

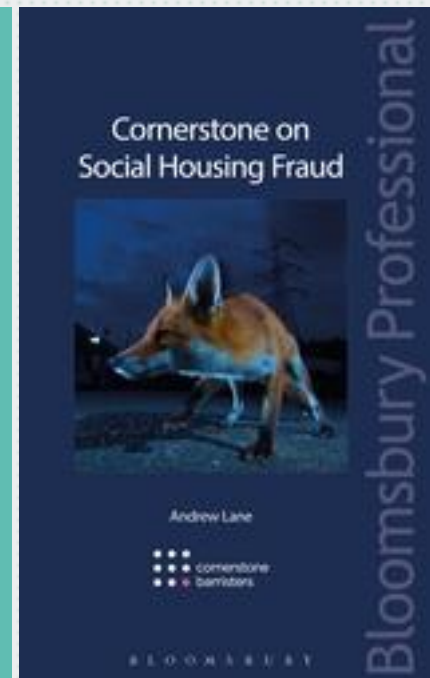
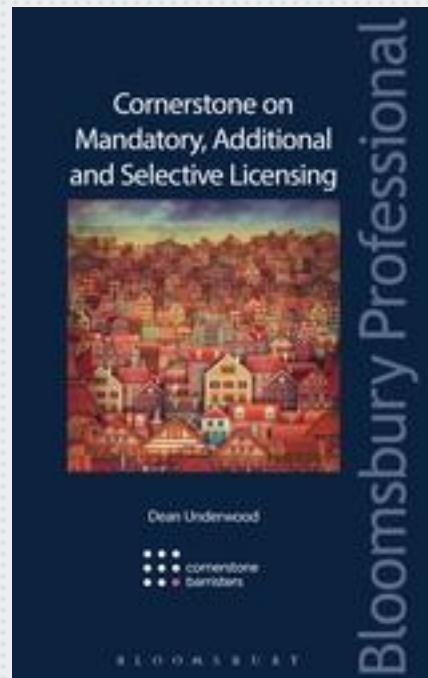


## Collection and use of personal data: a guide for landlords

**Matt Hutchings QC, Kuljit Bhogal, Matt Lewin, John Fitzsimons**

Housing week, day 5  
9 October 2020

# Cornerstone Books



# Programme



Chaired by Matt Hutchings QC

- Top tips for landlords, [Matt Lewin](#)
- CCTV, noise and other personal data, [John Fitzsimons](#)
- Successfully deploying personal data in court, [Kuljit Bhogal](#)



