

Your Data, Your Rights

A Guide for our customers on their rights under data protection law

The UK's data protection legislation is changing. The new data protection law is based on the European General Data Protection Regulation (GDPR). This guide sets out your rights under data protection law.

Right to be Informed



Right of Access



Right to Rectification



Right to be informed of a data breach



Merlin
GDPR



Right to Erasure



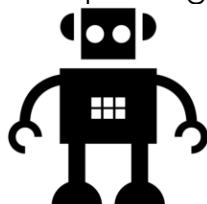
Right to Compensation



Right to Restrict Processing



Rights in relation to automated decision making and profiling



Right to Object



Right to Data Portability



To exercise any of your rights:

- contact your Neighbourhood Housing Officer; or
- call 0300 1232222; or e-mail enquiries@merlinhs.co.uk; or
- fill out an enquiry form at <https://www.merlinhs.co.uk/contact-us>

The right to be informed



The right to be informed covers our obligation to provide you with 'fair processing information'. This is typically through a privacy notice. The right to be informed emphasises the need for transparency over how we use your personal data.

The information we supply about the processing or use of personal data will always be:

- concise, transparent, easy to understand and easily accessible;
- written in clear and plain language (particularly if addressed to a child); and
- free of charge.

What information will we supply?

If we collect personal data directly from you (for example where you complete an online form on our website or complete a paper form and return it to us) we will tell you:-

- **the contact details of the data controller**
(Merlin Housing Society Ltd; Building 1; Riverside Court; Bowling Hill; Chipping Sodbury; BRISTOL BS37 6JX).
- **the contact details of the data protection officer**
(Chris Down, chris.down@merlinhs.co.uk, 01454 821034).
- **the purpose of processing or use**
(data is processed for the purpose of the provision of housing and related services) ;
- **the lawful basis for processing**
(we will tell you if processing or use is based on contractual necessity [6.1.b], legitimate interest [6.1.f] or consent [6.1.a]. in exceptional circumstances the basis for processing or use may be different and if so we will tell you).
- **about any statutory or contractual requirements to provide personal data and the possible consequences of failing to provide personal data**
(the data we need from you as a tenant is usually set out in your tenancy, the data we need from you as a leaseholder is usually set out in your lease and so on).
- **what legitimate interests we have in collecting and processing the data**
(our legitimate interests may include the need to eliminate discrimination, advance equality of opportunity or preventing or detecting crime and anti-social behaviour).
- **the details of any recipients of your personal data**
(we will provide the details of anyone we share your personal data with in a data processors register on our website).
- **if personal data might be transferred to a third country and any safeguards**
(we will not transfer your personal data to a country outside of the European Economic Area).

- **the retention period or criteria used to determine the retention period**
(we have data and document retention rules for all personal data. These are based on best practice guidance published by the [National Housing Federation](#). The usual retention period is six years after you stop being our customer).
- **about the existence of your rights**
(we will regularly remind you about your rights and signpost you to this guide which explains your rights).
- **about your right to withdraw consent at any time, where consent is the basis of processing or use of your data**
(some of your personal data is only processed with your consent; where this is the case you can withdraw your consent at any time by contacting us).
- **about the right to lodge a complaint with a supervisory authority (the ICO)**
(if you are not satisfied with how we handle your personal data you can contact the Information Commissioner's Office on 0303 123 1113 or visit their website at www.ico.org.uk – you can always contact our Data Protection Officer first, who will always try to resolve your complaint).
- **the existence of automated decision making, including profiling**
(we don't use automated decision making but we do profile prospective customers as part of our pre-offer assessment process, this is done to help ensure that prospective customers can afford the property they have applied for).

Where we collect this data directly from you we will provide this information at the time the data is collected.

What happens when we collect your personal data from someone else?

Sometimes we may not receive your personal data from you but from someone else (for example when you apply for housing to a local authority who pass your details on to us). In these cases we will also tell you:-

- what categories of personal data we collect;
- where the personal data came from and whether it came from publicly accessible sources.

If this data is used to communicate with you we will provide this information when the first communication takes place.

If disclosure to another recipient is expected we will provide this information before the data is disclosed.

If your personal data is not used to communicate with you and is not to be disclosed to anyone else we will provide this information within one month of having obtained the data.



