Data Protection Impact Assessment (DPIA) - Full Assessment

Guidance for the Project Manager and Sponsor

The Data Privacy Impact Assessment (DPIA) will enable you to systematically and thoroughly analyse how your project or system will affect the privacy of the people whose data you are dealing with. This template has been designed to incorporate the legal requirements of the General Data Protection Regulation (GDPR) which comes into force on 25 May 2018 and in anticipation of the Data Protection Act 2018 becoming law. Data processing activities which started before 25 May 2018 and are continuing beyond this date should be assessed using this template if the conclusion of the pre-screening questionnaire is that the processing is high risk.

- The DPIA is a proactive approach to privacy protection;
- It is often the most effective way to demonstrate to the Information Commissioner's Office (ICO) how personal data processing complies with the Data Protection Act and the GDPR and the Data Protection Act 2018 when they comes into force;
- The intended outcome of a DPIA should be to identify risks to privacy and minimise these;
- Conducting a DPIA is a legal requirement under the GDPR particularly if the proposed processing is using new technologies and poses a high-risk to people's data.
- A Pre-Assessment should be carried out to identify whether or not this full assessment is required.

Further information and guidance on the DPIA is also available on the ICO website here: ICO's PIA code of practice and the Article 29 Working Party here.

GOVERNANCE ARRANGEMENTS

The DPIA may be subject to review and audit by Camden's Data Protection Officer (DPO), ICT Project Review Board, Corporate Information Governance Group (CIGG) and the Information Commissioner's Office (ICO). A decision may also be taken to publish the DPIA. You must keep the signed DPIA and all supporting documents with your project file for audit purposes.

1. PROJECT SUMMARY

Project Name	Project: London Criminal Landlords and Letting Agents Watchlist	**Directorate and Service**	Support People - Private Sector Housing
Project Sponsor and Position	Karen Swift Head of Service	**Project Manager and Position**	Operations Manager, Private Sector Housing (PSH)
Project Start Date **Project End Date**	01/08/2017 NA	**Project Go Live Date**	Live Since December 2017. Reviewing the data protection impact assessment given changes in the data protection legal framework.
Reviewed	This DPIA was reviewed and updated by Vincent Arnold March 2019 to reflect a revised Information sharing Procedure in respect of adding Civil Penalty Notices to the public tier. Reviewed by Vincent Arnold and Sarah Laws in November 2020 to add one category of employee to access data. Confirmed by CIGG November 2020	**Does this DPIA cover multiple projects?**	No

	Annual review, and updated by Vincent Arnold and Sarah Laws December 2021, to reflect CPN appeal times and uploading to GLA database.		

High Level description of the Project: [a high-level description of the Project, which will help to easily explain the scope of the DPIA in context of the overall project]

All London boroughs have agreed to populate with data the London Criminal Landlords and Letting Agents Watchlist. The Mayor has committed to creating a 'watchlistchecker' on the GLA website, containing details of landlords and letting agents who have acted unlawfully and thus undergone enforcement action by participating partners (London boroughs or the London Fire Brigade). A limited range of details will be accessible to the public, and a wider range, which will include historic convictions and other enforcement activity, to participating partners and the GLA. The data sharing will be a one-way transfer of data relating to landlord and letting agent enforcement action from the participating partner to the GLA.

Scope of the DPIA: [briefly explain which elements of the Project are in scope of the DPIA, for example, data gathering or data sharing exercise]

The first phase of a public London Criminal Landlords and Letting Agents checker was launched in December 2017. A PIA under the previous legislation was carried out and approved internally.

The 'checker' is a two-tier database hosted on the GLA website as follows:

2.3 Tier one is visible to members of the public and names landlords or letting agents who have been successfully prosecuted by a London borough for a relevant housing offence and contain details of those offences. For landlords this is likely to be similar to the list of qualifying banning order offences. The objective of tier one is to empower renters by allowing them to check a prospective landlord before moving into the rental property. It should also act as a deterrent to criminal landlords and agents. UPDATE Civil Penalty Notices will be added to the public tier in 2019. They will not be uploaded until the appeal period has expired ie 28 days from the date when the final notice was issued.

Civil penalties which are appealed will not be uploaded to the Checker as the effect of the HPA is that civil penalties are suspended once appealed. If an appeal is brought and dismissed, the civil penalty will be uploaded to the Checker once the time limit for any further appeal

has expired (or until any further appeals have been completed, if brought). There will be a £500 threshold for CPs appearing on the public tier. Camden Council will need to instruct the GLA that they wish CPs to be published on the public tier. A further update as of Summer 2021 as of covid and the FTT appeal back log, the CPN service date will no longer be used as the date from which the record is publicly accessible for 12 months or 6 years on private database. It will be the date that the appeal is settled, withdrawn or FTT decision given.

Text from CPN
Camden Council is part of the Greater London Authority's (GLA) Rogue Landlord and Agent Checker. Selected staff in Private Sector Housing teams at all London local authorities, will be able to view final civil penalty notice records (for six years) that are recorded on it. Withdrawn or quashed civil penalty notices will not be placed on it. You will be notified of any intended entry onto the Checker.

2.4 Tier two will be accessible only to local authority enforcement teams and the GLA. This tier will contain a more detailed history of enforcement activity taken against a landlord or agent. The objective of tier two is to facilitate information sharing between local authorities to improve enforcement against landlords and agents operating across borough boundaries. All London Boroughs have signed up.

Why is a DPIA required? [this will be with reference to the conclusion from the pre-screening questionnaire i.e., why it is a high-risk Project]

* information about individuals will be disclosed to organisations/people who have not had routine access to the information outside of the organisation.
* the data to be shared contains personal and sensitive personal data in a way that may have significant impact on them

2. DESCRIPTION

Description of the Project:

[In this section include a description of the Project, including the nature, scope and context]

All London boroughs have agreed to populate with data the London Criminal Landlords and Letting Agents checker. The Mayor has committed to creating a 'checker' on the GLA website, containing details of landlords and letting agents who have acted unlawfully and thus undergone enforcement action by participating partners (London boroughs or the London Fire Brigade). A limited range of details will be accessible to the public, and a wider range, which will include historic convictions and other enforcement activity, to participating partners and the GLA. The data sharing will be a one-way transfer of data relating to landlord and letting agent enforcement action from the participating partner to the GLA.