# Top tips for landlords

Matt Lewin

# Top tips for landlords



## Overview

**Policies**

**Tenants' rights**

**Data sharing**

# Data Protection policies



## Policy subjects

**General and  
specific**

**Records  
management**

**Information  
security**

**Working from  
home**

# Top tips for landlords



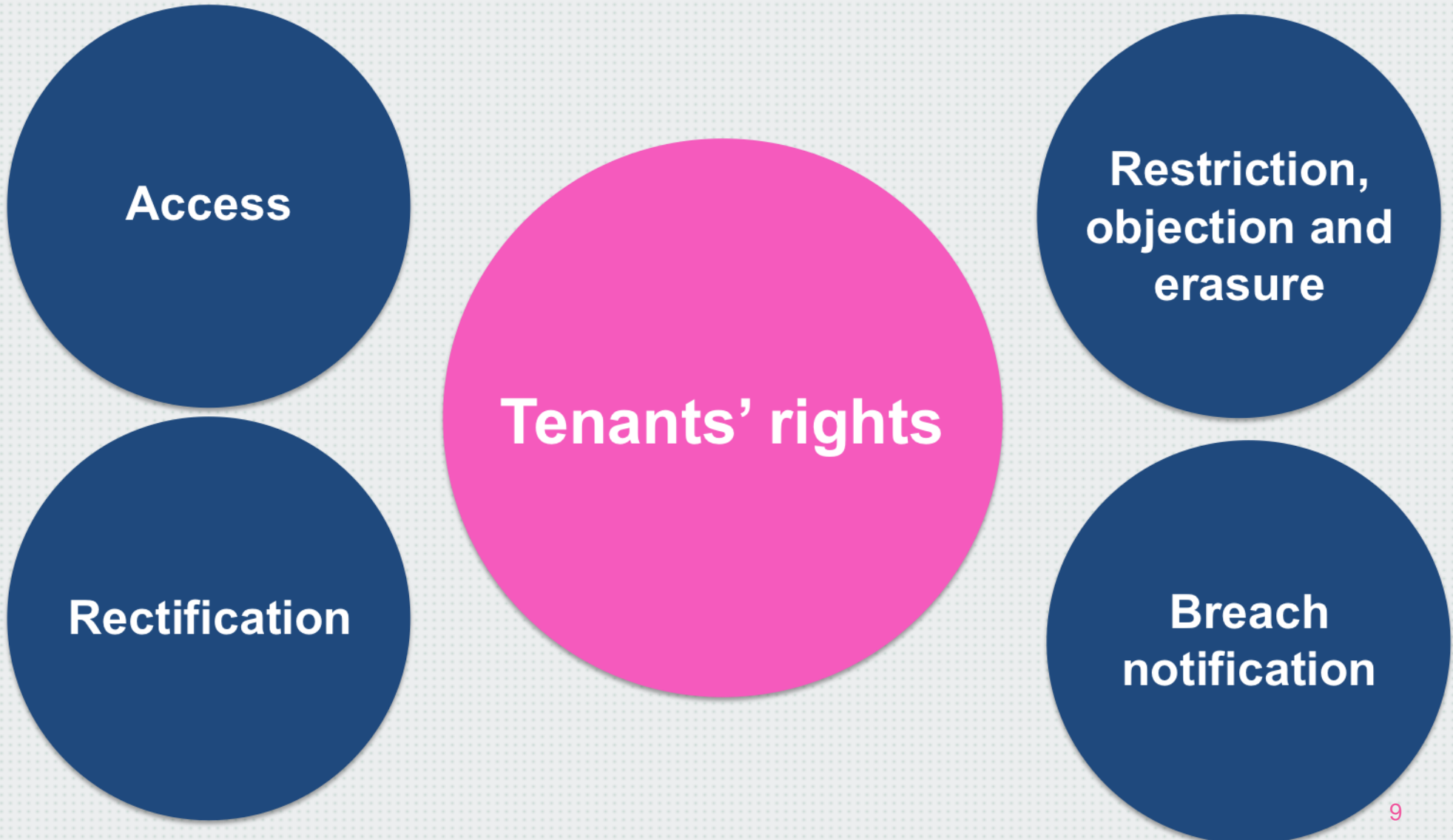
## Overview

**Policies**

**Tenants' rights**

**Data sharing**

# Tenants' rights





# Top tips for landlords



## Overview

**Policies**

**Tenants' rights**

**Data sharing**

# Data sharing



## Types of data sharing

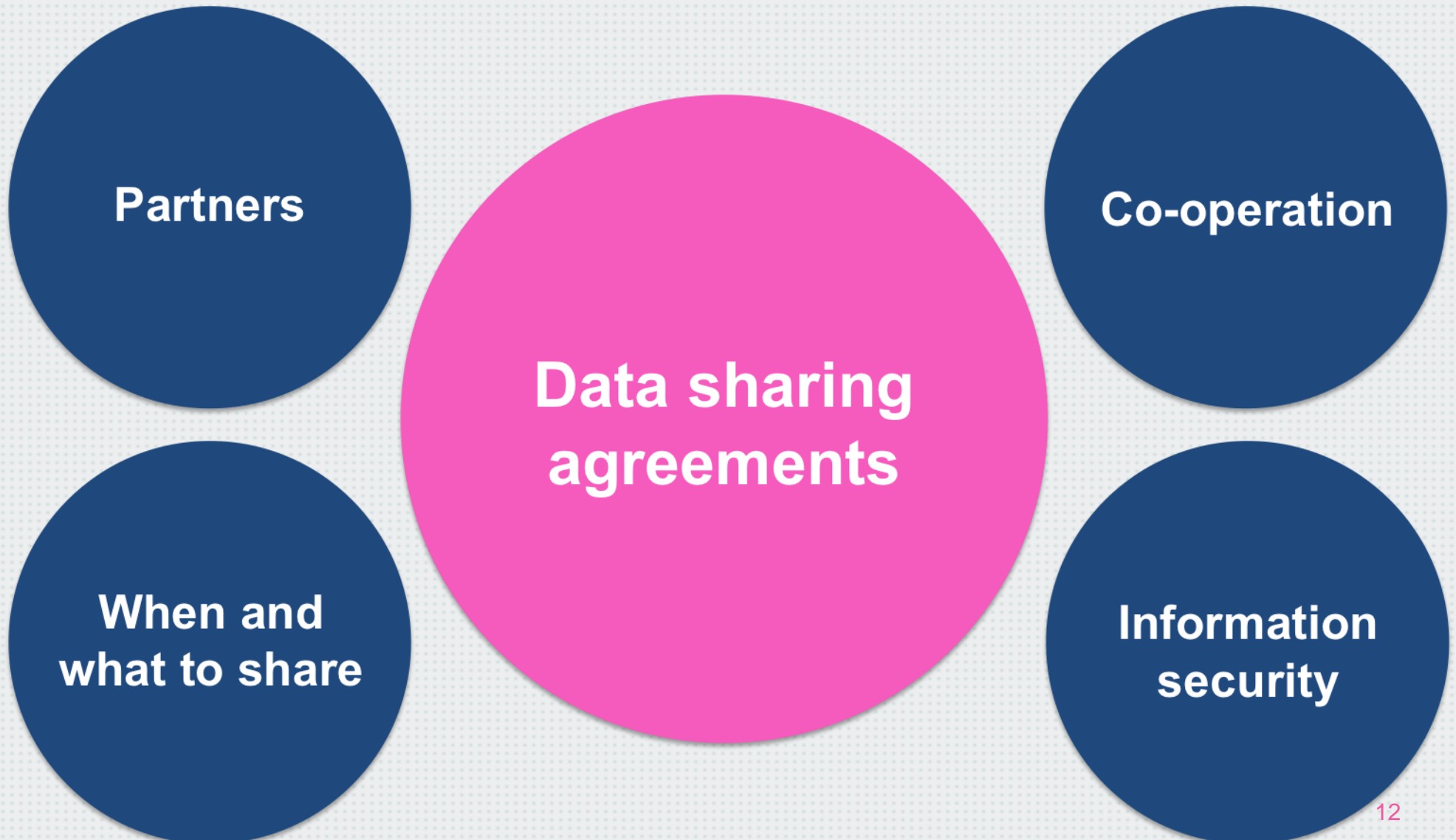


**Routine**



**Occasional**

# Data sharing





# CCTV, Noise Recordings and Other Personal Data

John Fitzsimons

# CCTV, Noise Recordings and Other Personal Data



## Overview

**Principles**

**Guidance**

**DPIAs**

# CCTV, Noise Recordings and Other Personal Data



## Principles – Article 5 GDPR

**Lawful, Fair and  
Transparent**

**Storage**

**Purpose  
Limitation**

**Integrity and  
Confidentiality**

# CCTV, Noise Recordings and Other Personal Data



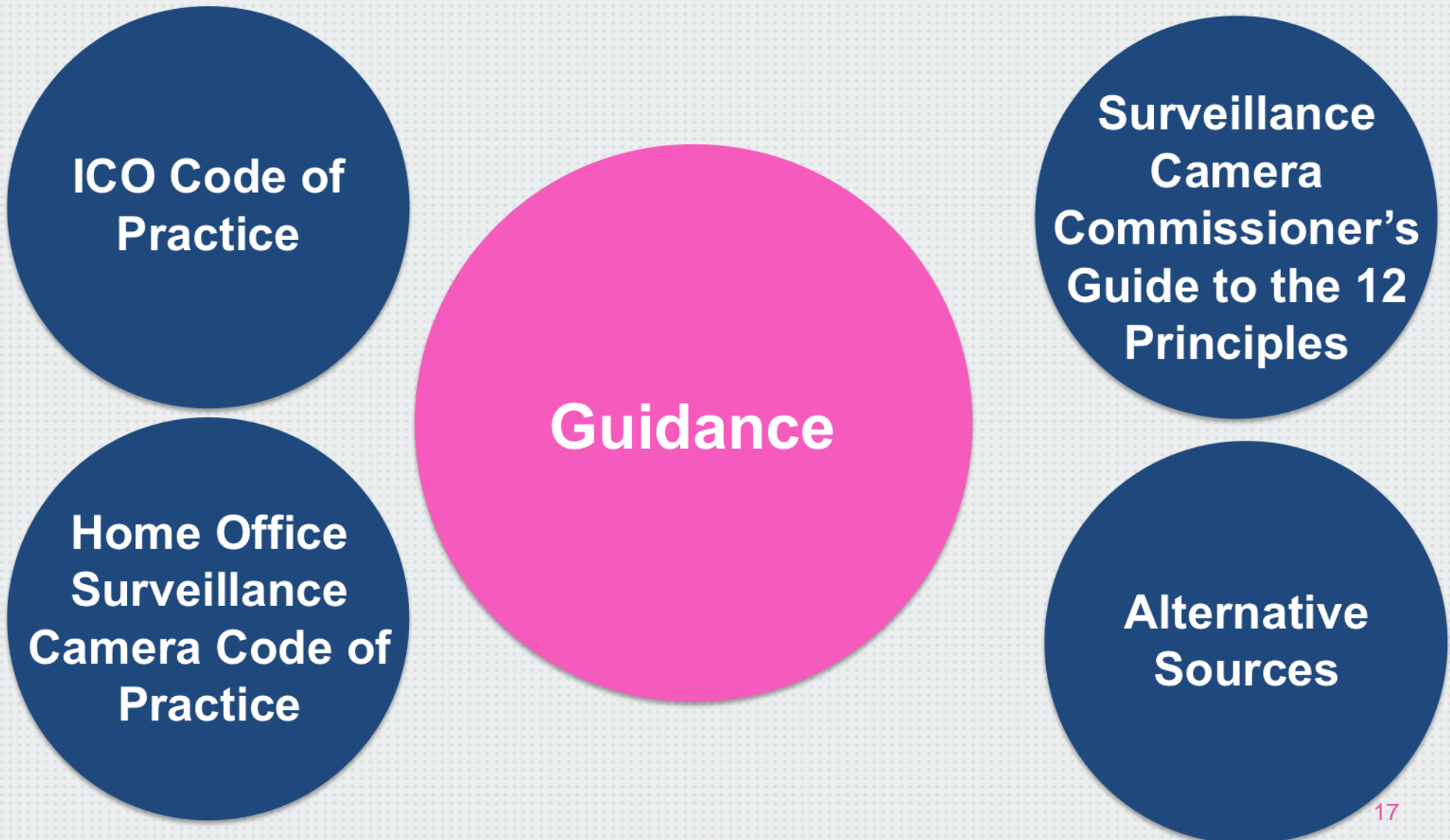
## Overview

**Principles**

**Guidance**

**DPIAs**

# CCTV, Noise Recordings and Other Personal Data





# CCTV, Noise Recordings and Other Personal Data



## Overview

**Principles**

**Guidance**

**DPIAs**

# CCTV, Noise Recordings and Other Personal Data



## DPIAs

**Article 35 GDPR**

**Templates**

# CCTV, Noise Recordings and Other Personal Data



**Noise  
Recordings**

**Other Sources of  
Personal Data for  
Tenancy  
Fraud/ASB  
Matters**

**Utility/Phone  
Accounts (Reg 4  
PSHF)**

**Bank  
Statements (Reg  
4 PSHF)**

**Authorised  
Officer – No  
fishing**



# Successfully deploying personal data in court

Kuljit Bhogal



# Successfully deploying personal data in court

Kuljit Bhogal

# Evidence



- Reasons for issuing the claim
- Ensure evidence deals with any statutory tests/relevant guidance
- Show you have informed/consulted if this is a statutory requirement
- Reasons for urgency/applying without notice
- Explain the order being asked for, especially anything unusual
- Service

# What counts as evidence?



Witness  
statements

Certificate of  
conviction

Sound/video  
recordings

CADs/  
CRIMNTS

Photographs

Diary sheets  
Other  
contemporaneous  
notes

Product of a search  
MDA  
**Taylor v Solihull MBC**  
[2020] EWHC 412  
(Admin)

What officers  
have witnessed  
themselves

Explanations of  
how policy has  
been applied

# Taylor v Solihull MBC



[2020] EWHC 412 (Admin), 25 February 2020

- Case stated appeal from Magistrates' Court
- Solihull applied for a closure order under the ASBCPA 2014 and wanted to rely on
  - the fact that the appellant had been arrested for a drugs offence and what he had said in his interview under caution
  - The fact that the police had executed a search warrant and what had been discovered in that search (cannabis, cocaine, scales, plastic bags, bowls with residue, mobile phone, £500 cash)
- The App argued that these matters should not be admitted as they related to an ongoing criminal investigation, presumption of innocence, right not to incriminate himself, Mags rejected App's argument
- High Court, Chamberlain J: fact of arrest and search could be relied upon, products of search were of probative value, nothing to suggest *App* was responsible (and not did CO test require this), just that this is what had been found, could be admitted



# Things to think about



- Do you need a hearsay notice?
- Do you need to redact documents to remove sensitive information, things that might identify an anonymous source, email addresses, postal address, telephone numbers

# Statement of truth



## New wording for statements of truth from 6.4.20, PD 22:

**2.1** The form of the statement of truth verifying a statement of case, a response, an application notice, a certificate of reasons or a notice of objections should be as follows:

- *'[I believe][the (claimant or as may be) believes] that the facts stated in this [name document being verified] are true. I understand] [The (claimant or as may be) understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.'*

## Signatures

- CPR 5.3: the requirement contained in any rules or practice direction for a document to be signed can be met if the signature is printed by computer or other mechanical means

# Any questions?





**Ask us more questions:**

**events@cornerstonebarristers.com**

**For instructions and enquiries:**

**elliottl@cornerstonebarristers.com**

**dang@cornerstonebarristers.com**

**samc@cornerstonebarristers.com**