



Drivers, foundations and data protection considerations for damp & mould-related data projects

LOTI Guidance

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The need to tackle damp & mould

Damp and mould (D&M) is a significant issue for social landlords, such as local authorities. D&M damages property and can significantly impact tenant health. The Housing Ombudsman estimated in 2023¹ that 120-160,000 social housing properties had notable mould issues (~4%) and 0.2% of social housing stock would fail the Decent Homes Standard. The regulator said that while its findings showed that the vast majority of people living in social housing have homes that are "largely free from damp and mould", those that do have such issues are at risk from a serious impact on their health and wellbeing.

The main drivers and desired outcomes for gathering and using data on D&M are to:

- gain accurate data on the scale of the problem for prioritisation.
- enable discussions between tenants and landlords to steer actions.
- improve health outcomes and reduce the risk of tenant health concerns that are impacted by D&M.
- improve and maintain the quality of properties.
- improve statutory compliance as a landlord (e.g. Decent Homes Standard).
- identify suitable repairs or retrofit actions based on the property typography/composition.

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<https://www.bbc.co.uk/news/uk-england-manchester-64492826#:~:text=The%20regulator%20said%20that%20while,on%20their%20health%20and%20wellbeing.>

- improve confidence in retrofit and repairs.
- identify possible cases of fuel poverty.
- reduce costs for treating D&M issues.
- reduce costs for compensation/disrepair payments to tenants.

The damp and mould landscape

This section describes the main legislative, regulator, health, financial and ethical drivers for tackling D&M. It is useful for:

- **Social landlords** - understanding what drives your work around D&M.
- **Local authority officers responsible for housing and public health** - understanding what drives your work around D&M and how you can justify using D&M-related data in your work.
- **Local authority Data Protection Officers** - to identify justification and lawful bases for processing personal data relating to D&M and associated health data.
- **Analysts working with damp and mould data** - to identify opportunities for analysis to help meet statutory responsibilities.

Housing Ombudsman Spotlight report on damp and mould

Through its [Spotlight Report in 2021](#), the Housing Ombudsman explained its requirements for landlords to change culture, behaviour and approach; from being reactive to proactive, and from blaming tenants, to taking responsibility. “Landlords should be on the front foot identifying potential issues which, given the age of some social housing, are likely to be more extensive than we have seen. Intelligence, data, and complaints should inform this strategic approach.”

The report makes clear that tenants should not be blamed for damp and mould. Damp and mould in the home are not the result of ‘lifestyle choices’; cooking a meal, having a hot shower and putting clothes out to dry are not discretionary activities but part and parcel of living in a home. It is the responsibility of landlords to identify and address the underlying causes of the problem, such as structural issues or inadequate ventilation.

The Ombudsman produced a [follow up to the Spotlight report](#) and [wrote to social landlord chief executives](#) in Nov 2022 to reiterate the report recommendations.

Legislative requirements for housing provision

Decent Homes Standard

Social landlords must comply with the Decent Homes Standard, updated in 2006 to take account of the Housing Health and Safety Rating System (HHSRS), which replaced the Housing Fitness Standard. According to the Standard, for a home to be considered 'decent' it must:

1. Meet the current statutory minimum standard for housing
2. Be in a reasonable state of repair
3. Have reasonably modern facilities and services, and
4. Provide a reasonable degree of thermal comfort.

However, the Government's [Social Housing White Paper](#) identified that the Decent Homes Standard does not "reflect present day concerns". The Homes (Fitness for Human Habitation) Act 2018 amended the Landlord and Tenant Act 1985, with the aim of ensuring that all rented accommodation is fit for human habitation at the beginning of, and throughout, the tenancy. The Landlord and Tenant Act does not define "fit for human habitation", but consideration should be given to repair, stability, freedom from damp, internal arrangement, natural lighting, ventilation, water supply, drainage and sanitary conveniences, facilities for preparation and cooking of food, the disposal of wastewater and any prescribed hazard.

The government has also issued guidance in 2023 on managing damp and mould: [Understanding and addressing the health risks of damp and mould in the home](#).

Social Housing (Regulation) Act 2023

Section 42 of this Act requires the Secretary of State to make regulations which require social housing landlords to take action, in relation to prescribed hazards which affect or may affect the leased dwelling, within the period or periods specified in the regulations. This section and the regulations that follow it are informally known as Awaab's Law. Awaab's law is considered to plug a gap in the legislation outlined in the Decent Homes Standard, which made no direct mention of damp or mould².

The government has undertaken consultation on the proposed regulations for timescales for repair of hazards³ but they are not yet in place. The

² <https://centreforlondon.org/blog/what-is-awaabs-law/>

³ <https://www.gov.uk/government/consultations/awaabs-law-consultation-on-timescales-for-repairs-in-the-social-rented-sector/awaabs-law-consultation-on-timescales-for-repairs-in-the-social-rented-sector#awaabs-law>

proposals give short timescales for repair and a more proactive approach by a landlord to tackling D&M will be beneficial.

The Regulator of Social Housing (RSH) has developed the Transparency, Influence and Accountability Standard⁴, which dictates some aspects of how a landlord must engage tenants and help them to hold the landlord to account.

The government has additionally consulted on a proposal to direct the regulator to introduce requirements in their regulatory standards for the requirements providers will need to meet under the new Social Tenant Access to Information Requirements (STAIRs). This requirement will not be applied to local authority providers, as their tenants can already use the Freedom of Information (FOI) Act to request information from their landlord.⁵

Damp and mould impact on health

While D&M pose a risk to anyone's health and should always be acted on quickly, it is particularly important that D&M is addressed with urgency for the groups below as they are more vulnerable to significant health impacts:⁶

- people with a pre-existing health condition (for example allergies, asthma, COPD, cystic fibrosis, other lung diseases and cardiovascular disease) who are at risk of their condition worsening and have a higher risk of developing fungal infections and/or additional allergies.
- people of all ages who have a weakened immune system, such as people who have cancer or are undergoing chemotherapy, people who have had a transplant, or other people who are taking medications that suppress their immune system.
- people living with a mental health condition.
- pregnant women, their unborn babies and women who have recently given birth, who may have weakened immune systems.

⁴https://assets.publishing.service.gov.uk/media/65fc480ca6c0f70011ef91c7/April_2024_-_Transparency_Influence_and_Accountability_Standard_FINAL_1_.pdf

⁵<https://www.gov.uk/government/consultations/social-tenant-access-to-information-requirements-consultation/social-tenant-access-to-information-requirements-consultation>

⁶<https://www.gov.uk/government/publications/damp-and-mould-understanding-and-addressing-the-health-risks-for-rented-housing-providers/understanding-and-addressing-the-health-risks-of-damp-and-mould-in-the-home--2>

- children and young people whose organs are still developing and are therefore more likely to suffer from physical conditions such as respiratory problems.
- children and young people who are at risk of worsening mental health.
- older people.
- people who are bedbound, housebound or have mobility problems making it more difficult for them to get out of a home with damp and mould and into fresh air.