UPDATE: It is now proposed to add civil penalties to the public part of the register.

There is a parallel regime in place under the Housing and Planning Act 2016 which came into force on 6 April 2018 whereby the government was required to set up a database of rogue landlords and property agents, with LA's responsible for its maintenance. It is a new tool for local housing authorities in England to keep track of rogue landlords and property agents. This database is not public facing albeit after some coverage of it the government has confirmed the database will be made public. Local housing authorities must make an entry on the database for a person or organisation who has received a banning order. Section 30₃ of the Act allows9ie gives discretion) to local housing authorities to make entries for a person who has:

- been convicted of a banning order offence that was committed at a time when the person was a residential landlord or property agent; and/or
- received two or more financial penalties in respect of a banning order offence within a period of 12 months committed at a time when the person was a residential landlord or a property agent.

Statutory guidance sets out the factors to be taking into account when exercising this discretion and the law states the period of entry must be at least 2 years from the date of entry.

The proposal to add civil penalties to the London Criminal Landlords and Letting Agents Watchlist sits outside of the statutory regime in the HPA 2016 but is based on adding civil penalties for 'banning order offences' as defined under the HPA 2016.

Data flow map(s):

Flow 1 – New Public Sector Housing Prosecution/ Civil Penalty Notice

1) Successful prosecution or Civil Penalty Notice (or for non public Tier Two, caution).

2) Court report from Solicitor to Operations Manager (or PEHO) and EHO case officer.

3) Details of prosecution or Civil Penalty Notice entered manually on APP (the PSH database) by EHO, Prosecution database;

Info recorded: name and address of defendant(s), Court, Total fine, Costs, Compensation, Hearing date/service date of Civil Penalty Notice, Offence date, Statute, Section, No. of Offences, Result, Penalty, and Fine.

4) Operations Manager (or PEHO) checks the info and then case officer for prosecution/Civil Penalty Notice, then data checked with Legal.

5) Operations Manager (or PEHO) login to GLA database holding area and informs by email / upload to the GLA database that prosecution taken. Uploaded manually by Operations Manager (or PEHO) to obtain data from APP database and Solicitor Court Report (emailed).

6) GLA informs landlord/letting agent that their information will be going on website. (LA copied in) and are given a 14 day period during which they may make representations

7) Once representations are considered and if upheld data will not be published, if not upheld then the data will go on the public website as follows: (possibly edited if representation partly upheld).

- landlord name (and 'also known as' or associated names, for instance company names)
- home address of landlord (only street and first 4 digit of postcode)
- conviction offence
- date of conviction
- expiry date of conviction
- address of rental property associated with the offence for which the landlord was prosecuted
- name of prosecuting borough
- court where conviction took place
- value of fine
- service date of Civil Penalty Notice

For the non-public part the above information will go on but will also include:

- Simple Cautions

8) Each new entry on the database will be set to a default removal data of 12 months following the date of conviction/service date of Civil

Penalty Notice. It will be possible to override this in instances of a custodial sentence only applicable to TS and Housing Options offences. Destruction notice to be given

Flow 2 – Old prosecution and cautions 6-year retrospective for LA, non-public database includes spent offences.

1) APP report tailored to parameters agreed once finalised by working group by Operations Manager (Super User for PSH).

2) Report run data quality, examined and validated, for accuracy and reliability.

3) Report results checked by Operations Manager and then given to team/case officers and then Legal for checking of any mistakes / missing prosecutions.

4) Data protection team consulted (if necessary).

4) Upload onto site.

5) Viewing access only given to Environmental Health Officers.

Flow 3 - Trading Standards Prosecution

1) APP report tailored to parameters agreed once finalised by working group by Principal Trading Standards Officer (Super User for TS).

2) Report run data quality, examined and validated, for accuracy and reliability. Fields are the same as above (7) and letting agents if approved.

3) Report results checked by Principal Trading Standards Officer and then given to team/case officer for checking and then Legal for checking of any mistakes / missing prosecutions.

4) Data protection team consulted (if necessary).

4) Upload onto site as per finalised arrangements for data upload as per Cirrus/GLA solution.

5) Viewing access only given to Trading Standards Officers.

Flow 4 - Housing Options/ Tenancy Relations - New Prosecution

1) Successful prosecution (or CPN, caution).

2) Court report from Solicitor to Homeless Prevention Manager.

3) Details of prosecution entered manually on HNG database by Homeless Prevention Manager, then checking with prosecuting case officer.

Information recorded: name and address of defendant(s), Court, Total fine, Costs, Compensation, Hearing date, Offence date, Statute, Section, No. of Offences, Result, Penalty, and Fine.

4) Homeless Prevention Manager sends information to PSH Operations Manager (or PEHO) checks the info and checks with Legal.

As per steps 5 – 8 in Flow 1 above.

Types of personal data proposed to be processed:

- landlord name (and 'also known as' or associated names, for instance company names)
- home address of landlord (only street and first 4 digit of postcode)
- conviction offence
- date of conviction
- expiry date of conviction
- address of rental property associated with the offence for which the landlord was prosecuted
- name of prosecuting borough
- court where conviction took place

- value of fine
- service date of Civil Penalty Notice

Types of Special Categories/ Sensitive personal data proposed to be processed:

As above – details of criminal convictions

Types of data subject:

Landlords and letting agent. Some letting agents will be companies and therefore data protection considerations will be less pertinent but the same procedure for them to be able to make representations applies

3. SCOPE AND DESCRIPTION OF PROCESSING

Description of the processing activities:

[*High level description of processing activities including technical capabilities/functionality*

Assets/technology involved with processing the personal data:

a. Hardware is there any equipment being used

Yes standard issue laptop and servers hosting our local database. GLA have their own server for online database.

b. *Software – what software will be used*

   APP and online GLA software.

c. *Networks – will the processing be on the council's network, or shared with another organisation eg the CCG?*

   Shared secure network with Sirius and GLA.

d. *People – who will do the processing? Council staff or contracting out? What areas of workers in the organisation that is doing the processing?*

   Council staff, Operations Manager and Solicitor.

e. *Paper – will you be having paper records?*

   No – all electronic.

f. *Paper Transmission Channel(s) – how will paper records be handled?*

   NA

g. *Mobile Devices (not Camden issued laptops – other devices if any)*

   NA

h. *Cookies – if you are providing web services will you be using cookies? If so, what type (eg persistent)*

