



Home Office

**International and
Immigration Policy Group**
2 Marsham Street
London SW1P 4DF

Tel: 020 7035 4848
(switchboard)

www.homeoffice.gov.uk

Mr Wayne Pearsall
[request-223936-
082b0c90@whatdotheyknow.c
om](mailto:request-223936-082b0c90@whatdotheyknow.com)

Date: 5 September 2014

FOI REQUEST 32609

Dear Mr Pearsall,

Thank you for your e-mails of 7th August, in which you ask for further details about s22 through s31 of the Immigration Act 2014. These provisions relate to measures to be implemented in the private rented residential market and are otherwise characterised as the 'landlords scheme' or 'right to rent'. Your request has been handled as a request for information under the Freedom of Information Act 2000.

I shall answer your questions in the order raised in your email.

1/ Registering interest in the immigration measures.

You have raised three questions. Firstly, that in registering correspondents are asked for details of their title, fore and surname, email address, organisation and town and country.

This is a significant amount of information to collate to be added onto a mailing list. Can you please provide the reason, for requesting so much information

Correspondents are not required to complete all fields on the form. The correspondent can decide the level of detail they wish to volunteer. It is common practice to offer the facility to volunteer such details in better serving the interests of users. It is quite common, for instance, for bodies to wish any email updates to be sent to a shared corporate inbox.

Can you please provide the privacy statement of the external organisation, any contractual agreement you have with them, regarding data security and also provide the reasoning for not making users aware that they are being directed to an external NGO website for the collation of their very sensitive details.

We are unable to provide details of the Home Office's contractual arrangements with the third party service provider as these matters are commercially sensitive. As is common practice across both the public and private sector, the Home Office procures the expertise of third parties in area where they can improve upon customer servicing. Users are directed to a non Home Office resource,

however, this is easily discernible by a user. Any data gathered at this domain is the property of the Home Office and is not available to any other body.

'it is clear that the website does not comply with EU law' in relation to cookies

Some forms of cookies are exempt from the e-Privacy Directive. European data protection authorities adopted this opinion in June 2012 as part of an Article Working Group. Session-id cookies fall within the exempted types of cookies. Further details are available in this opinion:

http://ec.europa.eu/justice/data-protection/article-29/documentation/opinion-recommendation/files/2012/wp194_en.pdf

2/ Human rights.

You have asked:

Please provide your assessment which outlines how your 'right to rent' checks comply with your international obligations to ensure that everybody has adequate housing.

The Home Office laid a Memorandum on the European Convention on Human Rights in Parliament. This is available at the resource below. Residential tenancies are covered at page 26, however, it is best to read the document as a whole in order to obtain the wider context.

<https://www.gov.uk/government/publications/immigration-bill-overarching-documents>

3/ Factsheet.

I am sorry that you have faced difficulties in finding the factsheet which was updated recently. It is available in full at the resource below.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/341876/Factsheet_Landlords_Aug_14.pdf

4/ Documents that can satisfy a right to rent check.

You have asked a number of questions.

Please provide a list of said "simple documentary requirements"

The list of documents that can satisfy a right to rent check was compiled with the full engagement of bodies representing landlords, lettings agents and housing and homelessness charities. It was published last year at this resource through part 3 access to services (see page 21 of the then draft code of practice): <https://www.gov.uk/government/collections/immigration-bill> . The list has been recently rerepublished in a draft code of practice at this resource:

<https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice>.

Please outline how said Right to Rent checks are compliant on data protection laws, and respect everybody's right to privacy.

Privacy and data protection issues were discussed in the Government's response to a public consultation (published last summer). I would draw your attention to page 38 and wish to assure you that the Home Office has liaised with both the Information Commissioner's Office and bodies representing landlords and lettings agents in ensuring that people conducting right to rent checks are aware of their obligations in relation to data protection.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/249616/Consultation_Response.pdf

*Please outline how said Right to Rent checks will work with a non-EU spouse of an EEA National
what would the process be for said person to rent accommodation*

Would the process for confirming their right to rent be any different?- Derivative cases.

It is open, as now, for people who fall into these categories to obtain confirmation from the Home Office that they enjoy a right to reside in the UK under EU law.

I hope that this information meets your requirements. I would like to assure you that we have provided you with all relevant information that the Home Office holds.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference 32609. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response. [I am happy to talk to you about our response if you wish to contact me at the telephone number given above.]

Information Access Team
Home Office
Ground Floor, Seacole Building
2 Marsham Street
London SW1P 4DF
e-mail: info.access@homeoffice.gsi.gov.uk

As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

S. Vail