Landlords should not delay action to await medical evidence or opinion. Certain groups are more likely than others to live in homes with damp and mould. This includes:

- people with a long-term illness.
- people who struggle to heat their homes and/or are experiencing fuel poverty.
- people on low incomes.
- people with disabilities.
- people from ethnic minority backgrounds.
- people living in temporary accommodation.

Tenants in social housing are more likely to fall into vulnerability categories, due to the factors that an individual must experience before the housing authority has a duty to provide housing.

Prevention

The costs for treating damp and mould can be significant, especially when it is left to develop. Part of the expectations of the Housing Ombudsman are that a landlord will take an early and proactive approach to addressing D&M. This starts from a void property and continues through a tenancy.

Apart from the regulatory and moral expectations for landlords to avoid allowing D&M to harm the health of tenants, this is another area where treatment can cost considerably more than relatively simple prevention actions. Compensation payments directly impact the landlord, but there is a much greater cost to the public sector in treating ill health affected by D&M. Preventing people needing NHS care is vital given the state of the NHS.

Prof John Deanfield, the first-ever government champion for personalised prevention, has said: “The NHS still operates according to its traditional, founding principles of 75 years ago, which is disease care. But we need to move to a system of upstream, preventative health intervention.”⁷

Authoritative figures are increasingly turning to the idea of prevention rather than cure: a substantial report by the Tony Blair Institute for Global Change (TBI) in July will show the huge impact that investing in health prevention could have on the economy.

Andrew Scott, who wrote the TBI report⁸ on the economics of longevity, said, “The real value of preventive health is long term. It’s exactly like compound interest. If you start preventive health interventions early, the economic gains are about four times larger than if you start later.”⁹

As with other local authority duties, there are situations where the authority has a duty to protect someone ‘in spite of themselves’. You may consider that protecting people from damp and mould adds weight to your need to take action, when balanced against the privacy rights of individuals.

Making Every Contact Count

Making Every Contact Count (MECC) is an approach to behaviour change that uses the millions of day-to-day interactions that organisations and people have with other people to support them in making positive changes to their physical and mental health and wellbeing. MECC enables the opportunistic delivery of consistent and concise healthy lifestyle information and enables individuals to engage in conversations about their health at scale across organisations and populations. Drawing on behaviour change evidence, MECC maximises the opportunity within routine health and care interactions for a brief or very brief discussion on health or wellbeing factors to take place.

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<https://www.theguardian.com/society/article/2024/jul/23/pre-nhs-disease-prevention-health-checks>

8

<https://www.institute.global/insights/economic-prosperity/the-macroeconomic-case-for-investing-in-preventative-health-care-UK>

9

<https://www.theguardian.com/society/article/2024/jul/23/long-term-sickness-in-uk-economy-health>

D&M can have significant impacts on health outcomes and using D&M sensors, along with local authority staff visiting properties, will help to identify when earlier changes, including recommending behaviour changes, will improve health outcomes.

Costs for repair

Tackling D&M issues early is less expensive than fixing D&M that has been allowed to grow. The more an issue is allowed to develop, the more likely the tenant will need to be decanted and that specialist staff and equipment will be required to fix the issue.

Compensation claims

Claims from tenants for disrepair can cost a landlord a considerable amount, on top of the cost of treating the D&M. The Housing Ombudsman can award compensation payments to tenants against landlords, and London boroughs have had compensation awards made.¹⁰

Housing crisis

The National Audit Office (NAO) in July 2024 issued a report on the Effectiveness of Government in Tackling Homelessness¹¹. This report assesses whether the Ministry of Housing, Communities and Local Government (MHCLG -previously DLUHC) is effectively working with government departments and local authorities to tackle homelessness. The report describes that:

- Providing temporary accommodation costs local authorities over £1.6 billion in 2022-23. Despite the introduction of the Housing Revenue Account (HRA) in 2017, homelessness numbers are at a record level and expected to increase.
- Funding remains fragmented and short-term, inhibiting homelessness prevention work and limiting investment in good-quality temporary accommodation.

¹⁰ <https://www.housing-ombudsman.org.uk/decisions/>

¹¹

<https://www.nao.org.uk/wp-content/uploads/2024/07/effectiveness-of-government-in-tackling-homelessness.pdf>

Properties sitting out of use because D&M makes them unlivable, and money spent to fix issues that have been left to worsen, both negatively impact the ability of social landlords to house those in need.

Types of property and retrofit considerations

Retrofitting can improve a property, but these actions can also cause problems. For example, changing window glazing to improve energy efficiency and reduce heating costs, means the building cannot 'breathe' as well and condensation cannot escape, causing D&M.

Older properties are more likely to have D&M issues and potentially cost more to fix or retrofit.

The breadth of the problem

It can be seen above that the reach of D&M issues covers multiple local authority duties and multiple pieces of legislation or government and regulator guidance. Some of the aims may be in conflict, where the duty to spend public money wisely and the need to cut spending is placed against a duty that requires the outlay of public money.

The cost of treating D&M, and treating health impacts from D&M, increases the longer the issue is allowed to spread. It is in the interests of social housing landlords, for statutory, financial and ethical reasons, to proactively identify and treat D&M issues.

Personal data considerations

This section is most useful for:

- **Local authority Data Protection Officers (DPO)** - to guide decision making on what is considered personal data.
- **All other readers** - to ensure you are aware that this is a complex area and that you must engage with your DPO early in the planning process for any work relating to D&M sensors or data matching for D&M and public health activities.

Several London boroughs in 2024 are using D&M sensors that monitor a combination of temperature, relative humidity, dew point and CO2 levels. Other projects include matching tenant damp complaints against tenant health vulnerabilities, to prioritise support.

Personal data is clearly being processed when D&M-related data, including sensor readings, are processed with personal data, such as name, address, medical concerns and benefits eligibility. However, in the absence of a solid background of evidence, organisations may have different views on whether sensor data itself is personal data, and what actions are appropriate to take with personal data relating to D&M. This guidance provides prompts for considering both possibilities of whether sensor data is or is not personal data. An organisation's Data Protection Officer should be asked to provide opinion and advice on whether the organisation's use of D&M sensors involves the processing of personal data for each purpose and use case.

Given the immature state of D&M sensor use by social landlords, it is recommended that you assess your use of sensors regularly, with consultation with tenants where this is appropriate.

Are you processing personal data?

There are a variety of sensors used in properties and energy smart meters can be a useful comparison for considering D&M sensors, but there are differences between the two. While energy smart meters have been widely in use for more than 4 years,¹² the wide scale use of D&M sensors in housing is new. More than half of all London boroughs are undertaking pilot projects in 2024, and there are some local authorities across the UK that have progressed to large scale rollouts.

Across the energy industry, smart meter data is likely to be personal data¹³ and the sophistication of the technology means that, for example, certain appliances can be identified because the energy use can only be that type of appliance, like a kettle¹⁴. Readings can provide insight into the daily life of the data subject, such as identifying specific appliance use, or inference of occupancy.