   NA

i. *Other such as cloud, data warehouses etc. – will you be storing data in the cloud eg is the provider* SAAS *(software as a service)]*

   NA

Purpose and Benefits:

The use of the checker will provide valuable intelligence to Local Authorities in regulating and investigating criminal property owners operating across borough boundaries and in accordance with our statutory responsibilities. Criminal landlords are directly linked to high levels of anti-social behaviour, poor property management and enviro-crimes in the private rented sector; the checker will protect tenants and prospective tenants from these criminal landlords thus preventing further crime and disorder. UPDATE: Following the greater use of Civil Penalty Notices by Local Authorities (including Camden Council) for dealing with Housing Act offences it is now considered beneficial and key to the purpose of the checker that they are included in the public tier. The basis for justification is as follows:

The need to provide a complete picture of enforcement activity in this area. The Local Authorities in the database have confirmed that, since their introduction, civil penalties under the HPA are now the preferred mode of enforcement in 90% of cases. Criminal investigations are reserved for the most serious cases and/or for repeat offenders. It follows that there is a strong argument that the Checker will give a misleading and incomplete picture of enforcement activity unless all civil penalties are included. This will mean the Checker risks no longer fulfilling its purpose of enabling tenants to avoid rogue operators. At Camden the use of CPN's as an alternative to prosecution is 70-80%.

The levels of fine for comparable offences issued vary between authorities. Government have not provided Local Authorities with benchmarks for setting civil penalties and Local Authorities are able to use discretion when deciding upon the level of fine. This means there are inconsistencies, even for the same offence, making it difficult to define the seriousness of the offence based on the level of financial penalty.

The specifics of the London rental market.

Many issues in the private rented sector ('PRS') are experienced by tenants across the country. However these issues are particularly acute in London. London's PRS has grown rapidly, with twenty-seven per cent of households privately renting in 2017[1]. At the same time people are renting privately for longer, with only a third of London private renters expecting to buy a home in the next five years[2]. Around a quarter of private renting households are now spending more than half of their income on rent[3].

The London rental market moves faster than in other parts of the country, meaning tenants have less time to make informed decisions about which property they rent and from whom. High demand for rental properties also means they have less choice available. As a result, it is particularly important for London renters to be able to access information about rogue landlords and agents quickly and easily, so they can make informed choices.

Almost a quarter of privately rented homes fail the government's Decent Homes standard. Many of the worst conditions are concentrated in houses of Multiple Occupation, where tenants end up living in overcrowded, poorly managed and maintained properties. With such high levels of poor conditions in London, there is greater need for local authority enforcement and for tenants to be made aware of this activity.

Around 600,000 of the capital's 2.4 million renters are children, more than three times the figure in 2004. London's renters are disproportionately likely to be defined as 'vulnerable'. The University of York's recent study of vulnerability in PRS households found that 38 per cent of private

renters are in the bottom third of incomes. It also found that, in London, 97 percent of those low-income renters are experiencing one or more of the following types of 'harm' as a result: poverty, overcrowding or poor property conditions[4]. It is all the more important to ensure that these vulnerable tenants have access to information to help them to avoid rogue operators whenever possible.

Sources of the personal data: where are you obtaining the data from?

Court records and Internal legal records

Length and frequency of processing:

A few minutes, twice a month if current prosecution levels are maintained.

Processing volumes:

On public database there is 40 records (covering 17 individuals), this will remain constant in next year but may drop away as the team moves to other enforcement.

On LA tier there are about 80 records (covering about 30 individuals).

Data minimisation:

It is not possible to use any excessive data on the checker site – the fields are set. The GLA will email the data subject once the data has been uploaded into the 'holding area' on the GLA site. A letter is sent out inviting any relevant reasons for representation against the data going onto the public and private/LA sites.

Camden has received 4 representations as of March 2019, 1 representations was upheld.

4. BASIS OF PROCESSING

Fair, Lawful and Transparent Processing (Article 5(1)(a))

Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject. Processing shall be lawful only if and to the extent that at least one of the requirements in Article 6(1) applies.
You must meet one of the conditions below to process the data lawfully.
Please note if you meet another condition you do not need consent. Most of the council's processing is done under numbers 1 and 4 below. There are few occasions where the council actually relies on consent.

If you are processing special categories of data then you need to satisfy one of the conditions in Article 6 **and** one of the conditions in Article 9(2)

	Lawfulness of Processing (Article 6)		
1	Is the processing necessary for compliance with a legal obligation to which the Council is subject? In other words does the council have to do this processing because there is law that says we must do so If 'yes', please identify the legal obligation and explain why the processing is necessary.	NO	
2	Is the processing necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract? In other words does the council have to process the data to do things it has contracted to do with the data subject? If 'Yes', please explain why the processing is necessary.	NO	
3	Is the processing necessary in order to protect the vital interests of the data subject or of another natural person? It is intended to apply in 'life or death' situations, such as providing medical information to a hospital when a patient is incapable of giving consent. There won't be many times this	NO	

	applies for the council.		
4	Is the processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller? In other words: are you doing council work that is in the public interest and you need to do the processing to carry out the work properly? If 'Yes', please identify the statutory powers that you are relying on and identify the task.	YES	London boroughs have a range of powers (contained in the Housing Acts and other legislation) relating to the attainment of housing standards in the private rented sector (including overcrowding, housing conditions, houses in multiple occupation and the selective licensing of private landlords) and trading standards as et out in Annex 2 of the information sharing agreement. Failures by private landlords to attain minimum standards and compliance in these areas can be met by enforcement action by the boroughs and lead to criminal sanctions. The checker allows tenants to be warned and informed where rogue agents/landlords are operating. It also has served as an accessible source of reliable, open data for tenants to use in their own legal action (e.g. rent repayment orders, harassment, tenancy deposit disputes) against the rogue landlords and agents. Officers have used other Boroughs data to inform their investigations. Local authorities also have a general power of competence, enabling them to do anything that an individual may do (Localism Act 2011). They also have a power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions (Local Government Act 1972). Section 17 Crime and Disorder Act 1998 requires the London boroughs to exercise their various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent a) crime and disorder in their area (including anti-social and other behaviour adversely affecting the local environment); and b) the misuse of drugs, alcohol and other substances in their area; and c) re-offending in their area. See also attached analysis of legal grounds

