

# DLUHC Privacy Notice

The following notice explains your rights and provides the information you are entitled to under the UK General Data Protection Regulation and Data Protection Act 2018.

## 1. Who we are

The Department for Levelling Up, Housing and Communities (**DLUHC**) collects, holds and uses your data for the purposes of the government backed External Walls System (**EWS1**) Professional Indemnity Insurance scheme (**Scheme**). Generally speaking, where your personal data is processed by DLUHC, DLUHC is the controller. Where personal data is processed by Builders Direct S.A, MGAM Limited or Caytons Law LLP in their position under the Scheme as the Insurer, MGA and claims handler respectively, each of those parties acts as an independent controller as well.

However, DLUHC may act as a joint controller with Builders Direct S.A., MGAM Limited and Caytons Law LLP if you are involved in any claim that we consider to be complex, and which is referred to us by MGAM Limited. This has a number of consequences which we explain in section 11.

## 2. Why we are collecting your data

Builders Direct S.A. and MGAM Limited are delivering a government-backed professional indemnity scheme for EWS1 assessments. DLUHC is indemnifying Builders Direct S.A. in respect of its liabilities by way of reinsurance pursuant to the Scheme.

To operate the professional indemnity scheme and administer each policy, DLUHC uses your personal data for the following specific purposes, depending on whether you are an assessor or building owner.

### **Assessors AND building owners:**

- To operate the professional indemnity insurance Scheme and administer each professional indemnity policy.
- To undertake due diligence in the context of the claims handling process.
- To sample the data for auditing and technical assurance purposes which will help us build data trends that can be used to price future premiums.
- Management information purposes, i.e., to analyse insurance for the purpose of:
  - portfolio assessment;
  - risk assessment;
  - performance reporting;
  - management reporting
- Anti-fraud and quality assurance purposes, i.e., to detect and prevent fraudulent claims and/or activities by:
  - sharing information about you with other parties involved in the scheme;
  - technical competency assurance audits

- Insurance underwriting purposes, i.e., to examine the potential risk in relation to an assessor's policy so that we can:
  - consider whether to accept the relevant risk;
  - make decisions about the provision and administration of insurance and related services for the assessor;
  - validate the assessor's (or any person likely to be involved in the policy or claim) accreditation (at any time, including upon application for insurance, in the event of a claim)

**Assessors only:**

- To validate your accreditation, personal data will be collected directly and indirectly upon application for insurance.
- Compliance with legal obligations and responsibilities, including Claims management and Complaint management. Please note that DLUHC acts as joint controller in respect of this data with Builders Direct S.A., and MGAM Limited and Caytons Law LLP.
- To review your competency and let you know how your competency as an assessor is impacting your insurance policy.
- To contact RICS/IFE in relation to your competency.
- To share audit outcomes conducted in relation to EWS1 assessments with the relevant building owners.

**Building owners only:**

- To contact you in relation to the outcome of an audit undertaken in respect of the performance of the EWS1 assessment.

### **3. What type of personal data we are processing for each of the processing purposes of section 2**

#### **If you are an assessor:**

Identity information of the assessor, such as name, date of birth and information regarding your identify documents (such as passport information).  
Industry professional body membership number.

#### **If you are a building owner:**

Contact details of building owners, as recorded on the EWS1 forms and the accompanying reports.

### **4. Legal basis for processing your data**

The data protection legislation sets out when we are lawfully allowed to process your data. The lawful basis that DLUHC relies on to process your data in accordance with all the purposes described in section 2 is article 6(1)(e) of the UK General Data Protection Regulation, which permits data processing that is “necessary for the performance of a task carried out in the public interest”. Under section 8(d) of the Data Protection Act 2018, this includes data processing that is necessary for a function of the Crown, a Minister of the Crown or a government department.

Processing of personal data under article 6(1)(e) of the UK General Data Protection Regulation must also have a basis in law so that DLUHC has a legal power to do so. DLUHC will rely on its common law powers for the purposes of this processing.

The collection of your data is essential to allow DLUHC to meet one of our priority outcomes of “more, better quality, safer, greener and more affordable homes”.

### **5. Sharing your data with third parties**

DLUHC receives the personal data of assessors and building owners that it processes in the context of the Scheme from Builders Direct S.A, MGAM Limited, Caytons Law LLP (links to their privacy notices can be found in section 13) and industry professional bodies (like the Royal Institute of Chartered Surveyors and the Institute of Fire Engineers).

DLUHC will share personal data we process on assessors and building owners with other parties involved with the scheme (building owners, Builders Direct S.A, MGAM Limited, and Caytons Law LLP, and industry professional bodies like Royal Institute of Chartered Surveyors and Institute of Fire Engineers) for:

- Insurance underwriting purposes.
- Management information purposes.
- Anti-fraud and quality assurance purposes.
- Compliance with legal obligations and responsibilities.

In limited circumstances, DLUHC may share data with our agents, professional advisors and/or service providers where they are processing data on our behalf or with other organisations in pursuance of the Scheme's aims.

For more details on these processing purposes, the exact types of personal data that we process in these circumstances, and the lawful basis we rely on, see sections 2, 3 and 4.

## **6. Retention of personal data, and criteria used to determine the retention period**

DLUHC recognises that personal data should be retained for no longer than is necessary for the purpose it was obtained. How long we keep your personal data therefore depends on a number of factors, which we set out in 6.2 below. By disposing of data when it is no longer needed, we are reducing the risk that it will become inaccurate, out of date or irrelevant.

### **6.1 Concerns about holding personal data**

At regular intervals the relevant DLUHC information asset owner is responsible for reviewing the personal data held and deleting anything which is no longer needed. Information that does not need to be accessed regularly but which still needs to be retained is safely archived or put offline.

### **6.2 Approach to determining data retention periods**

DLUHC will take a proportionate approach to assess what data we need to retain and the duration. In some cases, we will need to retain personal data for longer. The length of time personal data is retained must be based on business needs. A judgement will be made about:

- what the information is used for;
- the surrounding circumstances;
- legal or regulatory requirements; and
- industry practices.

Personal information that is processed in the context of claims handling specifically (including where we act as a joint controller) may be kept until the Scheme is terminated. Unless terminated prematurely, the Scheme is scheduled to run until 2042.

## **7. Your rights, e.g., access, rectification, erasure**

The data we are collecting is your personal data, and you have rights that affect what happens to it. Under data protection law, you have the following rights:

- **Your right of access** - You have the right to ask us for copies of your personal information.

- **Your right to rectification** - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.
- **Your right to erasure** –You have the right to request the deletion or removal of personal information we hold about you in certain circumstances.
- **Your right to restriction of processing** - You have the right to ask us to restrict the processing of your personal information in certain circumstances.
- **Your right to object to processing** - You have the the right to object to the processing of your personal information in certain circumstances.

## **8. Where your data will be stored and transferred to**

Your personal data will be stored within the U.K. and Ireland only. We may therefore transfer your personal data between the UK and Ireland. Any transfers between the UK and Ireland are made on the basis that the European Commission (for transfers to the UK) and the UK government (for transfers to Ireland) have determined that the relevant recipient jurisdiction offers adequate protection for your information.

## **9. Automated decision making**

We will not use your data for any automated decision making.

## **10. Storage, security and data management**

We hold your personal data electronically on DLUHC's secure government IT system. DLUHC may also hold your data in paper files. Security at the premises where your data is held is of a high standard, to prevent loss of personal data from unauthorised access or theft.

Your personal data will initially be gathered and stored on MGAM Limited's secure policy portal and document management system. As outlined in the privacy notices of MGAM Limited <https://mgamutual.com/privacy/>, your personal data will be shared with DLUHC's secure government IT system during the scheme's operations. When the scheme ends, your personal data will be transferred to DLUHC; this could be to a third-party system operated on behalf of DLUHC.

## **11. DLUHC acting as joint controller**

As we explained above, DLUHC may act as a joint controller with Builders Direct S.A., MGAM Limited and Caytons Law LLP if you are involved in any claim that we consider to be complex, and which is referred to us by MGAM Limited.

This means the following for you and your personal information:

- In relation to the personal information that the parties process as joint controllers, the parties together determine the appropriate data retention period (see also section 6).

- If you have any question or complaint about our use of your personal information in the circumstances when we act as joint controllers or if you would like to exercise any of your rights as set out in section 7 in this context, Builders Direct S.A. is your main point of contact, although in practice it will delegate the handling of your question or complaint to MGAM Limited. Builders Direct S.A. is also the entity responsible for logging any exercise of your rights.
- Each of the parties will be giving you a privacy notice with the contact details of Builders Direct S.A. (we have set out their details at the bottom of this notice). However, you are free to get in touch with any of us.
- When one of the parties receives a communication from you or a data protection authority (the ICO in the UK), we work together to ensure we agree the appropriate course of action.
- If one of the parties suffers a data breach, that party will be responsible for any notifications to the data protection regulator (again, the ICO in the UK) to the extent required.

## 12. Complaints and more information

When we use your personal information, we will comply with the law, including the Data Protection Act 2018 and the UK General Data Protection Regulation.

If you are unhappy with the way DLUHC has acted, you can [make a complaint](#).

If you are not happy with how we are using your personal data, you can contact [dataprotection@communities.gsi.gov.uk](mailto:dataprotection@communities.gsi.gov.uk).

You can also make a complaint to the data protection regulator:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow, Cheshire,  
SK9 5AF

Telephone: 0303 123 1113 or 01625 545 745  
<https://ico.org.uk/>

## 13. Details of data controllers:

DLUHC  
Address: 2 Marsham Street, London, SW1P 4DF  
Website: <https://www.gov.uk/government/organisations/department-for-levelling-up-housing-and-communities>

MGAM Limited  
Address: Walsingham House, 9<sup>th</sup> Floor 35 Seething Lane, London, EC3N 4AH  
Website: <https://mgamutual.com/>  
Privacy notice: <https://mgamutual.com/privacy/>

Builders Direct S.A.

Address: 251 Rue de Beggen, 1221 Luxembourg

Website: <https://buildersgroupinsurancesolutions.com/>

Privacy notice: [https://buildersgroupinsurancesolutions.com/pdf/builders/Builders-Reinsurance-SA\\_Privacy-Notice\\_Policyholders.pdf](https://buildersgroupinsurancesolutions.com/pdf/builders/Builders-Reinsurance-SA_Privacy-Notice_Policyholders.pdf)

Caytons Law LLP

Address: 85 Gracechurch St, London EC3V 0AA

Website: [www.caytonslaw.com/](http://www.caytonslaw.com/)

Privacy notice: <https://www.caytonslaw.com/dataprocessingnotice.pdf>