On the other hand, the amount of remote control an individual has to impact their energy use when they are not in the property can make this

¹²

<https://assets.publishing.service.gov.uk/media/66016b44a6c0f7f514ef9198/smart-metering-implementation-programme-review-data-access-privacy-framework.pdf>

¹³

<https://assets.publishing.service.gov.uk/media/66016b44a6c0f7f514ef9198/smart-metering-implementation-programme-review-data-access-privacy-framework.pdf>

¹⁴ <https://www.theredfoundation.org/post/preserving-privacy-how-do-you-protect-smart-meter-data>

less clear. For example, a resident can change the heating remotely or set a delayed timer for appliance use like washing machine, tumble dryer and oven. Even lights can be set on timers and changed remotely. Occupancy can therefore be harder to accurately identify.

There isn't a direct match between energy meter data and D&M sensor data because the complexities of how humidity and condensation, leading to damp and mould, occurs in a property is subject to many factors, such as building composition, size of rooms, weather, use of equipment such as fans and dehumidifiers, tenant behaviour, and ventilation. Even the type of paint or wallcovering used and the position of furniture and appliances can have an impact. This makes it more difficult, at this point in the maturity of D&M sensors, to attribute sensor outputs to specific behaviour and more difficult to definitively state that D&M sensor data is personal data.

Position One - No, it's not personal data

Sensor data from void properties is not personal data, unless you are matching it to other data, such as a previous tenant or a tradesperson working full time in the property. However, it is unlikely that a landlord will wish to fit and remove sensors between each tenancy, so it is recommended that you plan for the use of sensors to be considered to be within tenanted properties.

You may consider that sensor data is property-based, and that the sensor outputs are not sophisticated enough to identify behaviour and/or that the range of things that impact D&M are too broad for the outputs to be closely matched to behaviour.

This position would more likely allow sensor data to be matched to other non-personal data, such as addresses and building composition records, without processing personal data.

This would depend on the organisation processing the data. Even when the sensor data is kept separate from obviously personal data, like the tenant's name, a landlord holds data that allows the sensor data to be matched to an individual. Under data protection law, that means that the data is personal data, even if the two pieces of data are kept separately.

It's important for you to consider your intentions for gathering sensor data. If you plan to match the data to other records you hold about the

individual (such as health data), or you plan to engage tenants in discussing how their behaviour changes may support the changes you're making to a property to reduce D&M, then it is more likely that you will be considered to be collecting the data in order to identify the actions or circumstances of an individual.

Position Two - Yes, it's personal data

If you feel that the sensor data can identify behaviour of an individual, then the sensor outputs are personal data. Even when the sensor data is kept separate from obviously personal data, like the tenant's name, the landlord holds data that allows the sensor data to be matched to an individual. Under data protection law, that means that the data is personal data.

D&M sensor data does not usually explicitly identify the activities of individuals, but it may be possible to infer the behaviour or circumstances of tenants, solely with the sensor data matched to an address. While the sensor outputs cannot 100% be considered to be solely of a tenant (even in sole occupancy a tenant may receive visitors and tradespeople for example), it can be considered that the most obvious position is that the tenant or tenants are impacting the sensor outputs.

It is important to recognise that drawing the wrong inference can be considered personal data. If you draw an inference that sensor data shows a shower has been used in a bathroom, you're attaching that behaviour to an individual, even if in actuality, the individual's activity was to hang wet washing to dry in the bathroom. Similarly, you may consider that the tenant was taking a shower, when actually it was a guest. In both cases you're identifying an activity matched to an individual, even if your inferences are incorrect.

The purposes for using the sensor data are also relevant to considering whether data protection law applies. Sensor data is personal data where a landlord:

- uses personal data to identify which properties will have sensors installed.
- matches sensor data to other personal data.
- uses sensor data to effect a change in tenant behaviour.

Personal data is clearly processed where sensor data and other tenant data is matched to data held in tenancy records, adult or child social care

records, or health records, to identify vulnerable tenants and help to prioritise work and target support. Data from D&M sensors may form part of this type of processing.

D&M sensor data is very unlikely to be considered, on its own, as special category data. Special category data is involved where D&M data is matched to health data, or some aspects of social care data. In rare circumstances, D&M data may be considered criminal data or data processed for law enforcement purposes, where it forms part of evidence for proceedings for tenancy fraud or similar.

If you consider that sensor outputs are personal data, can they be made non-personal? If sensor output is distributed attached to only an address, can this be considered non-personal data? If you feel that sensor outputs can allow inference of tenant behaviour and circumstances then matching that data to an address is still considered to be personal data, because you are identifying activities relating to the people in that property. With this position you could not, for example, publish addresses with sensor outputs matched to them without establishing a clear lawful basis justification for processing personal data in that way.

Tracking behaviour

Sensors track the conditions within a property, but it may be possible to infer tenant behaviour where, for example, humidity rises for a period in a bathroom (likely bathing) or temperature data shows it is unlikely that the property is being heated. Any possible inferences may not be accurate and will change depending how many people are resident.

Complying with the recommendations from the Housing Ombudsman to consider the property rather than blaming D&M on a tenant's 'lifestyle', moves the landlord further away from the ambition or outcome of tracking an individual's behaviour. However, a tenant's behaviour has an impact.

Whilst changing tenant behaviour may not be your primary ambition, if you plan to draw inferences about tenant behaviour and propose or require changes, then it is more likely that you will consider the use of D&M sensors to be tracking an individual's behaviour. In data protection terms, that is one of the criteria for undertaking a DPIA.

Ubiquity of sensors

The scale and impact of D&M issues across social housing are such that significant damage is being caused, with untreated D&M causing serious health issues¹⁵. Given this impact, landlords may consider use of D&M sensors in a similar way as smoke and carbon monoxide alarms. These are fitted as standard in social housing properties¹⁶, to protect life/health and property.

A local authority landlord may approach the use of D&M sensors in a tailored way to begin with, by using data and analysis from pilots or other landlords to identify types of properties likely to experience D&M and prioritise sensors in those properties. A landlord may decide that installing sensors across its housing stock is an effective way to gather data necessary for tackling and reducing D&M. Placing sensors in all housing stock is more likely to be considered 'large scale' and could be considered 'systematic monitoring', depending on the authority's view on whether sensor outputs are personal data and whether they track an individual's behaviour. Before the decision to roll out sensors widely across the housing stock, the authority's DPO must be consulted, to help assess the situation through a DPIA.

Data Protection Impact Assessments

This section is most useful for:

- **Local authority Data Protection Officers (DPO)**, to guide decision making on what is considered personal data.
- **All other readers** need to be aware that a DPIA is likely to be needed. Engage early with your DPO for any work relating to D&M sensors or data matching for D&M and public health activities.