5	Are you relying on the individual to provide consent to the processing of their personal data for one or more specific purposes (as grounds for satisfying Article 6)? Please note if you meet another condition you do not need consent. Most of the council's processing is done under numbers 1 and 4. There are few occasions where the council actually relies on consent. If you rely on consent, the individual may withdraw consent at any time. You would then have to stop processing the data, unless there is another ground to rely on. An example of when consent is not needed is processing children's data for carrying out safeguarding work- this is a legal duty. An example of when consent would be the right option would be e.g. when carrying out sexual health testing. If YES then how and when will this consent be obtained? If NO then what alternative legitimate arrangements are in place? Is the consent in accordance with the requirements in the GDPR?	NO	
6	Is the processing necessary for the purposes of legitimate interests pursued by the Council or by a third party? Are these interests overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child? If there are legitimate interests, please explain what these are. If the exercise of these may impact on the rights and freedoms of the data subject, please explain the potential impact. *Note that the Council can only rely on this basis in limited circumstances, when it is not carrying out one of its 'tasks'. If you think this applies to your project, you must seek advice from the Data Protection Officer at dpo@camden.gov.uk	NO	

7	Will you be collecting **Special Categories of data**, e.g. data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation? The Council also considers financial data and electronic signatures to be special category data. **No.**		
8	Special Category data must only be processed if at least one of the grounds in Article 6 (outlined in numbers 1-6 above) is met and in addition, one of the requirements in Article 9(2) can be met. Which basis in Article 9(2) are you relying on to process Special Category Data?		
9	If you are relying on a different basis for different categories of Special Category Data (e.g. a different basis for each type of data to be processed) then please explain here:	na	
10	Will you be processing personal data relating to criminal convictions and offences or related security measures? YES If YES, Article 10 may apply. You must seek advice from the Data Protection officer at dpo@camden.gov.uk	YES	Data is processed in respect of criminal convictions. See attached analysis of legal grounds
11	The council has to comply with the Human Rights Act. Article	Yes – see	The sharing of personal data under this Procedure will comply with

	8 is the right everyone has for respect for their private and family life, home and correspondence. The council can't interfere with this right except as the law allows and is necessary to ensure national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. You need to be sure that the processing you will do will not breach these requirements. Have you considered the requirements of Article 8 and will your actions interfere with the right to privacy under Article 8? Have you identified the social need and aims of the project? Are your actions a proportionate response to the social need? Are you sure the processing will be in accordance with Art 8? If you are in doubt contact the legal team for advice. In most cases if the outcome of the DPIA is that there are no high risks remaining after mitigations are in place (see below) then there should be no breaches of Art 8.	annex	Article 8 as it is: In pursuit of a legitimate aim: The Mayor of London has a general power to do anything that will promote economic and social development, and environmental improvement in London. The landlord and letting agent checker would be one way of achieving this by seeking to ensure the private rented housing market operates in a fairer and more transparent way, and that tenants are protected from exploitation by unscrupulous landlords and letting agents. Proportionate: In each case, the information shared will be proportionate for the purpose - the minimum information necessary for the purpose will be transferred and no more. Appropriate and necessary to a democratic society: Promoting social development, making London's communities a better place to live, and protecting tenants from criminal landlords and letting agents are all activities appropriate to a democratic society.
12	Is any of the personal data being processed held under a duty of confidentiality, e.g. client confidentiality? If YES please detail	NO	
13	Is any of the proposed processing subject to any other legal or regulatory duties? If YES please list the additional legal or regulatory duties and how you will comply with these.	no	
14	**Fair Processing and Transparency**		To support compliance with the first data processing principles

	If you have obtained information from data subjects or from a third party, there is certain information that you must provide to data subjects to comply with Articles 12, 13 and 14 of the GDPR. There are corporate policies and procedures on fair processing in place to cover these situations [provide a link]. You must read these. Indicate here how you will comply with them.		under Article 5 of the GDPR, and meet the requirements of Articles 13 and 14 of GDPR – the provision of 'fair processing' information to data subjects - the GLA will write to the landlord or agent on behalf of borough prior to his/her data being displayed on the checker. The GLA will send this letter within two working days of the entry being added to the checker holding area. This will notify the data subject (landlord or letting agent) about the data which will be processed on behalf the borough and manner in which it will be processed. The letter will detail the categories of data which will be ultimately made accessible to the public, in addition to the data processed on the non-public part of the checker. This notification will also set out timescales for the processing of their information and inform the data subject or agent of their right to make representations against the processing of their personal data in the manner described and the right to? update any inaccurate or incorrect data. The representation process will cover the assessment of any complaints made by the data subject and submissions concerning inaccurate or incorrect data. This will ensure that the rights of the data subject are considered at all times and balanced against the legal obligations that facilitate the processing of their personal data in this manner and the public interest in sharing this information with other boroughs and/or making public certain finite bits of information. The GLA is required to keep clear and auditable records of the notification and representation processes on behalf of Borough to ensure fair processing of any personal data on behalf of the borough and demonstrate compliance with the appropriate data processing conditions outlined above. The above procedure does not override a data subject's right at any time to exercise their right to rectification (Article 16 of GDPR), to erasure (Article 17 of GDPR), to restriction of processing (Article 18 of GDPR) or to object (Article 21 of GDPR). If the GLA is in receipt of any such notice they shall pass this to the borough immediately upon receipt. The Council has a privacy notice on its website which includes

			details about the database and puts people on notice of this processing activity. The letters of representation sent out by the GLA states that information about the fair processing of the data can be found in the privacy notice of the enforcement authority specified which can be found on its website and also refers them to the GLA privacy notice. UPDATED 24/08/17 As per CIGG meeting it was confirmed by the GLA that the public database and non-public database will be on separate servers for added security.
Purpose Limitation. Article 5(1)(b) **Personal data shall be collected for specified, explicit, legitimate purposes, and shall not be further processed in any manner that is incompatible with those purposes or those purposes.** ***Note that further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes.**			
15	**Uses of Personal Data within the Organisation** Will you have a procedure for maintaining an up to date record over the collection and use of personal data?	YES	
16	**Use of Existing Personal Data for New Purposes** Do you know the purposes for which the data was originally collected? **Does the project involve the use of existing personal data for new purposes?** If NO then go to question 13 If YES, how will you inform data subjects that you intend to	YES YES – but this is ongoing, all parties	