**Your rights
are set out in:**

GDPR Articles 12.1; 12.5; 12.7; 13 and 14
GDPR Recitals 58; 59; 60; 61 and 62

The right of access



What information are you entitled to under the GDPR?

You have the right to obtain:

- confirmation that your data is being processed;
- access to your personal data; and
- other supplementary information – this largely corresponds to the information that should be provided in a privacy notice.

You are allowed to access your personal data so that you are aware of and can verify the lawfulness of the processing or use of your data.

We will always verify your identity when you make a request, using “reasonable means”.

There is some information that we cannot legally disclose to you. For example, if it would affect the way a police investigation or a criminal prosecution is carried out. We also may not provide information if the request would mean disclosing information about another individual.

Will I have to pay a fee for access to my data?

We will normally provide a copy of the information free of charge.

Only in very exceptional circumstances where a request is clearly baseless or repetitive (the law uses the phrase manifestly unfounded) or excessive, we may charge a fee based on the administrative cost of providing the information.

We may also charge a reasonable fee to comply with requests for further copies of the same information. This does not mean that we can charge for all subsequent access requests.

How long will I have to wait?

Information will always be provided without delay and at the latest within one month of receipt.

In exceptional circumstances we may extend this by up to two months where requests are complex or numerous. If this is the case, we will always inform you within one month of the receipt of the request and explain why the extension is necessary.

What if the request is manifestly unfounded or excessive?

Where requests are manifestly unfounded or excessive, in particular because they are repetitive, we can:

- charge a reasonable fee taking into account the administrative costs of providing the information; or
- refuse to respond.

Where we refuse to respond to a request, we will always explain to you why we are refusing and inform you of your right to complain to the Supervisory Authority (the ICO) and to a judicial remedy without undue delay and at the latest within one month.

If the personal data concerns more than one individual, we will always consider whether providing the information would prejudice the rights of any other individual.

How will the information be provided?

If the request is made electronically, we will provide the information in a commonly used electronic format unless you ask us for the information in a different format.

What about requests for large amounts of personal data?

Where we process a large quantity of information about you, the law permits us to ask you to specify the information the request relates to.

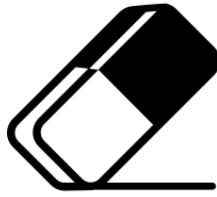
The law does not automatically provide an exemption for requests that relate to large amounts of data, but we may be able to consider whether the request is unfounded or excessive.



**Your rights are
set out in:**

GDPR Articles 12 and 15
GDPR Recitals 63

The right to rectification



When should personal data be rectified?

You are entitled to have personal data rectified if it is inaccurate or incomplete.

If we have disclosed the personal data in question to third parties, we will always inform them of the rectification where possible. We will also inform you about the third parties to whom the data has been disclosed where appropriate.

Note: Third parties we share your data with include contractors and other agencies we work with, including local authorities. We will not sell your personal data on to third parties. We will not pass on your personal data to unrelated third parties unless we are allowed or required to do so by law or we have your explicit permission to do that.

How long do we have to comply with your request for rectification?

We will always respond within one month.

This can be extended by two months where the request for rectification is complex.

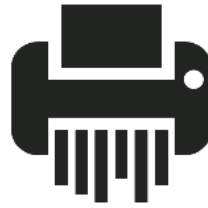
Where we are not taking action in response to a request for rectification, we will always explain this to you and inform you of your right to complain to the supervisory authority (the ICO) and to a judicial remedy.



Your rights are GDPR Articles 12; 16 and 19
set out in:

The right to erasure

Also known as the right to be forgotten'



This right enables you to request the deletion or removal of personal data where there is no compelling reason for its continued processing or use.

When does the right to erasure apply?

The right to erasure does not provide an absolute 'right to be forgotten'. You have a right to have personal data erased and to prevent processing when:

- the personal data is no longer necessary in relation to the purpose for which we originally collected / processed it;
- you withdraw consent;
- you object to the processing and there is no overriding legitimate interest for continuing the processing;
- the personal data was unlawfully processed;
- the personal data has to be erased in order to comply with a legal obligation.

The right to erasure is not limited to processing or use that causes you damage or distress but if the processing does cause damage or distress, this is likely to make the case for erasure stronger.

When can Merlin refuse to comply with a request for erasure?