Accepting that D&M sensors are collecting personal data, tracking individual behaviour, and being matched for analysis, then the use of sensors requires a Data Protection Impact Assessment (DPIA)¹⁷, with use cases meeting at least two of the following criteria:

¹⁵

<https://www.bbc.co.uk/news/uk-england-manchester-64492826#:~:text=The%20regulator%20said%20that%20while,on%20their%20health%20and%20wellbeing.>

¹⁶ <https://www.housing.org.uk/news-and-blogs/news/smoke-carbon-monoxide-alarms-mandatory/>

¹⁷

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/accountability-and-governance/data-protection-impact-assessments-dpias/>

- Systematic monitoring.
- Processing of sensitive data or data of a highly personal nature.
- Processing of data concerning vulnerable data subjects.
- Innovative technological or organisational solutions.
- Use innovative technology in combination with any of the criteria in the European guidelines.
- Combine, compare or match data from multiple sources.
- Process personal data in a way that involves tracking individuals' online or offline location or behaviour, in combination with any of the criteria in the European guidelines.

It is not expected that you will use the data to profile individuals based on religion, ethnicity or gender.

Each landlord, as a data controller under data protection legislation, will need to make its own decision on whether the processing of personal data relating to D&M, including sensor data, is proportionate and necessary for the desired use case.

The beginning of this guidance describes some of the many drivers for identifying, managing and reducing D&M in social housing. The needs to prevent health risks and inequalities, ensure social housing is available and fit for habitation, and the significant financial pressures on the public sector, are all strong arguments for processing personal data relating to D&M. On the other hand, the individuals concerned are likely to be considered vulnerable, either due to their reasons for qualifying for social housing or their engagement with social care or fuel poverty services. Tenants also generally have little choice of whether they have to use social housing, or engage with social care services.

Landlords must carefully weigh the needs of individuals, themselves, and society as a whole. This consideration can include the pressure on public sector financing.

Providing data to tenants

This section is useful for:

- **Social landlords** - build into your plans the expectation that data from sensors will need to be accessible to tenants. understanding what drives your work around D&M.

- **Local authority Data Protection Officers** - awareness of SAR and transparency implications.

Some pilots of D&M sensors have identified that tenants wish to see the sensor outputs, much like they can with smart energy meters. Proactively providing the data will be more transparent and may help to start conversations between tenants and landlords that can lead to collaboration on changing the circumstances, rather than the parties being seen as in competition.

One key issue for you to look at when choosing a supplier is whether you will own and have access to the sensor output data and whether the outputs can be made easily accessible for tenants.

The government expects that energy smart meter data is readily available to bill payers and for the same reasons, D&M sensor data should be made available¹⁸. Guidance will need to be provided to explain the outputs and how D&M develops and affects properties, including the fact that D&M is influenced by multiple factors.

Providing sensor outputs to tenants would fit with the Housing Ombudsman's recommendation to build better relationships with tenants and be open and honest about D&M issues, as it would allow the tenant to challenge the data or the landlord's interpretation of the data.

If you consider that D&M sensor data is personal data, then an individual is entitled to ask for the data as a Subject Access Request (SAR) under data protection law. A council may not consider it proportionate to search for D&M sensor data for a broad 'everything you hold' SAR, but it's more likely to be expected for a SAR requesting personal data relating to housing. Where D&M data is used to impact an individual's interactions with social care teams, the data or conclusions drawn from it should be considered along with the rest of a social care file.

It is recommended that you seek suppliers that have the capability to easily provide sensor output data to tenants, such as through an app or through existing access channels.

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<https://assets.publishing.service.gov.uk/media/66016b44a6c0f7f514ef9198/smart-metering-implementation-programme-review-data-access-privacy-framework.pdf>

Use cases

This section describes the most common use cases for D&M data-related data. It is useful for:

- **Local authority Data Protection Officers (DPO)**, to understand potential purposes for processing and matching personal data related to D&M.
- **All other readers** - to identify opportunities for using D&M data.

There are multiple ways in which data relating to D&M, including the outputs of D&M sensors, can be used.

Sensor pilots

IoT sensors in properties can help highlight D&M issues. Sensors are a cost-effective way for landlords to follow the Housing Ombudsman's recommendations to be proactive in identifying possible D&M and treating it early.

Handling void properties

Where improvements are made but the property is then left void for a period, the landlord may consider the issues fixed, but lack of heating and ventilation in the void property may cause further damage. In the Spotlight Report, the Housing Ombudsman called out a council for failing to properly inspect a property before re-letting.

Property management

Outputs from D&M sensors can be used for direct property management, to identify where investigation and intervention is needed before D&M issues spread. Landlords have duties to tenants to ensure housing is habitable, and as social housing providers, local authorities have duties to keep and provide housing stock for those who meet criteria for public sector support for homelessness.

Match sensor data to the London Building Stock Model

D&M sensor outputs and addresses (UPRN) can be matched to the London Building Stock Model¹⁹ to generate deeper insights and identify themes for categories of building, leading to recommendations of alterations for types of property to reduce damp and mould levels eg retrofit. The data can be used to answer questions like:

- What is the prevalence of damp and mould across London?
- Which asset features contribute to the issue?
- Are there geographic or demographic trends associated with damp and mould?
- What interventions work in which different housing stock types?
- What data standards are needed to enable future data integrations?

This use would follow good practice noted in the Spotlight Report. One landlord uses building reports based on where they have known issues with damp and condensation to help identify building typologies, locations, property age and tenancy types that are more vulnerable to condensation, damp, and mould. The model is used to proactively target properties for specialist interventions before problems arise.

Another large landlord completed a risk assessment of nearly 300 homes to classify properties as low, medium or high risk for condensation, damp and mould. Interventions for the homes included:

- Low risk: 1-to-1 energy advice and anti-mould paint applied to affected room(s).
- Medium risk: as low risk plus a smart heating controller.
- High risk: as medium risk plus a centralised mechanical extract ventilation system.

On review a year later 100% of residents reported that their condensation, damp and mould issues had been rectified. The landlord concluded that the use of risk assessments enabled successful targeted interventions.

Match data to identify direct care responsibilities

One project involved sharing property addresses with Healthieint²⁰, who identified whether any patients/clients lived at those properties. Matches

¹⁹

<https://www.london.gov.uk/programmes-and-strategies/environment-and-climate-change/energy-buildings/london-building-stock-model>

²⁰ <https://nclhealthandcare.org.uk/digital/healthieint/>

are returned without detail of the condition or vulnerability, but this enabled the local authority to prioritise these properties when damp and mould is suspected or complaints are received. This recognises the greater risk D&M has to those with medical vulnerabilities.

Tenant health

D&M sensor outputs help to identify properties that are experiencing unusual or unexpected levels of temperature, condensation and humidity. Investigating the situation is valuable not only for property management, but for where it may identify tenant actions that are or are potentially deleterious to health.

In one case, D&M sensors were placed in a building which has a number of self-contained studios; each housing up to 4 people. In July 2024, high temperature alerts were received, with unexpectedly high damp and mould risk given it was summer. The housing manager spoke to the tenants and discovered that they were heating their rooms and not opening windows, with several highs of around 30 degrees. The housing manager spoke to the tenants about the potential health as well as property issues, and the alerts reduced when the tenant's changed their behaviour. This is an example of the MECC approach to improve the health and wellbeing of individuals.