	process for new purposes (so as to comply with Articles 13 – where the data was originally collected from the data subject and 14 GDPR – where the data was originally collected from a 3rd party)	will be informed – see annex	
17	What checks have you made to ensure that processing of personal data is compatible with its original purpose?	It is compatible.	
18	**Disclosures of Data** Who will you routinely share the data with? **Recipients:** *Organisation Name:* *Address:* *Role*: *Data to be disclosed* *Role of the recipient* *Reasons for disclosure* *Agreements.* ***It is likely to be necessary to enter into a data Sharing agreement with the third party. You must access the Corporate templates and take advice when drafting these.*** *Need for separate DPIAs*		Public tier – general public Non-public /LA tier – see annex (all London Boroughs and the GLA, LFB) **Recipients:** Organisation Name: GLA Address: 169 Union St London SE1 0LL Role: Data processor and project partner Data to be disclosed: Housing related criminal convictions and civil penalty fines. Role of the recipient: Contact subject with letters informing them of inclusion on the database, upload the data and host it. Reasons for disclosure- see grounds for processing Agreements – there is full data sharing agreement. Need for separate DPIAs – the GLA will complete

	Monitoring arrangements/contract management *Repeat for each recipient*		theirs. *Monitoring arrangements/contract management* *Operations Manager for LB Camden and Private Rented Sector Programme Manager for GLA*
19	How will your team be made aware of the requirements for sharing with third parties?		Annex: Landlord and agent representations process
20	How will you make data subjects aware of their rights?		See Annex: Landlord and agent representations process
'Data Minimisation' Article 5(1)(c) : **Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.**			
21	**Adequacy and relevance of Personal Data** What arrangements/procedures/ measures are in place to determine the adequacy and relevance of the personal data being collected and processed for each purpose, and to ensure that it is not excessive (e.g. ensuring that only minimum required amount of data is collected and processed)?		**Specific data fields only collected**
22	What arrangements/ procedures/ measures are in place to ensure that data collection and processing procedures are and will remain adequate, relevant and not excessive in relation to the purpose for which data is being processed?		**Specific data fields only collected**
Accurate and up to date Article 5(1)(d):			

Personal data shall be accurate and, where necessary, kept up to date.			
23	Have you assessed the risk to the individual and the Council with respect to the consequences that could be caused through; 1) Inaccuracy of data and; 2) Holding data that is out of date? If NO then please explain.	YES	
24	What arrangements are in place to check the accuracy of the data with the individual?	All data has been used for convictions	**A court report from a solicitor or barrister will be emailed, this confirms address and name of the individual.**
25	Will accuracy checks cover free text fields including comments about individuals?	N/A	
26	How will you determine when and how often personal data would require updating?		Per conviction, per record for new prosecutions. For older prosecutions addresses will be checked if relevant, If not data not processed. There is a 6 year retention period in accordance with our retention policy
27	What arrangements are in place to for individuals to notify you if they believe their data to be inaccurate?		**Letters of prior processing – see annex.**
28	How will you ensure that inaccurate or out of date data is erased or rectified without delay?		**PSH** operations manager has full edit **and delete ability as does principal EHO is required.** **data subjects also the right under GDPR to request rectification of their details if they consider they are incorrect**
Storage Limitation Article 5(1)(e): **Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;** personal data may be stored for longer periods insofar as the personal data will be processed			

solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject			
29	Is the data in question intended to be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes? If YES, how will you satisfy the requirement in Article 89(1)?	No	
30	**Retention Policy** Is there a corporate data retention policy that covers the data processed under this project? If YES then go to question 27. If NO then seek advice from the Information and Records Management Team	YES	**6 year deletion for each record as per policy. (there is a set period of 10 years for the database but it recommended our records only stay on for 6 years)**
31	How will you determine when the data is no longer necessary for the purposes for which it was collected? Who will be responsible for reviewing the data?		**Auto 6 year delete**
32	If the data is held on an IT system then will this system flag records that due for review/deletion? If NO then please explain	YES/NO	**Yes**
33	Will there be any exceptional circumstances for retaining certain data for longer than the normal period? If YES then please explain.	YES/NO	**no**
34	**Destruction of personal data** Are there arrangements over the secure deletion/destruction of personal data?	YES/NO	**Yes The GLA site has a program to retain records and then delete them, the parameters of this are set by the Operations Manager for each record.**

	If NO then please explain.		
'Integrity and Confidentiality'. Article 5(1)(f): **Personal Data should only be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures**			
35	When answering the questions below, you need to consider what technology is available and how much this would cost to put in place. You need to balance that against the type and amount of processing and the nature and severity of risks to the data subjects to ensure that the GDPR will be complied with (particular reference to Article 24). For example, where there is extensive processing and higher risk, it would be appropriate to implement a much more costly solution than if the processing was minimal or negligible risk.		
36	**Security Measures** Outline the technical or organisational measures that covers the protection of personal data and processing activities under your project		**The current database used by PSH APP is subject to Camden data security.** **The GLA database security specifications are covered in para's 58-64 of the information sharing agreement.** **A detailed training and instruction procedure for super users and view only staff are necessary to ensure that staff know how to operate and use the data in the new system securely.** **All Camden staff withy access have undertaken mandatory e-learning on information handling within the Council** **Access to upload data the GLA database will be restricted to 3**

			people. **View access will be for qualified EHO's only.** **Access to the non-public database will be restricted by IP address. Only IP address from participating partners (the GLA, London Fire Brigade and London boroughs) will be given access.** **All data will be encrypted in transit. In the instance where a spreadsheet is used for transfer, only a CSV file will be used.** **The database will be penetration tested annually by the GLA, and results will be shared with Camden** **All passwords for entry into the non-public part of the database will need to comply with NCSC latest guidelines.** **All access to actions within the non-public tier of the database will be logged for auditing purposes.** **There will also be further controls in the user guide for the database when released.**
37	Who will be responsible for enforcing compliance with the council's corporate security policy?		**PSH operations Manager**
38	**Contingency planning - Accidental loss, destruction, damage to personal data** Have you assessed the risks and put in place mitigating controls to minimise the risk of data loss through: • Human error or theft;	YES	**Loss or unauthorised disclosures of information See Annex A - The designated points of contact are responsible for notifying the other party in the event of loss or unauthorised disclosures of data within 24 hours of the event. If we lost access to the database no data would be lost as this is recorded on our own systems.**