There are some specific circumstances where the right to erasure does not apply and we can refuse to deal with a request. These circumstances apply where there are wider legal obligation and public interest grounds which apply to Merlin.

This is most likely to be where the personal data is processed for the exercise or defence of legal claims. For example, where you have outstanding rent arrears or there is a dispute between us.

How does the right to erasure apply to children's personal data?

There are extra requirements when the request for erasure relates to children's personal data, reflecting the law's emphasis on the enhanced protection of such information, especially in online environments.

Telling other organisations about the erasure of personal data

If we have disclosed personal data to third parties, and this is later erased, we will always tell them the personal data has been erased, unless it is impossible or involves disproportionate effort to do so.



Your rights are set out in:

GDPR Articles 17 and 19
GDPR Recitals 65 and 66

The right to restrict processing



You have a right to 'block' or suppress processing or use of personal data.

When processing is restricted, we are permitted to store the personal data, but we can not further process it. We can retain just enough information about you to ensure that the restriction is respected in future.

When does the right to restrict processing apply?

We are required to restrict the processing or use of personal data when:

- you contest the accuracy of the personal data, we will restrict the processing until we have verified the accuracy of the personal data;
- you have objected to the processing or use (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and we are considering whether our legitimate grounds override those of the individual;
- processing or use is unlawful and you oppose erasure and request restriction instead;
- we no longer need the personal data but you require the data to establish, exercise or defend a legal claim.

If we have disclosed the personal data in question to third parties, we will always inform them about the restriction on the processing of the personal data, unless it is impossible or involves disproportionate effort to do so.

We will always inform a customer when we decide to lift a restriction on processing or use.



Your rights are set out in:

GDPR Articles 18 and 19
GDPR Recitals 67

The right to data portability



The right to data portability allows you to obtain and reuse your personal data for your own purposes across different services.

It allows you to move, copy or transfer personal data, in a usable format, easily from one IT environment to another in a safe and secure way.

When does the right to data portability apply?

The right to data portability only applies:

- to personal data you have provided to us;
- where the processing or use is based on your consent or for the performance of a contract;
- when processing or use is carried out by automated means.

How will Merlin comply?

We will always provide your personal data in a structured, commonly used and machine readable form such as a CSV file. Machine readable means that the information is structured so that software can extract specific elements of the data. This enables other organisations to use the data should you wish.

The information will always be provided free of charge.

If you request it, we will transmit the data directly to another organisation if this is technically feasible but we are not required to adopt or maintain processing systems that are technically compatible with other organisations.

If the personal data concerns more than one individual, we will always consider whether providing the information would prejudice the rights of any other individual.

How long does Merlin have to comply?

We will always respond without undue delay, and within one month.

This can be extended by two months where the request is complex or we receive a number of requests. We will always inform you within one month of the receipt of the request and explain why the extension is necessary.

Where we are not going to act upon a request, we will always explain why and inform you of your right to complain without undue delay and at the latest within one month.



**Your rights are
set out in:**

GDPR Articles 12 and 20
GDPR Recitals 68

The right to object



When does the right to object apply?

You have the right to object to processing or use based on legitimate interests (including profiling); and direct marketing (including profiling).

How will we comply with the right to object?

If we process personal data for our legitimate interests

Customers must have an objection on “grounds relating to his or her particular situation”.

We will always stop processing the personal data unless:

- we can demonstrate compelling legitimate grounds for the processing or use, which override your interests, rights and freedoms; or
- the processing or use is for the establishment, exercise or defence of legal claims.

We will always inform you of your right to object when we first communicate with you and in our privacy notice.

Your right to object will always be brought to your attention explicitly. Your right to object will be presented clearly and separately from any other information.

If we process personal data for direct marketing purposes

Direct marketing is not restricted to the sale of products and services but covers the promotion of aims and ideals as well. Examples of direct marketing are contacting prospective customers with information about new shared ownership properties or contacting customers to encourage them to attend a meeting which will help them understand the impact of welfare reform changes.

We will always

- stop processing personal data for direct marketing purposes as soon as we receive an objection; there are no exemptions or grounds to refuse.
- deal with an objection to direct marketing at any time and free of charge.
- inform you of your right to object “at the point of first communication” and in our privacy notice.