Fuel poverty

Identifying low temperature levels in a property, especially during cold weather, can prompt a local authority to engage with the tenant to discuss the impact of heating on D&M issues and the tenant's health. If tenants are thought to be in fuel poverty, the local authority can provide or direct the tenant to where support is available. It might be cost-effective for the local authority to fund a level of heating for the tenant, if that would reduce the cost to the authority for having to remedy D&M-related property damage in the future.

Reducing fuel poverty is also an ambition in the Mayor's Fuel Poverty Action Plan.²¹

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<https://www.london.gov.uk/programmes-and-strategies/environment-and-climate-change/environment-publications/fuel-poverty-action-plan>

Other use cases

There are several other use cases in pilot or planned, some of which use sensor data and some that may not.

- Creating baseline data to identify whether remedial insulation work reduces D&M issues.
- Identifying whether contractors effectively undertake remedial work.
- Analysis to identify public health concerns that need to be addressed more widely in a community.
- D&M levels matched to complaints to help prioritise repair actions.
- D&M levels prompt property visits that help the local authority to identify overcrowding or vulnerability, for which support can be provided.
- Using sensor data and complaints to prioritise investigations and remedial work data to reduce statutory disrepair cases.
- Sharing D&M sensor outputs or D&M complaints with adult or child social care teams to highlight where social workers may wish to prioritise support.

Action taken against tenants

Government and regulator guidance is that tenants should not be blamed for D&M, and that D&M issues are not the result of 'lifestyle choices'. It is the responsibility of landlords to identify and address the underlying causes of the problem, such as structural issues or inadequate ventilation.

The government and the Housing Ombudsman would like landlords to work with tenants to effect positive change and reduction of damp and mould, but there will be cases where further action against the tenant is required. A landlord can provide adequate facilities for ventilation and require a minimum level of heating, but the tenant may negate that by blocking vents or not heating the property.

Using D&M data to take action against tenants is not a primary objective but can be a reasonable action to protect property; rebut claims against the landlord where it can be proven that the landlord has met its responsibilities; where the data forms evidence that the tenant is breaching their tenancy agreement or are otherwise causing property harm through egregious behaviour. This type of action would be similar to

other situations where tenants are damaging property. The likely lawful basis for processing personal data for this purpose will be public task.

Lawful basis

This section is useful for:

- **Local authority Data Protection Officers (DPO)** - to identify the relevant legislation and lawful basis conditions for your organisation's proposals for processing and matching personal data related to D&M.
- **All other readers** - the consent section is particularly important so that you understand how to establish what consent is needed and how to correctly use language about consent when it comes to processing personal data. Incorrect use of consent can unnecessarily limit your use of the data. Speak to your DPO before drafting any consent forms or tenant consultations.

Organisations need to identify a lawful basis for processing personal data, listed in Articles 6 and 9 of the UK GDPR. You will need to weigh your duties against the privacy rights of individuals.

Consent of tenants

Consent to undertake an activity (eg install a sensor) and consent as the lawful basis for processing personal data, are different. Some D&M sensor use cases in London in 2024 are run using resident consent for the placement of sensors and the processing of any personal data relating to them. While a landlord may plan to only install sensors with the consent of the tenant, consent is not likely to be the most appropriate lawful basis for processing the personal data.

When you seek consent for the processing of the personal data, your use is limited to the terms of the consent. If the consent is for the data to be used for identifying potential mould issues, you cannot use the data to look at fuel poverty, unless you identify a new lawful basis and engage further with tenants. From the drivers listed at the beginning of the guidance, it is seen that there are multiple duties incumbent on a local authority where personal data relating to D&M, and D&M sensor data, can be analysed and helpful.

If the local authority finds that D&M sensor data is valuable to deliver safe housing, then the lawful basis of public task is the most appropriate, justified through the legislation listed in this guidance, such as the Housing Act 2004. Even if the landlord decides to only install sensors with the agreement of the tenant, it should consider an alternative lawful basis than consent for processing the personal data relating to the sensors and their outputs.

It is possible to behave in an ethical and transparent way, without using consent as the lawful basis condition. A social landlord wishing to maintain a positive relationship with tenants can provide information about the D&M sensors and their value in the same way as it does with smoke alarms.

You may look at similar data collection, like energy smart meters, but this is not a like for like comparison. While energy smart meters are only fitted with the consent of the bill payer, and the bill payer has to agree before the energy supplier can access data more detailed than monthly, the energy supplier does not have the same breadth of responsibilities as a social landlord. While an energy provider has obligations relating to the safe and efficient management and reinforcement of energy networks, it generally does not have responsibility for the day to day, normal use that the bill payer makes of the energy supplied. Energy use does not impact the energy supplier other than for billing purposes.

For a landlord however, D&M has an impact on the property and there is a great interest for the landlord in ensuring that the property remains habitable and does not lose its value. In addition to landlord responsibilities, local authorities also have duties to protect the wellbeing of individuals, both as tenants in a rented property, and more widely as residents of the borough in which they live.

This is why we can't consider the use of energy smart meters as like for like with D&M sensors. These concerns can make a stronger argument for landlords to collect and use D&M sensor data, than the situation with energy smart meters.

Legitimate interests

It is in the legitimate interests of a landlord to protect their property, and this lawful basis is in use, or recommended for use, by Registered

Providers²². However, legitimate interests is not available when a public authority is processing personal data in the performance of its tasks as a public authority. As there are duties for a local authority to provide and protect both property (for its provision to social tenants in need of housing) and to the tenant, these activities are in the local authority's tasks as a public authority. Legitimate interests cannot therefore be used as lawful basis.

Public task

This is the most likely lawful basis that you will use. The drivers listed at the beginning of this guidance describe the duties and expectations for local authorities. The most relevant specific legislation is listed below.

Legal obligation

Where you are processing data specifically to meet a statutory responsibility, this is likely to be the most appropriate lawful basis. Direct care responsibilities and the provision of safe housing are example use cases.

Special Category Data

If the local authority is processing special category personal data then a condition in Article 9 must be met.

Provision of health and social care

This is the most likely Article 9 condition for processing for the purposes of tenant health and direct care responsibilities.

Substantial public interest

Projects tackling fuel poverty are likely to use this condition.

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<https://www.insidehousing.co.uk/comment/tech-sensors-are-a-powerful-tool-in-combatting-damp-and-mould-82923>

Public interest in the area of public health

Processing data to identify and tackle D&M as a public health concern can use this condition. A variety of data analysis projects can fit within this category.

Criminal data

In the rare circumstances when you process personal data relating to criminal convictions and offences, for example, to prevent social housing fraud, you will likely need to identify a condition in Schedule 1 Part 3 of the Data Protection Act 2018. Legal claims and the extension of public interest are the relevant conditions available to you.