	• Computer virus or network failure; • Fire, flood or any other disaster? If NO then please explain.		
39	Do you have procedures to recover data (both automated and manual) in the event that data is lost? If NO then please explain. **Practical safeguards:** *[How will you control who has access to the data?* *What training, communications and awareness will be carried out to make sure the data will be processed lawfully?* *Will you carry out due diligence to make sure that third parties involved* *Adequate and subject to a legal obligation (e.g., a contract) to make sure they process the data lawfully?* *What contract management and monitoring arrangements will be put in place with third parties?]* **Mechanisms to protect personal data:** *[Examples: De-identification of data* *Examples: Arrangements re destruction of data* *Examples: Data back up/disaster recovery arrangements]* **Mechanisms to demonstrate compliance with legislation:** *[Examples: Maintenance of records such as re: consents, privacy*	YES	If another borough's account is 'compromised' for the non-public database then they will have access to all the other boroughs data so there is need to question who is being given access to the non-public database in other boroughs. In Camden I am restricting to EHO's. Other boroughs have confirmed that access will be carefully controlled as below. If all EHO's or enforcement officers this will be okay but use of interns, short term contractors who have just started needs thinking about. At working group meeting 17/08/2017 this was raised with other boroughs who recognised the need to restrict access to those who have a business need only and that access will only be through an account that requires email address to be given to GLA/Sirius first. De-identification of data Is not practical but key elements of the home address for landlords or agents will be removed from the public tier database. 6 year deletion and Operations Manager can delete any data on any site. There is the ability of individuals affected to make

	Are there separate measures to protect special category personal data? If NO then please state why the measures above are sufficient. **There is a corporate procedure for detecting and reporting breaches of security (remote, physical or logical) and this must be followed in the project. Any third parties or sub-contractors involved in processing the data must be made aware of this procedure and measures taken to ensure they comply with this.** Confirm this is the case and outline how it will be achieved**.**		representations through the procedure agreed with the GLA and LBC's privacy notice will be updated – fair processing requirements under dpa are met. Regard as appropriate will be had to factors similar for those set out in the statutory guidance for the national database when considering representations/whether to upload an entry. The Information Sharing Procedure covers the legal risks of sharing sensitive/special category data and only the information relating to the convictions is proposed. See Annex. No – its not special category data but is convictions data Loss or unauthorised disclosures of information See Annex A - The designated points of contact are responsible for notifying the other party in the event of loss or unauthorised disclosures of data within 24 hours of the event.

5. TRANSFERS OF DATA OUTSIDE OF THE EEA -will any personal data be processed outside of the EEA? This includes information processed on servers based outside the EEA as well as processing carried out by sub contractors. This is unlikely to apply to the Council but you must take advice from the Data Protection Officer if this is relevant to your project.

Country to be transferred to: UK only
Hosting location:

NA
International data transfer arrangements: *NA*
Name and role of parties receiving the personal data: **NA**
Legal safeguards for the transfer: you need to seek DPO advice before completing this *NA*

6. ARRANGEMENTS TO ADDRESS INDIVIDUAL DATA SUBJECT RIGHTS - THESE MUST BE DEALT WITH IN ACCORDANCE WITH CORPORATE POLICY [add in link when Jo has the doc finished]. They include the following and you must be aware of these rights.
If they are of specific significance to your project then you must state how you will deal with these, otherwise it is assumed they will be dealt with in accordance with the council's standard policy.

Right to be informed: There is the ability of individuals affected to make representations through the procedure agreed with the GLA and LBC's privacy notice will be updated – fair processing requirements under dpa are met. The Information Sharing Procedure covers the legal risks of sharing sensitive data and only the information relating to the convictions is proposed. See Annex.
Right of access: There is the ability of individuals affected to make representations through the procedure agreed with the GLA and LBC's privacy notice will be updated – fair processing requirements under dpa are met. The Information Sharing Procedure covers the legal risks of sharing sensitive data and only the information relating to the convictions is proposed. See Annex.

Right to rectification: There is the ability of individuals affected to make representations and Operations Manager will rectify and if needed delete the record.

Right to erasure/right to be forgotten:

6 year deletion and only unspent convictions are public.

Right to object and restrict processing:

There is the ability of individuals affected to make representations through the procedure agreed with the GLA and LBC's privacy notice will be updated – fair processing requirements under dpa are met. The Information Sharing Procedure covers the legal risks of sharing sensitive data and only the information relating to the convictions is proposed. See Annex.

Right to data portability: NA

Rights in relation to international transfer(s): na

Rights in relation to prior consultation: There is the ability of individuals affected to make representations through the procedure agreed with the GLA and LBC's privacy notice will be updated – fair processing requirements under dpa are met. The Information Sharing Procedure covers the legal risks of sharing sensitive data and only the information relating to the convictions is proposed. This has been updated as at March 2019 See Annex.

Rights in relation to automated decision-making and profiling: There is the ability of individuals affected to make representations through the procedure agreed with the GLA and LBC's privacy notice will be updated – fair processing requirements under dpa are met. The Information Sharing Procedure covers the legal risks of sharing sensitive data and only the information relating to the convictions is proposed. This has been updated as at March 2019 See Annex.

The above will be dealt with through our standard policy and privacy notice which contains specific text on the checker

7. CONSULTATION WITH INTERESTED PARTIES

Input of data subjects and/or their representatives and other stakeholders (for example a residents' association or business):

Not applicable as this is already live project.

Input of experts and other interested stakeholders:

The GLA have taken expert Counsel advice on our behalf to update all procedures and data sharing agreements.

8. PRIVACY RISKS

This section should be used to identify the risks and specify measures and safeguards that will be implemented to ensure that personal data is protected and processed in compliance with the GDPR and Data Protection Act. This section is also a method of recording the risks and monitoring their implementation of mitigating measures. Add rows to this table as necessary.