Your right to object will always be brought to your attention explicitly. Your right to object will be presented clearly and separately from any other information.

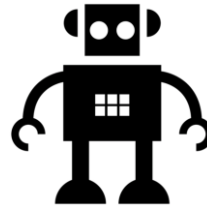
If our processing activities fall into any of the above categories and are carried out online we will always offer a way for you to object online.



Your rights are set out in:

GDPR Articles 12 and 21
GDPR Recitals 69 and 70

Rights related to automated decision making and profiling



Data protection law provides safeguards against the risk that a potentially damaging decision is taken without human intervention.

Profiling is defined as any form of automated processing intended to evaluate certain personal aspects of a data subject, in particular to analyse or predict your:

- economic situation;
- health;
- reliability; or
- behaviour.

Merlin does use profiling, for example, to assess prospective customers as part of our pre-offer assessment process, this is done to help ensure that prospective customers can afford the property they have applied for.

Profiling may be used to inform decision making but final decisions are always taken by one of Merlin's managers or staff. We do not use automated decision making (decisions made by a computer programme).

What does the law say about profiling?

When processing personal data for profiling purposes, we will always ensure that appropriate safeguards are in place. We will always:

- Ensure processing is fair and transparent by providing meaningful information about the logic involved, as well as the significance and the envisaged consequences;
- Use appropriate mathematical or statistical procedures for the profiling;
- Implement appropriate technical and organisational measures to enable inaccuracies to be corrected and minimise the risk of errors;
- Secure personal data in a way that is proportionate to the risk to the interests and rights of the individual and prevents discriminatory effects.

When do rights related to automated decision making and profiling apply?

You have the right not to be subject to a decision when it is based on automated processing; and it produces a legal effect or a similarly significant effect on you.

We will always ensure that you are able to:

- obtain human intervention;
- express your point of view; and
- obtain an explanation of the decision and challenge it.

Does the right apply to all automated decisions?

No. The right would not apply if the decision were necessary for entering into or performance of a contract between you and Merlin. Neither would the right apply if authorised by law (e.g. for the purposes of fraud or tax evasion prevention); or based on explicit consent.



Your rights are set out in:

GDPR Articles 4.4; 9 and 22
GDPR Recitals 671 and 72

The right to compensation



When does the right to compensation apply?

If you suffer damage because we breach data protection law, you are entitled to claim compensation from us.

The damage suffered includes but is not limited to financial loss, it can include distress.

How do I claim compensation?

In the first instance your claim for compensation will be dealt with under our Complaints and Compliments policy. Under our policy we will investigate your complaint and aim to give you a full response within 10 working days.

This response will outline the outcome of the investigation and any actions agreed with you to resolve the complaint. If we need more time to investigate the complaint, this will be agreed with you. A complaint will be closed once agreed actions have been delivered along with the payment of any agreed compensation.

We may refuse a claim for compensation if we have not breached data protection law, or, where we agree there has been a breach, but believe we took such care as was reasonably required in the circumstances to comply with data protection law.



**Your rights are
set out in:**

GDPR Articles 82
GDPR Recitals 146

The right to be informed of a personal data breach



What is a personal data breach?

A breach is more than just about losing personal data.

A personal data breach is an accidental or deliberate breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

What does the law say about personal data breaches?

The GDPR introduces a duty on all organisations to report certain types of personal data breach to the relevant supervisory authority (the Information Commissioner's Office). We must do this within 72 hours of becoming aware of the breach, where feasible.

When does the right to be informed of a data breach apply?

If the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, we must also inform those individuals without undue delay.

To help us do this we have robust breach detection, investigation and internal reporting procedures in place.

Will you inform me of all breaches?

No, our procedures include a tool for assessing the risk to individuals' rights and freedoms. This helps us decide whether or not we need to notify the Information Commissioner's Office and the affected individuals.

We keep a record of any personal data breaches, regardless of whether we are required to notify the Information Commissioner's Office and the affected individual.



Your rights are set out in: [GDPR Articles](#)
[GDPR Recitals](#)

Merlin Housing Society Ltd is the data controller for your personal data

Merlin Housing Society Ltd; Building 1; Riverside Court; Bowling Hill; Chipping Sodbury; BRISTOL BS37 6JX.

Chris Down is merlin's data protection officer

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