Appendix 1

Information Sharing Protocol between the Landlord Registration Registrar and the Belfast City Council

For the purposes of this Information sharing protocol all references to 'Data Protection Legislation' shall mean the General Data Protection Regulation (Regulation (EU) 2016/679), the Law Enforcement Directive (Directive (EU) 2016/680) and any applicable national implementing laws as amended from time to time and the Data Protection Act 2018 to the extent that it relates to the processing of personal data and privacy and all applicable Law about the processing of personal data and privacy.

The terms **Data Controller**, **Personal Data, Data Processor, Data Subject** and **Information Commissioner** shall take the meaning as set out in the General Data Protection Regulation

1. Policy Statements and Purpose of Protocol

The following protocols have been developed to assist the sharing of information required by Regulation 9 of The Landlord Registration Scheme Regulations (Northern Ireland) 2014. It is the intention that all aspects of information sharing and disclosure of the information shall comply with the Data Protection Legislation.

The purpose of this document is to ensure there is a protocol for the sharing of certain personal data collected by the Registrar in its role as Data Controller of the Landlord Registration Scheme, where that personal data is needed for the purposes of enabling or assisting a council in the exercise of its functions under any provision of the Private Tenancies (Northern Ireland) Order 2006 and Article 54 of the Rent (Northern Ireland) Order 1978, as per The Landlord Registration Scheme Regulations (Northern Ireland) 2014.

2. Data

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2.1 What data may be shared?

Regulation 9 prescribes the nature of the data that must be shared between the Registrar and the Council.

The precise nature of the data that can be requested and supplied is:

a) the landlord's full name;

b) the name, address and contact number of any agent acting on a landlord's behalf;

c) for each dwelling house let or to be let:-

    i. the address including the postcode;

    ii. the date the house was built;

    iii. the name and contact details of all joint owners (if any);

d) the landlords address, email address, telephone number(s) (including mobile telephone number(s));

e) correspondence address for the landlord (which must be in Northern Ireland) if different from above;

f) the landlord's date of birth;

g) where the landlord is a landlord who is not liable under regulation 7 (2) to pay a fee:-

    i. the House in Multiple Occupation registration certificate number; and

    ii. the address of each House in Multiple Occupation; and,

h) where the landlord is a company, the company registration number.

In keeping with the Data Protection Legislation only the data that is necessary for the purposes of enabling or assisting a council in the exercise of its functions under any provision of the Private Tenancies (Northern Ireland) Order 2006 and Article 54 of the Rent (Northern Ireland) Order 1978 should be requested. Asking for information in excess of that needed to perform a prescribed function could result in prosecution.

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2.2 How is this information going to be exchanged?

Authorised officers from within the Council will be provided with unique Landlord Registration System log in details. This will permit authorised officers to search the Register on a case by case basis for the information listed above. Council internal procedures should specify how this information will be used/exchanged and document that process. This must take account of the security classification of the information, for example personally identifiable information should not be sent by email unless the email systems are gsi compliant or approved encryption is used.

2.3 Timescales

If there are any organisational time limits by which the data is required these should be included in the request, partners may wish to agree timescales for completion of requests.

2.4 How securely does the data need to be stored?

The Council should ensure that:

- unauthorised staff and other individuals are prevented from gaining access to personal data;

- visitors are received and supervised at all times in areas where personal data is stored;

- all computer systems that contain personal data be password-protected (the level of security should depend on the type of data held, but ensure that only those who need to use the data have access);

- workstation/PC are not left signed on when not in use; and

- all disks, tapes or printouts are locked securely away when not in use;

- all new software is virus-checked prior to loading onto a Council machine;

- no personal data is transmitted by open email;

- the intended recipients of a fax containing personal data are aware that it is being sent and can ensure security on delivery;

- paper files are stored in secure locations and only accessed by those who need to use them;

- personal data is not disclosed to anyone other than the Data Subject unless you have the Data Subject's consent, or it is a registered disclosure, required by law, or permitted by a Data Protection Legislation exemption.

- no information is left on public display in any form; and,

- desks are cleared at the end of each day and sensitive material is locked away safely.

2.5   Further Use of Data

There should be no further use of the data collected as this is not permitted by the Regulations. When the information/data is no longer required, it should be securely deleted/destroyed.

3.   Breach of confidentiality

Article 64B of the PTO as inserted by Section 6 of the Housing (Amendment) Act (Northern Ireland) 2011 sets out the offences relating to unauthorised disclosure of information.

4.   Requests for Disclosure of Information subject to legislation.

All recorded information held by public sector agencies is subject to the provisions of the Freedom of Information Act 2000 and the Data Protection Legislation. While there is no requirement to consult with third parties under FOIA, the partners in this protocol arrangement will consult the partner from whom the information originated and will consider their views to inform the decision making process.

5.   Audit Requirement – System Access Check

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To satisfy the Department for Communities's Audit requirement, the Landlord Registrar is required to carry out a percentage check of Authorised Users access to the Landlord Registration Scheme system. This is carried out on a monthly basis and a return will be forwarded to each Council Approver, asking that access to the system by the user was for legitimate business purposes under the Private Tenancies (Northern Ireland) Order 2006 and also the reason(s) for access.

6. Amendment to this protocol

This protocol can only be amended with prior agreement of each partner.

Signed:

Name: Finbarr Cummins

Landlord Registration Registrar

Date: 29 June 2017

Signed:

Name:

Authorised Council Officer

Belfast City Council

Date: