

<b>Committee(s):</b> Residential Consultative Committee – For information Barbican Residential Committee – For information  For information	<b>Dated:</b> 25 <sup>th</sup> March 2024 8 <sup>th</sup> April 2024
<b>Subject:</b> Access to information for Barbican Works	<b>Public</b>
<b>Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?</b>	4, 9 and 12
<b>Does this proposal require extra revenue and/or capital spending?</b>	<b>N</b>
<b>If so, how much?</b>	<b>£</b>
<b>What is the source of Funding?</b>	
<b>Has this Funding Source been agreed with the Chamberlain’s Department?</b>	<b>N/A</b>
<b>Report of: Pam Wharfe Interim Assistant Director Housing and Barbican</b>	<b>For discussion.</b>
<b>Report author: Pam Wharfe Interim Assistant Director Housing and Barbican</b>	

## Summary

The purpose of this report is to explain how the Barbican Estate Office (BEO) could share information with House Groups about repairs data. The BEO has made this available via committee so that all parties are aware of the discussions and options available.

The method of charging for repairs on the Barbican Estate means that individual repairs are charged pro rata to all leaseholders in a particular House. It is therefore reasonable that the Resident House Groups understand where costs have arisen. However, there is also a need to protect the data of the individual’s whose properties are involved. Three different methods are being examined.

1. That the City applies the concept of “Legitimate Interest” in regard to disclosing the personal data (full address).
2. That consent from all residents in a House are consulted and give their consent to sharing their personal data. (It should be noted that if this option is pursued individuals will have the right to withdraw their consent at any time.)
3. That the data is pseudonymised by the BEO to make it clearer where the properties are without giving the full address and therefore not processing personal data.

If either option 1 or 2 was selected, then 2 individuals who are House Group Officers will sign a form acknowledging their responsibilities around data management and those 2 individuals will undertake General Data Protection

Regulation (GDPR) training before unredacted information will be shared with them.

Alternatively, if option 3 was selected then there would be no need for 2 house group officers to formally sign a statement, acknowledging their responsibilities around data protection, or complete GDPR training, as they would be provided with access to the information requested, but without any personal data elements which could lead to residents' identification.

### **Recommendation(s)**

Members are asked to: Discuss the report and recommend an option

## **Main Report**

### **Background**

1. The Barbican Estate leaseholders are charged retrospectively for costs of repair and replacement works undertaken by the Barbican Estate Office. The charges are collected for the whole House in which their property sits (e.g. Ben Jonson, Thomas More etc) and are then re-charged pro rata across that House. This means that if, for example, a window is repaired or replaced within a House then in the following financial year all leaseholders will bear a proportion of that cost.
2. There have, in recent years, been significant costs for repairs and replacements of windows (for one property the window replacements cost £70,000). The House Groups, who are democratically elected to represent their fellow residents, have then raised with the Barbican Estate Office concerns about that spending. However, to date they have not been permitted to know which property has incurred the cost, At the same time the individual property owner has also not always been informed of the cost their repair has incurred. This means that the accountability which should come from a knowledge of a repair/replacement and its cost has not been in place.

### **Current Position**

The information on which property has had works undertaken within a house is not shared with the address (personal data) of the relevant property.

Therefore, it is not possible for residents to know which flat has incurred what cost despite the responsibility of all leaseholders in that house to bear a share of the cost.

### **Options**

1. **Legitimate Interest:** If this option is followed the City of London Corporation will need to demonstrate that the sharing of the personal data (address) for the repair cost of properties is a legitimate interest under the Data Protection Act 2018

(DPA 2018). Should this option be chosen The Corporation will complete additional activities to ensure that we are fully compliant with the DPA 2018. This would include updating and reissuing privacy notices to all residents to make it clear that there is a change to how data is to be shared. Completing a legitimate interest test, updating the Record of Processing Activities (ROPA) document held by the department, and potentially completing a Data Protection Impact Assessment.

The risk with this option is that objections may come to the sharing of their personal data on the grounds of legitimate interest which the Corporation will need to review and assess on a case-by-case basis, if it is subsequently found that we are unable to rely on legitimate interest then we will need to look into other options.

2. **Consent:** If this option is followed the Corporation will need to directly consult with all the residents of a House to see if they will be willing to share their data with 2 Officers from the House Group who have had GDPR training and who have signed an agreement not to disclose data.

As with option 1, should this option be selected we will need to update the privacy notices for all residents and reissue these. In addition to this we would also need to complete a DPIA, and the department will need to review and update the ROPA document.

The risk with this option is that one person objecting to the consultation would mean that their personal data (addresses) could not be shared. When relying on consent it should be noted that the individual would need to be provided with the option of withdrawing their consent at any time, and therefore all records of information held in relation to this activity will need to be reviewed at each time the personal data (addresses) is shared to ensure that only the personal data of those who have consented to their data being shared will be provided to the 2 officers from the House Group.

3. **Pseudonymised Data:** If this option is followed, instead of using the individual's personal data (addresses) the Corporation will remove the personal data from the reports/documents provided to the housing group. Instead replacing the personal data with more generic information about the Service Charge Information to House residents for example by identifying whereabouts a property is located in the building (top floor, middle floor etc).

The risk with this option from the perspective of the Housing Group is that it does not necessarily give enough information to the House Group to enable them to scrutinise costs effectively.

## Proposals

4. That the Committee discusses the options laid out above and recommends to officers which options should be explored further.

## **Key Data**

5. The Barbican consists of 2,016 flats with more than 4,000 residents. The flats are in 21 different blocks.

## **Corporate & Strategic Implications**

Strategic implications – Providing more transparency about costs to residents provides better scrutiny to the Corporation's charging for works providing better value for money for leaseholders on the Barbican Estate.

Financial implications: Minimal cost of declaring a legitimate interest for this data under Option1.

Resource implications: Staffing costs for Option 2 to test opinion within Houses in the Barbican

Legal implications

Risk implications: Risks for each option have been assessed above. The risk of not taking up any of the options is continuing dissatisfaction for Barbican leaseholders in the way service charges are put together.

Equalities implications – There are no currently identified equalities implications from this report.

Climate implications: None

Security implications:

## **Conclusion**

Following discussion at the Committee the Executive Director will choose an option in consultation with the Chair.

## **Appendices**

None

## **Pam Wharfe**

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