triggers on that checklist you need to conduct a DPIA instead to assess risks in more detail.

Nature of the personal data
• Is it special category data or criminal offence data? • Is it data which people are likely to consider particularly 'private'? • Are you processing children's data or data relating to other vulnerable people? • Is the data about people in their personal or professional capacity?
No special category or criminal data would be processed. The personal data would not be considered particularly private, more rather general details such as name and address. The Association would not be processing children's data or data relating to other vulnerable people. In order to be granted a tenancy with the Association, the tenant and/or joint tenant must be over the age of 16. Those whose data is processed will be over the age of 16. The data is about people in their personal capacity as a tenant/former tenant of the Association.
Reasonable expectations
• Do you have an existing relationship with the individual? • What's the nature of the relationship and how have you used data in the past? • Did you collect the data directly from the individual? What did you tell them at the time? • If you obtained the data from a third party, what did they tell the individuals about reuse by third parties for other purposes and does this cover you? • How long ago did you collect the data? Are there any changes in technology or context since then that would affect expectations? • Is your intended purpose and method widely understood? • Are you intending to do anything new or innovative? • Do you have any evidence about expectations – eg from market research, focus groups or other forms of consultation? • Are there any other factors in the particular circumstances that mean they would or would not expect the processing?

There is an existing relationship with the individual as the Association is the landlord /former landlord and persons whose data we are processing are current or previous tenants.

The data has been collected directly from the individual themselves. In order to apply for housing with the Association, an applicant must complete and return our housing application form to us and forwarding addresses are obtained at the termination of a tenancy.

The information is not collected from a third party.

Our intended purpose and method is widely understood. We are not intending to do anything new or innovative. The Association has no evidence on expectations.

The tenant should be aware that the Association may pass on their information to third parties. At the application stage when a prospective tenant is signing up for a property, they are given our privacy notice to read and retain. Reference is made to this legitimate interest assessment within the Privacy Notice.

Likely impact

- What are the possible impacts of the processing on people?
- Will individuals lose any control over the use of their personal data?
- What is the likelihood and severity of any potential impact?
- Are some people likely to object to the processing or find it intrusive?
- Would you be happy to explain the processing to individuals?
- Can you adopt any safeguards to minimise the impact?

There are no possible unfair impacts of the processing on people. Tenants or former tenants owe these monies to the utility companies, and if there is a dispute regarding the amount, this must be settled between the two parties. The utility company would contact the tenant/former tenant directly about their utility bill. If the account is in debt this could potentially cause the tenant distress. The Association offers a welfare rights and money advice service to existing tenants. This service is free and the money advice officer can contact utility companies on our tenant's behalf and can help set up payment plans etc.

The individuals will not lose any control over the use of their personal data.

We expect individuals are likely to not object to the processing nor find it intrusive.

Staff would be happy to explain the processing to individuals. This could be done at the sign-up stage when a tenant is signing for a property.

No additional safe guards are necessary. The tenant can contact our welfare rights and money advice officers if they are struggling to pay the debt and can seek advice/assistance.

Can you offer individuals an opt-out?	No

Making the decision

This is where you use your answers to Parts 1, 2 and 3 to decide whether or not you can apply the legitimate interests basis.

Can you rely on legitimate interests for this processing?	Yes
Do you have any comments to justify your answer? (optional)	
LIA completed by	Claire Beckley, DPO
Signature	
Date	
LIA approved by	Corporate Manager
Signature	F Cunningham
Date	14.09.26

What's next?

Keep a record of this LIA, and keep it under review.

Do a DPIA if necessary.

Include details of your purposes and lawful basis for processing in your privacy information, including an outline of your legitimate interests.