

## **Delegated Decision Report- Data Management Northgate System**

<b>Date:</b>	<b>20<sup>th</sup> April 2021</b>
<b>Cabinet portfolio:</b>	<b>Housing</b>
<b>Directorate:</b>	<b>Housing</b>

### **1.0 Purpose of the report**

- 1.1 To approve the proposed retention periods for records in Northgate housing, and to accept the risks related to the disposal of data.

### **2.0 Recommendations**

- 2.1 That the retention periods be agreed, and associated risks accepted.

### **3.0 Reason for recommendations**

- 3.1 To ensure that Housing data is only retained in line with Data Protection requirements.

### **4.0 Report details**

- 4.1 The risk assessment that was completed and signed-off for the migration of Northgate Housing from an on-premise system to SaaS cloud hosted solution, raised a data protection risk around the age and type of data stored in the system. It was agreed that the migration would go ahead on the basis that the data retention risk would be addressed once the migration was complete. Addressing this risk requires decisions on data retention and disposal and an ongoing process to ensure the relevance and quality of the data that is retained.
- 4.2 Data protection legislation requires that personal data is only held for as long as it is needed for the purpose it was collected for. This means that we should be actively working to dispose of data once we no longer need it.

- 4.3 There is currently no process for regular disposal of old data in Northgate Housing
- 4.4 The data held includes sensitive data (for example information about family relationships), special category data (for example health information, information about criminal convictions), and information about people who may not know that we hold it (for example children of a tenant). All these data categories increase the data protection risk because inappropriate disclosure would be more harmful to the data subject.

4.5 Recommended retention periods for housing data in Northgate Housing:

<b>Data type</b>	<b>Retention period</b>	<b>Justification</b>
Repairs data (Related to the property record)	15 years from date of repair	Organisational requirements Right to buy requirements Disrepair claims
Rents data (Related to the collection and payment of rent, and the recovery of arrears)	7 years from the final payment	Financial reporting Organisational requirement
Tenancy dates	Permanent	Right to buy requirements Organisational requirements
Tenancy management	7 years from the end of tenancy	Limitation Act – treating tenancy as an ordinary contract
Applicants – that do not become tenants	2 years	To support data transfer to Locata. All applicant data will eventually be removed from Northgate Housing.
Homelessness	7 years from the close of the application	Financial reporting Organisational requirement

It is proposed that after the time set out above has elapsed, these records should be anonymised or deleted.

## 5.0 Alternative options

- 5.1 The approach above is focused on an achievable process that can be largely automated. The alternative would be a manual review of all data in the Northgate Housing system, that has been estimated to take approximately 14 years.

## **6.0 Implications for consideration – Council Plan**

- 6.1 None

## **7.0 Implications for consideration – Financial and value for money**

- 7.1 Enforcement action from the Information Commissioner, or a compensation claim for damages pursued through the courts, could result in a large financial penalty for the council if this risk is not mitigated.
- 7.2 The proposed data retention periods introduce the risks that some right to buy claims would need to be made using a statutory declaration, and that the Council would not be able to pursue arrears after 7 years of the last payment in the account.

## **8.0 Implications for consideration – Legal**

- 8.1 The Data Protection Act 2018 and the UK GDPR require that personal data is not held for longer than is necessary. We are currently not able to justify the length of time that we hold this data for.

## **9.0 Implications for consideration – Risk management**

- 9.1 This proposed record deletion would introduce some operational risks:

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
The council would not be able to recover arrears or debts that had been written off after 7 years, if the tenant reapplyes for housing	Low	High	Effective rent collection recovery action within the 7-year timescales.	Low	Low
Some tenancy start dates may be	Low	Low	Statutory declarations are	Low	Low

recorded in such a way that they would be lost if this data is deleted. This would mean relying on a statutory declaration for some right to buy claims			legal documents which place the legal accountability and onus on the tenant claiming the discount		
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## Document information

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