Relevant legislation

These pieces of legislation are the most relevant to the use of D&M sensors and work to identify, prevent and reduce D&M in social housing. It includes legislation that will allow data sharing and activities to improve social care support for vulnerable tenants.

Legislation	Main purpose of Legislation
Housing Act 2004	Duty under Part 1, Chapter 1 (3) “to keep housing conditions under review with a view to identifying any action that may need to be taken” to meet responsibilities, including to identify and treat hazards.
Social Housing Regulation Act 2023	Known as Awaab’s Law, Clause 42 of the Social Housing (Regulation) Act 2023 requires landlords to investigate and fix reported health hazards within specified timeframes.
Environmental Protection Act 1990	Under Part 3 section 79 the local authority has powers to take legal action where homes contain a ‘statutory nuisance’ which includes where they are in a state which is prejudicial to health.

Legislation	Main purpose of Legislation
<p>Landlord and Tenant Act 1985 added by the Homes (Fitness for Human Habitation) Act 2018</p>	<p>Under the Homes (Fitness for Human Habitation) Act 2018 Chapter 34, the Landlord and Tenant Act 1985 is amended to require all landlords (private and social) to ensure that their properties, including any common parts of the building, are fit for human habitation at the beginning of the tenancy and throughout.</p> <p>The Homes (Fitness for Human Habitation) Act 2018 Chapter 34, 1 (3) (2) while giving a landlord duties to provide a property fit for human habitation, states that action from the landlord is not required where:</p> <p>(2) The implied covenant is not to be taken as requiring the lessor—</p> <p>(a) to carry out works or repairs for which the lessee is liable by virtue of— (i) the duty of the lessee to use the premises in a tenant-like manner.</p>
<p>NHS Act 2006</p>	<p>Section 73A(1) gives the statutory role of Director of PH the DPH responsibility over all of their local authority's duties, to take steps to improve the health of the people in its area.</p>
<p>Understanding and addressing the health risks of damp and mould in the home - September 2023</p>	<p>Non-statutory guidance for social landlords to understand and address the health risks of damp and mould in the home Understanding and addressing the health risks of damp and mould in the home - GOV.UK (www.gov.uk)</p>

Legislation	Main purpose of Legislation
Health and Social Care Act 2012	<p>130. The section inserts a new section 2B into the NHS Act 2006. The new section gives certain local authorities a duty to take appropriate steps to improve the health of the people who live in their areas, and gives the Secretary of State the power to take appropriate steps to improve the health of the people of England. The nature of the duty is that if a local authority considers a step appropriate to improve public health, they must take that step under the new provision, even if the activity had previously been carried out under other local authority powers.</p> <p>131. Subsection (3) of the new section lists some of the steps to improve public health that local authorities and the Secretary of State would be able to take. These include providing information and advice (for example giving information to the public about healthy eating and exercise), providing facilities for the prevention or treatment of illness (such as smoking cessation clinics), providing financial incentives to encourage individuals to adopt healthier lifestyles (for instance by giving rewards to people for stopping smoking during pregnancy), and providing assistance to help individuals minimise risks to health arising from their accommodation or environment (for example a local authority may wish to improve poor housing where this impacts on health).</p>
Localism Act 2011	<p>Well-being powers within the Local Government Act 2000 were replaced with a general power of competence within Part 1 Chapter 1 Section 1 of the Localism Act 2011. Taken to allow local authorities to take action to improve the borough and the lives of its residents.²³</p> <p>These powers will apply both to taking actions to improve housing standards and resident health (including fuel poverty), as well as to protect public money through innovation and in combating fraud.</p>
Prevention of Social Housing Fraud Act 2013	<p>In rare circumstances data may be shared with fraud teams to identify whether criminal or civil proceedings are necessary in relation to illegal letting or sub-letting, or unlawful profit. This Act provides justification for that.</p>
Health and Care Act 2022	<p>A statutory duty for ICBs (Integrated Care Board) to provide direct care to individual patients .</p>

²³ <https://www.local.gov.uk/sites/default/files/documents/general-power-competence--0ac.pdf>

Legislation	Main purpose of Legislation
Limitation Act 1980	This may be relevant for setting a retention period for sensor data.

Retention of data

This section is useful for:

- **Local authority Data Protection Officers (DPO)** - to identify the relevant retention periods in conjunction, where available, the Records Manager.
- **All other readers** - to prompt discussions with your DPO and/or Records Manager to set and plan how to meet retention periods for different uses of the personal data relating to D&M and D&M sensors.

Data retention for many of the potential use cases will be determined by the periods that already exist, such as those for social care records. You need to consider the most relevant period for D&M sensor data itself. Once a copy of the sensor data moves into use for a purpose like social care, the social care retention likely applies. For the sensor data itself, you may wish to consider any statute of limitations on legal claims or similar. Whether you consider the D&M sensor output data to be personal data will impact your retention period.

Informing tenants

This section is useful for:

- **Social landlords and Local authority officers responsible for housing and public health** - encouraging discussions with your DPO to establish what information must be given to individuals before you collect and use the personal data.
- **Local authority Data Protection Officers** - to identify what information must be given to individuals before your services collect and use the personal data.
- **Analysts working with damp and mould data** - to identify whether your planned use has adequately been described to individuals and whether privacy information needs to change.

When an organisation is collecting personal data, an individual (data subject) has the right to know why their data is collected and what it will be used for. If you consider the sensor outputs to be personal data, then you need to provide privacy information.

A landlord may choose to ask for tenant consent before installing D&M sensors. It is not recommended to ask for tenant consent for the processing of the personal data, for reasons explained earlier in this guidance. However, it is possible to ask for consent for the installation and to explain the use of the data at the same time.

You should consider the use cases in advance, so that you are telling individuals about each type of use; for identifying properties that will benefit from an inspection; to identifying and addressing potential fuel poverty.

Where sensors are already in place or are widely used, this information might already form part of existing privacy information, and potentially form part of a tenancy agreement. Where sensors are being newly placed, privacy information should be provided to tenants prior to use of the sensors. This privacy information explains to individuals what personal data is processed, why, when and how, and how they can exercise their rights under data protection legislation. This information can be provided at the same time as other information about the project or the use of D&M sensors, but must be clear and easily accessible.

Where a landlord expects to incorporate penalties for misuse or damage of sensors, this should be included within the privacy information.

While not a recommended approach, if you choose to use consent as the lawful basis to process the personal data (different from agreeing to have the sensor installed), you will need processes to manage this consent, and the ability to delete data on request of the tenant.

It is expected that local authorities already provide privacy information for the uses of data for tenancy, housing and social care purposes. You may wish to consider adding D&M data to these existing notices if relevant to your use of the data.

For more specific use cases, perhaps for identifying fuel poverty, you may need new privacy information, or you may want to add D&M data to existing notices.

The use of D&M sensor data or other personal data relating to D&M for the purposes of identifying or taking action against fraud or a breach of a

tenancy agreement are secondary purposes, in the sense that any personal data held by a local authority or social landlord may be used for the purposes of fighting fraud or engaging in criminal or civil proceedings against an individual. Landlords who already describe this as part of privacy information about tackling fraud and preventing and prosecuting crime may feel that no further privacy information is required for the processing of personal data relating to D&M sensors.

Standardisation

This section is useful for:

- **All readers** - identifying where standardisation will help collaboration and an effective and efficient development of projects.

This guidance shows that there can be different approaches to the data protection considerations, and to the use of sensors and data. There are opportunities for boroughs to share knowledge and adopt a more consistent approach.

From a data protection perspective:

- Publishing and sharing DPIAs to reduce duplication of effort.
- Taking a consistent pan-London approach to consent and the lawful basis conditions.
- Sharing the privacy information provided to tenants.
- Undertaking and sharing outputs from an [information governance review](#) of projects.

From a data perspective:

- What is expected of providers.
- Ownership and access to sensor outputs.
- Approach to tenant access to sensor data.
- Common analysis use cases and sharing outputs.

Briefing elected representatives

This section is useful for:

- **Social landlords and Local authority officers responsible for housing and public health**

D&M issues are one of the topics that residents regularly raise with elected representatives. You may wish to provide briefings to your councillors and

MPs on what D&M projects and approaches you are taking and why. You could also advise them on the processes you follow, so that they feel informed when responding to residents. Language from this guidance will help you to do that.

Housing Ombudsman 2021 Spotlight Report on Damp and Mould - Summary of recommendations for senior management

This section is most helpful for:

- **Social landlords and Local authority officers responsible for housing and public health** - to identify the activities that you are taking or can take to meet the recommendations. The language can be used in business cases or reports to the Ombudsman.
- **Local authority Data Protection Officers** - this list highlights key data protection considerations to be aware of and discuss with your housing managers.

The Housing Ombudsman's recommendations from the [October 2021 Spotlight Report](#) have here been considered against the 2023/24 pan-London IoT (Internet of things) Damp and Mould (D&M) Sensor Pilot, and wider data protection (DP) considerations.

This list identifies some of the ways in which data relating to D&M, including sensor outputs, can be used to help meet the recommendations from the Housing Ombudsman's (HO) report. It also reflects the data protection (DP) and privacy considerations for providing clear information to tenants.

The Spotlight Report is clear on the need for landlords to move toward an approach of working collaboratively with tenants and taking responsibility for addressing D&M issues without blaming tenants. However, there will be circumstances where tenant behaviour is contributing to D&M issues.

Whilst taking action against a tenant is not a primary ambition, to comply with data protection law, a landlord should be clear about the uses of tenant data. It is therefore appropriate to specify when action will be taken against a tenant, when a collaborative approach has failed or where a tenant is negating the landlord's work to reduce D&M.

Chapter 1: From reactive to proactive

	Recommendation	Pilot and DP impacts
1	Landlords should adopt a zero-tolerance approach to damp and mould interventions. Landlords should review their current strategy and consider whether their approach will achieve this.	<p>The HO states that a proactive approach is necessary. Collecting sensor data is one way of being proactive at a relatively low level of resource. Use of sensors would complement the recommendation for landlords to look wider than a property where a complaint about D&M has been made, and to be more proactive about identifying potential D&M.</p> <p>When developing the clear and approachable policy and process for tackling D&M that is recommended, consideration should be given to publishing these and having them form part of the privacy information that DP law requires data controllers (the landlord) to give data subjects (the tenant).</p>
2	Landlords should consider whether they require an overall framework, or policy, to address damp and mould which would cover each area where the landlord may be required to act. This would include any proactive interventions, its approach to diagnosis, actions it considers appropriate in different circumstances, effective communication and aftercare.	The HO wants landlords to be more proactive and not rely on complaints from residents before considering the potential impact of D&M on a property. The use of sensors would support the landlord to identify issues early. Using sensor data before and after treatment will also help to measure success of the treatment, and potentially flag where a contractor has not sufficiently treated the issue.
3	Landlords should review the accessibility and use of their systems for reporting repairs and making complaints to 'find their silence'.	

4	<p>Landlords should identify opportunities for extending the scope of their diagnosis within buildings, for example by examining neighbouring properties, to ensure the response early on is as effective as possible.</p>	<p>The HO wishes landlords to better identify risks for types of properties; looking at the two main areas of risk of structural and occupancy.</p> <p>D&M sensors will help landlords to meet this measure, by providing regular, accurate data on the condition of a property. Matching sensor data to, for example, the London Building Stock Model, can help identify building typologies, locations, property age and tenancy types that are more vulnerable to condensation, damp and mould.</p> <p>Reviewing occupancy data and data sharing with child and adult social care teams will help to identify tenants with greater vulnerabilities, such as medical conditions or fuel poverty.</p>
5	<p>Landlords should implement a data driven, risk-based approach with respect to damp and mould. This will reduce over reliance on residents to report issues, help landlords identify hidden issues and support landlords to anticipate and prioritise interventions before a complaint or disrepair claim is made.</p>	<p>D&M sensors will help landlords to meet this measure, by providing regular, accurate data on the condition of a property.</p> <p>The matching of D&M data to identify tenants who are more likely to be at risk, or who are likely to have larger negative health impacts from D&M, will help meet this measure.</p>
6	<p>Where properties are identified for future disposal or are within an area marked for regeneration, landlords should proactively satisfy themselves that residents do not receive a poorer standard of service or lower living conditions, that steps are taken to avoid homes degrading to an unacceptable condition and that</p>	<p></p>

	they regularly engage and communicate with these residents.	
7	Landlords should avoid taking actions that solely place the onus on the resident. They should evaluate what mitigations they can put in place to support residents in cases where structural interventions are not appropriate and satisfy themselves they are taking all reasonable steps.	<p>Landlords are expected to work with tenants and recognise that landlords have responsibility even when occupancy impacts the D&M. Working with greater information about a tenant's situation and how they live in the property, for example, data sharing to identify tenant vulnerabilities, may help the landlord identify steps it can take to support the reduction of D&M while not expecting the tenant to be solely responsible for any changes.</p> <p>D&M sensors can track whether the recommended behaviour changes are occurring and whether they are achieving the desired outcome, without waiting for complaints.</p> <p>The conditions for using D&M data, especially when connected to personal data, should be established at the beginning and regularly reviewed. This data protection requirement to be clear on the purpose and driver (lawful basis) for using personal data, and help to provide privacy information to tenants.</p>
8	Together with residents, landlords should review the information, materials and support provided to residents to ensure that these strike the right tone and are effective in helping residents to avoid damp and mould in their properties.	<p>Privacy information about the use of D&M sensors and sensor data will fit within this measure and aid data protection compliance.</p> <p>An honest relationship with tenants is also an ethical approach to tackling D&M,</p>

		looking at potential solutions without moving to 'blame'.
9	Landlords should be more transparent with residents involved in mutual exchanges and make the most of every opportunity to identify and address damp and mould, including visits and void periods.	D&M sensors can be helpful to identify D&M risks in void properties, where there isn't a regular person interacting with the property to identify D&M.
10	Landlords should ensure their strategy for delivering net zero carbon homes considers and plans for how they can identify and respond to potential unintended consequences around damp and mould.	<p>Matching sensor data to, for example, the London Building Stock Model, can help the landlord identify building typologies, locations, property age and tenancy types that are more vulnerable to condensation, damp, and mould. Analysis of this data may help landlords to change how retrofitting occurs, such as installing mechanical ventilation at the same time as double glazing, to counter the effect of the building being 'sealed'.</p> <p>Proactive information could be given to tenants on how to reduce the likelihood of D&M.</p>
Chapter 2: From inferring blame to taking responsibility		
11	Landlords should review, alongside residents, their initial response to reports of damp and mould to ensure they avoid automatically apportioning blame or using language that leaves residents feeling blamed.	<p>Gathering proactive data through sensors can help a landlord to identify potential issues before the tenant reports a concern. This may help landlord/tenant relations and can complement a problem-solving approach, rather than one based on blame and fault.</p> <p>However, whilst not a primary objective, there may be times when a landlord will need to address the behaviour of tenants.</p>

		<p>For example, behaviour, like blocking air bricks, that negates the landlord's work to reduce D&M. Part of meeting this measure will be to provide privacy information to tenants about how data will be used, and any circumstances in which landlords may take action against tenants or use data to counter tenant disrepair claims.</p>
12	<p>Landlords should consider their current approach to record keeping and satisfy themselves that it is sufficiently accurate and robust. We would encourage landlords to go further and consider whether their record keeping systems and processes support a risk-based approach to damp and mould.</p>	<p>D&M sensors are one aspect of data collection and their use can provide regular and accurate data on humidity etc levels that will help to highlight D&M issues.</p> <p>Data Protection Impact Assessments should help to identify how data quality, accuracy, retention will be managed.</p> <p>Good record keeping is a principle in data protection law for processing personal data.</p>
13	<p>Landlords should ensure that their responses to reports of damp and mould are timely and reflect the urgency of the issue.</p>	<p>A timely response and follow up is dependent on good record keeping, which is also a requirement in DP law.</p> <p>Accuracy is also a data protection consideration and good quality data will aid landlords in correctly identifying those properties at greatest risk, and the actions necessary to reduce D&M quickly and minimise risks to property and people.</p>
14	<p>Landlords should review the number of missed appointments in relation to damp and mould cases and, depending on the outcome of</p>	

	any review, consider what steps may be required to reduce them.	
15	Landlords should ensure that their staff, whether in-house or contractors, have the ability to identify and report early signs of damp and mould.	<p>D&M sensors will help landlords to meet this measure, by providing regular, accurate data on the condition of a property.</p> <p>Making Every Contact Count (MECC) is an approach to behaviour change that uses the millions of day-to-day interactions that organisations and people have with other people to support them in making positive changes to their physical and mental health and wellbeing. The MECC approach can be used to aid in complying with this recommendation, with housing team members or even other council departments keeping an eye out for potential D&M issues and reporting them to the relevant disrepair team. This would likely involve data sharing and for compliance with DP law, this type of approach should have clear guidance for officers, and information for tenants, about when this type of data sharing will happen.</p>
16	Landlords should take steps to identify and resolve any skills gaps they may have, ensuring their staff and contractors have appropriate expertise to properly diagnose and respond to reports of damp and mould.	Employing appropriately skilled staff to identify and address D&M can be costly. Use of D&M sensors may help to identify issues early and allow specialist trained staff to focus on properties of most concern, and before D&M spreads when issues then require even more specialised help.
17	Landlords should ensure that they clearly and regularly communicate with their residents regarding actions	Part of meeting this measure will be to provide privacy information to tenants about how data will be

	taken or otherwise to resolve reports of damp and mould. Landlords should review and update any associated processes and policies accordingly.	used, improving compliance with data protection law.
18	Landlords must ensure there is effective internal communication between their teams and departments, and ensure that one individual or team has overall responsibility for ensuring complaints or reports are resolved, including follow up or aftercare.	Part of meeting this measure will be to provide privacy information to tenants about how data will be used, improving compliance with data protection law.
19	Landlords should ensure that their complaints policy is effective and in line with the Complaint Handling Code, with clear compensation and redress guidance. Remedies should be commensurate to the distress and inconvenience caused to the resident, whilst recognising that each case is individual and should be considered on its own merits.	Part of meeting this measure will be to provide privacy information to tenants about how data will be used, and any circumstances in which landlords may take action against tenants or use data to counter tenant disrepair claims.
Chapter 3: From disrepair claims to resolution		
20	Landlords need to ensure they can identify complex cases at an early stage, and have a strategy for keeping residents informed and effective resolution.	D&M sensors will help landlords to meet this measure, by providing regular, accurate data on the condition of a property. Part of meeting this measure will be to provide privacy information to tenants about how data will be used.
21	Landlords should identify where an independent, mutually agreed and suitably qualified surveyor should be used, share the outcomes of all surveys and inspections with residents to help them understand the	A clear process explaining what information will be disclosed to tenants, and when, will help to meet the landlord's responsibilities for providing privacy information under data protection law.

	findings and be clear on next steps. Landlords should then act on accepted survey recommendations in a timely manner.	
22	Where extensive works may be required, landlords should consider the individual circumstances of the household, including any vulnerabilities, and whether or not it is appropriate to move resident(s) out of their home at an early stage.	Meeting this measure may involve data sharing between teams, such as social care, to identify vulnerabilities and create an approach that is supportive to individual tenants. Clear privacy information should be provided to tenants, and referenced in policies and processes.
23	Landlords should promote the benefits of their complaints process and the Ombudsman to their residents as an appropriate and effective route to resolving disputes.	
24	Landlords should continue to use the complaints procedure when the preaction protocol has commenced and until legal proceedings have been issued to maximise the opportunities to resolve disputes outside of court. Landlords should ensure their approach is consistent with our jurisdiction guidance and their legal and complaint teams work together effectively where an issue is being pursued through the complaints process and protocol.	Part of meeting this measure will be to provide privacy information to tenants about how data will be used, and any circumstances in which landlords may take action against tenants or use data to counter tenant disrepair claims.
Chapter 4: From a complaints to a learning culture		
25	Landlords should consider how best to share learning from complaints and the positive impact of changes made as a result within the organisation	Analysis of data to produce anonymised reports and statistics will involve personal data. Processes must be clear on how personal data will be analysed

	and externally. Systems should allow the landlord to analyse their complaints data effectively and identify themes, trends and learning opportunities.	and how outputs will be created to be anonymous.
26	Landlords should ensure they treat residents reporting damp and mould with respect and empathy. The distress and inconvenience experienced by residents in this area is some of the most profound we have seen, and this needs to be reflected in the tone and approach of the complaint handling.	Providing clear privacy information to tenants about how their data will be used is part of building a trusted relationship between landlords and tenants.