RISK Identify and Describe the Risk	MITIGATION What is the Mitigating measure?	OWNER of ACTION Who is responsible for ensuring	TIMESCALE Timescale for	RESIDUAL RISK Once the

		mitigating measures are implementedand how?	**Implementation?**	**mitigating measures are put into place, what is your assessment of the level of residual risk?**
Example **There is a risk that unauthorised people will access the Apply-o-matic system and access and potentially steal personal data**	**Example** **The Apply-o-matic system has a defined list of users who all have individual passwords, sign a user agreement and their access is auditable, and there are security systems in place for the software to guard against unauthorised access.**	**Example** **The team manager is responsible for keeping authorised users lists up to date and undertaking spot checks, and the software provider is contracted to provide security releases for the software as necessary**	**Example** **On going**	**Example** **Low**
1. Information that is perceived as private is released such as home address disclosed or convictions data;	Only the street and 4 digits of the postcode of a home address will be given on the public tier. For trading standards offences where it is a letting agent /company this will be the registered office address. UPDATED 24/08 Sirius confirmed that up to first space post code will be given e.g. SW20. HMO licences which a majority of applicable landlords will have or should have, will give an address on the public HMO register and they are told this will happen, it is also legislated -commonly home addresses are given but also office addresses. Though as a caveat not all HMO licence holders will be giving home addresses.	Operations Manager	DONE	**Low**

	There is also the ability of individuals affected to make representations through the procedure agreed with the GLA and LBC's privacy notice will be updated – fair processing requirements under dpa are met. The Information Sharing Procedure covers the legal risks of sharing sensitive data and only information relating to the convictions is proposed, not any special category data. Impact agrees with Project Aims though this might require a re-visit if an excessive number of representations are made. Inclusion of parts of home address assist to enable identification- it is necessary for members of the public and LHA's to be able to identify the particular landlord to whom an entry relates			
2. Non-compliance with the DPA or other legislation	• DPA being revisited. GLA have counsel advice. • LBC privacy notice to be updated • Information Sharing and processing agreement to be updated and a new version signed • Grounds for processing: New Impact agrees with Project Aims though this might require a re-visit if an excessive number of	Operations Manager	On going	Low

	representations are made. There will be a representations procedure to enable people to make representations before their data is added to the Watchlist. UPDATE: In regards to data relating to Civil Penalty Notices being added to the public tier, a higher threshold (than prosecutions) for data subject inclusion will be used, it is expected that there should be aggravating factors and/or the data subject is active in the rental property market. If they are the subject to an appeal they will not be uploaded until the Notice/Fine is confirmed by the First Tier Tribunal.			
3. Project not covered by Council privacy notice/fair processing requirements not met	Privacy notice and statement to be updated .Ensure any future scope change does not result in notice or statement needing an update or that the DPIA is revisited if an update required Representation procedure in place	Operations Manager	Done	Eliminated
Inadequate disclosure controls increase the likelihood of information being shared	The information sharing agreement with the GLA covers disclosures that may arise in future para 54 – 56. It also references possible project expansion	Operations Manager	On going	Low

inappropriately	for review in para 85-87. There will be two sets of users, super users and view access only. Super users are Operations Manager, Principal EHO and Principal TSO. View access to the 2nd tier will be for EHO/enforcement officers only. Training will be given. UPDATE October 2020: HMO Licensing admin officers will be given view access to the 2nd Tier, permanent officers only. As per CIGG concerns the users and levels in other Boroughs was flagged up to the GLA. Impact agrees with Project Aims			
Human Rights Act right to privacy under Article 8 breached by social need and aims of the project not being identified and/or disproportionate response. - **Non anonymised data being used.**	Will satisfy Article 8 as it is in pursuit of a legitimate aim. Proportionate, Appropriate and necessary to a democratic society. Agrees with Project Aims (see section 2.1 – 2.5 of this doc) and the Information Sharing Procedure relating to the London Criminal Landlord and Letting Agent Watchlist, between GLA and Camden. Sections 42-43.	Operations Manager	On going	Low
Scope of project expanding unchecked and leading to new purposes unchecked or not		Operations Manager	On going	Low

considered.	The information sharing agreement with the GLA covers disclosures that may arise in future para 54 – 56. It also references possible project expansion for review in para 85-87. The project lead must update this doc and bring any changes to CIGG attention Agrees with Current Project Aims. If changes occur fresh evaluation needed.			
Poor data quality for the purposes it is used for and use of excessive personal data	For new prosecutions/Civil Penalty Notices (October 2017 onwards): There has been a number of checks built into data flows. The Operations Manager (or other super user) prosecuting EHO/case officer and a Solicitor will check proposed data entries. For retrospective prosecutions this will be checked and where data quality is suspect records as decided by Operations Manager and Legal will not go on the 2nd tier LA only part of the database. There is also the ability of individuals affected to make representations – fair processing requirements under dpa are	Operations Manager	On going	Low

	met.			
Personal data not being accurate and, not kept up to date. E.g. Wrong name or home address been given **Wrong law/statute being given Incorrect amount of fine**	Super-users will be able to upload new entries, edit existing entries and make decisions regarding representations. There will be approximately three super-users for Camden. Super users are Operations Manager, Principal EHO and Principal TSO. Should a super user leave only officer's equivalent to these level posts will have super user access. Were the post is deleted the PIA will be updated and the CIGG will be notified of the change of post level holding super user access. EHO's/enforcement officers will have view access only to the tier two and public level access to tier one. UPDATE 2020: HMO Licensing admin officers will be given view access to the 2nd Tier, permanent officers only. There is also the ability of individuals affected to make representations – fair processing requirements under dpa are met. The Operations Manager (or other super user) then case officer and then a Solicitor will check proposed data entries	Operations Manager	On going	Low

Data kept for longer than necessary.	The GLA site/database will have a deletion feature on it to ensure no record is on it after being spent. Although data deletion entry on APP is thought not to occur any data placed on the database that is 6 years or older will not be used for this project nb see evaluation column. This will be ensured by the GLA as per para 57.3 in the information sharing document and will be monitored by the Operations Manager upon go live and going forward. It will further be controlled by the primary report data being filtered by hearing/sentence date so that any records over 6 years are not uploaded. Agrees with Current Project Aims. This will be ensured by the GLA as per para 57.3 in the information sharing document and will be monitored by the Operations Manager upon go live and going forward	Operations Manager	On going	Low
Data availability and accountability for SAR	The current database used by PSH APP, can provide a SAR using a bespoke report. Information Sharing Procedure with GLA has clear agreements in regards to their SAR obligations.	Operations Manager	On going	Low

