

Report on	Landlord Registration Scheme Data Sharing Protocol
Reporting Officer	Fiona McClements
Contact Officer	Fiona McClements

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To agree an updated sharing protocol between the Landlord Registration Registrar and Mid Ulster District Council
2.0	Background
2.1	<p>Since February 2014, all private landlords are required to register immediately prior to letting a new tenancy, or where there is an existing tenancy, within 12 months. Registration will last for a period of 3 years at the end of which there is a requirement to re-register.</p>
3.0	Main Report
3.1	<p>The Landlord Registration Scheme aims to:</p> <ul style="list-style-type: none"> • Allow tenants, neighbours and local Councils to identify if landlords are registered; • Provide information on the number of landlords in Northern Ireland and allow landlords to receive regular updates on their duties and responsibilities; • Improve and promote good practice in the private rented sector; • Ensure the provision of appropriate advice and assistance to those living and working in the sector; and • Provide a better understanding of the sector in relation to the scale and distribution of the private rented sector in Northern Ireland. <p>Landlords are required to provide information such as their full name, address, telephone numbers and date of birth, correspondence address within Northern Ireland, contact details of any agent acting for them and details for each dwelling to be let. Members of the public will have access to limited information but will be able to see if a landlord is registered by entering his or her name.</p> <p>To satisfy the Department for Communities' Audit requirement, the Landlord Registrar is required to carry out a percentage check of Authorised Users access to the Landlord Registration Scheme system. This amended SLA formalises this auditing arrangement.</p>
4.0	Other Considerations
4.1	<p>Financial & Human Resources Implications</p> <p>None</p>

4.2	Equality and Good Relations Implications None
4.3	Risk Management Implications In keeping with general data protection principles, only the data that is necessary for the purposes of enabling and assisting the Council in the exercise of its functions under any provision of the Private Tenancies (Northern Ireland) Order and Article 54 of the Rent (NI) Order 1978 can be shared.
5.0	Recommendation(s)
5.1	That members agree the revised Information Sharing protocol between the Landlord Registration Registrar and Council .
6.0	Documents Attached & References
6.1	Appendix 1 - Information Sharing Protocol as attached .

Information Sharing Protocol between the Landlord Registration Registrar and the Mid Ulster District Council

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 Act 1998.

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

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 general data protection principles 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.

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 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 Act 1998 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 Act 1998. 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

To satisfy the Department for Communities' 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: 3 July 2017

Signed:

Name:

Authorised Council Officer

Mid Ulster District Council

Date: