**ICO advice to one of our member landlords**

Essentially, we did not receive anything in writing, the guidance was received verbally based upon a telephone discussion with a named individual at the ICO and (AD) Assistant Director (ICT) here at landlord

The discussions initiated the following responses from the AD:

Guidance issued internally to staff based on telephone discussion with the ICO:

*Good afternoon*

*After a long wait, I’ve now received a response from the Information Commissioner, in response to my query about the telephone surveys. I had a phone call yesterday from Anne Hargreaves at the ICO, who advised as follows:*

1. *The ICO are not concerned about the relationship between the organisation and those people undertaking the surveys, as long as we ensure that they are adequately trained in data protection, and sign an agreement to behave in accordance with the Act. The fact that our telephone surveys are carried out by volunteers who happen to be tenants is irrelevant and in the opinion of the ICO, the court case that we were referred is of no significance insofar as the Data Protection Act is concerned.*
2. *I had also asked about the possibility of us breaching the rules of the Telephone Preference Service, and it was also confirmed that in our situation of undertaking satisfaction surveys this does not applies. Were we to be calling in order to market or sell then it would be something that we would need to consider.*

*Having undertaken training for the bulk of our involved tenants, and a further session planned for this week, we are now in a position to resume the telephone surveys. I will contact the tenant who originally raised the query and advise him of the ICO advice, and hopefully that will be an end to the matter.*

*Thanks for your patience in this matter.*

Response to tenant query:

*Good afternoon*

*Following on from our previous discussions I’m pleased to be able to advice you that the Information Commissioners Office (ICO) have now responded to my enquiry regarding landlord approach to undertaking telephone surveys.*

*The two issues that I sought advice on were the use of tenant volunteers to undertake surveys and therefore their access to personal information, particularly having regard to the case of Gradwell v CVS Blackpool 1997. I also asked for clarification of the relevance of the Telephone Preference Service when we make telephone calls regarding satisfaction with services.*

*With regard to the first point the ICO has advised that the Data Protection Act (DPA) makes no differentiation in the relationship between an organisation and persons receiving personal information, in terms of their employment status. A volunteer is the same as an employee in terms of responsibility. Therefore, landlord would need to ensure that volunteers have adequate training in the DPA and are required to sign an agreement to confirm that they will act in accordance with the legislation. They also confirmed that as far as the DPA is concerned, the case of Gradwell has no bearing.*

*As far as our compliance with the Telephone Preference Service is concerned, the ICO was able to confirm to me that this does not apply where we are making calls relating to satisfaction surveys. Should we be making marketing or sales calls then we would need to consider peoples stated preference, but clearly that is not the case.*

*I have relayed this information to the various managers within the organisation, who are responsible for telephone surveys and they will be in contact about next steps around resuming the survey process.*

Whilst this does not constitute a copy of a formal letter from the ICO, hopefully this may provide many of you with some first-hand advice and comfort.

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If you need more information on this, please contact [Yvonne@tenantadvisor.net](mailto:Yvonne@tenantadvisor.net)