New systems not providing protection against security risks. Unauthorised access.	The current database used by PSH APP is subject to Camden data security. The GLA database security specifications are covered in para's 58-64 of the information sharing agreement. A detailed training and instruction procedure for super users and view only staff are necessary to ensure that staff know how to operate and use the data in the new system securely. Access to upload data the GLA database will be restricted to 3 people. View access will be for qualified EHO's only . UPDATE 2020: HMO Licensing admin officers will be given view access to the 2nd Tier, permanent officers only. Access to the non-public database will be restricted by IP address. Only IP address from participating partners (the GLA, London Fire Brigade and London boroughs) will be given access.	Operations Manager	On going	Low

	All data will be encrypted in transit. In the instance where a spreadsheet is used for transfer, only a CSV file will be used. The database will be penetration tested annually by the GLA, and results will be shared with Camden All passwords for entry into the non-public part of the database will need to comply with NCSC latest guidelines. All access to actions within the non-public tier of the database will be logged for auditing purposes. There will also be further controls in the user guide for the database when released. UPDATED 24/08/17 As per CIGG meeting it was confirmed by the GLA that the public database and non-public database will be on separate servers for added security.			

Change in data protection legislation	Review and communicate with legal over the project.	Operations Manager	On going	Low/medium

Overall risk rating before mitigation: Low

Overall risk rating after mitigation : Low

If the risk of the intended processing still remains high, despite mitigating measures being put in place, there may be a duty to consult the ICO before any processing takes place (Article 36). You must take advice from the Data Protection Officer.

9. DPO Advice and Consultation

Officers must seek the views of the DPO when carrying out a DPIA. Use this section to record the advice, attach additional documentation in appendix B if required**:**

ADVICE OF DPO

Advice of DPO: CIGG nov 2020, approved, processing is low risk **Update and annual review December 2021, approved**
Date of the advice: nov 2020 and Dec 2021
Does the DPO advise that ICO consultation is required? If so, record here how that will be actioned: **See 11 below.** **n/a**

10. DECISION

Decision: *Proceed with Initiative*
Authorised person: APPROVED BY CIGG 2018 and confirmed CIGG Nov 2020, update cleared by DPO December 2021

11 CONSULTATION WITH ICO

If the DPO advises that consultation with the ICO is required this will be undertaken by the DPO (or by Business Support staff who deal with data protection under the instructions of the DPO). There will be consultations with services and project sponsors as needed.

Date ICO consulted: **not applicable**

Attach documents sent to ICO in Annex C.

Date ICO reply:

ICO Case Officer:
ICO reference:
ICO decision in summary:
and attach formal notification in Annex D:

OUTCOME

Based on ICO ruling detail the outcome for the project:
What steps need to be taken:
Update the PIA risks is section 8 and reassess the risk based on ICO advice.

DPO Comments:

ANNEX A
DATA FLOW MAPS

ANNEX B
DPO ADVICE - add in anything not included in 14 above

ANNEX C – Documentation sent to ICO

ANNEX D – ICO Response

DOCUMENT MANAGEMENT

Document history:

Version number	Summary of change	Date	Reviewed by

VIA 1	Updated to reflect Civil Penalty Notices becoming part of the checker project.	01/03/19	Vincent Arnold – Operations Manager, Ted Sarkis and Joanne Reeves – Legal Services
VIA 2	Licensing officer added to 'view only' users pages 33-38 Document reviewed in full.	16/10/20	Vincent Arnold – Operations Manager Sarah Laws – Information Lead
VIA 3	CPN appeal scope altered and annual review	15/12/21	Vincent Arnold – Operations Manager Sarah Laws – Information Lead

Annex: Landlord and agent representations process

1. Overview

1.1. As set out above, London boroughs and the London Fire Brigade will submit information to the checker on landlords and letting agents. The GLA will offer landlords and letting agents whose details have been submitted the opportunity to make representations prior to them being displayed. It is envisioned this process will work as follows.

2. Data 'holding area'

2.1. London boroughs and the fire brigade will upload records onto the checker within ten days of the enforcement outcome. This record will then sit in a 'holding area' on the checker – the 'holding area' is a non-public section of the checker which allows the record to remain unpublished whilst the GLA prints and distributes a letter to the landlord/agent notifying them of their inclusion on the checker. While in the holding area, the record will only be available to view by the GLA and the partner which has uploaded it.

3. Representations

3.1. Representations from landlords or letting agents will be received in response to the notification letter preceding publication or once the entry has already been published. Landlords and letting agents could make post-publication representations multiple times if their circumstances change and the following applies to representations on both unpublished and published entries. Representations made after publication will remain on the checker while a decision is being reached.

3.2. All representation information, notes and documents will be visible to the GLA and the uploading participating partner only. The public and other participating partners will not be able to see any of this information.

3.3. Within two working days of the entry being added, notification letters will be sent to landlords and letting agents giving them 14 days to make representations prior to publication. Landlords or lettings agents who believe their data should not be displayed will need to include full supporting evidence. For instance if a landlord claims a conviction has been overturned they must provide evidence that this is the case. During this 14 day period the entry will remain in the holding area and not be displayed.

3.4. Representations from the landlord or letting agents will generally be received by the GLA via email. The GLA will act as an intermediary and pass on such representations to the relevant controller (London borough or London Fire Brigade) for consideration and decision via the checker.

4. Decisions

4.1. From receipt of the representation, the controller has ten working days to investigate the representation. The controller will remain responsible for the decision to remove records from the checker, amend the record or proceed to publication. Once the controller has reached a decision, they will log this decision against the entry on the checker. The GLA will receive notification of this decision. The GLA will then send out a letter notifying the landlord or agent of the decision reached. Following distribution of this letter, the landlord or agent has a further 14 days within which to take further action.

4.2. The record will only go on to be displayed on the public checker:

- once 14 days have elapsed following the letter of notification and no representation has been received, or

- once a representation has been received, a decision has been reached by the controller to reject the representation and proceed to publication, and 14 days have elapsed following the GLA notifying the data subject of the outcome of their representation.

4.3. Decisions regarding representations are to be made solely by the controller. Decisions must meet one of the following exceptional criteria:

- Naming on the Checker carries a risk of personal harm to an individual or their family
- There are national security risks associated with naming an individual
- There are other factors which suggest that it would not be in the public interest to name an individual.