

## **The Unity Partnership – Benefit Service Privacy Notice**

**Date and Version (22 May 2018 – v1)**

### **What this privacy notice is for**

Our core data protection obligations and commitments are set out in [The Unity Partnership's primary privacy notice](#).

### **Updating our privacy notices**

We may update or revise our privacy notices at any time so please refer to the version published on our website for the most up to date details.

### **What we use your information for**

We collect or obtain your personal information to administer statutory and discretionary benefits and enforce the collection of any overpayments on behalf of a local authority including:

- Housing Benefit
- Council Tax Reduction
- Discretionary Housing Payments
- Local Welfare Provision
- Free School Meals
- Housing Benefit Overpayment

We may share your information with other local authority departments if there is a legal basis to do so for the purposes of delivering other local authority activities. Where this happens, data sharing agreements are in place to control the use of this data.

### **What categories of personal information we use**

Personal information can be anything that identifies and relates to a living person. This can include information that when linked with other information, allows a person to be uniquely identified. For example, this could be your name and contact details.

The law treats some types of personal information as 'special' because the information requires more protection due to its sensitivity.

This information consists of:

- Racial or ethnic origin;
- Sexuality and sexual life;
- Religious or philosophical beliefs;
- Trade union membership;
- Political opinions;
- Genetic and bio-metric data;
- Physical or mental health;
- Criminal convictions and offences.

In order to carry out these purposes, we collect and obtain the following personal information.

Category of Personal Data	Special/Sensitive
Name	
Address	
Telephone number(s)	
Email address	
Employer details	
Self-employment details including nature of business	
Income and expenditure details	
Bank details	
Capital details	
Household composition	
Date of birth	
National Insurance Number	
School details for dependants	
Relationship	
Landlord and rent details (as applicable)	
Other properties owned	
Nationality	Yes
Previous addresses	
Date entered UK	
Temporary absence details	
Student status including educational establishment	
Health (Physical/Mental) need for an overnight carer	Yes
Racial or ethnic origin	Yes

We will use information about your physical or mental health, or disability status to administer statutory and discretionary benefits including applying any relevant discounts. If you are in arrears, we may also use this information to determine whether you are vulnerable and tailor our assessment methods accordingly.

**Legal basis for processing**

Local authorities whom we work on behalf have a statutory responsibility to provide services that administer and enforce the collection of local taxation and miscellaneous debts.

The legal basis for processing and or sharing your personal information is article 6(1)(c) and 6(1)(e) of the General Data Protection Regulations.

The legal basis for each Benefits Service is set out in the table below.

Service Area	Legislation
Housing Benefit	<ul style="list-style-type: none"> <li>• Housing Benefit (state pension credit) Regulations 2006</li> <li>• Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001</li> <li>• Social Security Contributions and Benefit Act 1992</li> </ul>

Service Area	Legislation
	<ul style="list-style-type: none"> <li>• Social Security Administration Act 1992</li> </ul>
Council Tax Reduction	<ul style="list-style-type: none"> <li>• Local Government Finance Act 1992</li> <li>• Discretionary Financial Assistance Regulations 2001 as amended by the Council Tax Benefit Abolition (Consequential Provisions) Regulations 2013 and the Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013</li> </ul>
Discretionary Housing Payments	<ul style="list-style-type: none"> <li>• Discretionary Financial Assistance Regulations 2001</li> <li>• The Welfare Reform Act 2012</li> <li>• Theft Act (2006)</li> </ul>
Local Welfare Provision	<ul style="list-style-type: none"> <li>• The Welfare Reform Act 2012</li> </ul>
Free School Meals	<ul style="list-style-type: none"> <li>• The Education Act 1996</li> <li>• The Welfare Reform Act 2012</li> <li>• Children and Families Act 2014</li> </ul>
Housing Benefit Overpayments	<ul style="list-style-type: none"> <li>• The Housing Benefit Regulations 2006, regulations 99 – 107</li> <li>• Housing Benefit (state pension credit) Regulations 2006 regulations 80 - 88</li> </ul>

If you fail to provide certain information when requested, we may be prevented from complying with our legal obligations to administer the benefit schemes and collect any overpaid monies owed to a local authority. Similarly in not providing your information you may find yourself subject to incorrect benefit entitlement and further legal and debt recovery proceedings.

### Information sharing/recipients

We may share personal information about you with the following organisations:

- Local authorities;
- Software providers: Our or our client's software providers may have to have access to Benefits Systems on occasion where there is a fault, to perform necessary upgrades or to host information on our behalf.
- Department for Work and Pensions (DWP), Customer Information Systems (CIS), Verify Earnings Pensions (VEP) Service: for details of DWP and Her Majesty Revenue and Customers (HMRC) Benefits, Pensions and Income.
- Department for Education, Eligibility Checking System to check eligibility to free school meals.
- Registered Social Landlords – to check tenancies and rents.
- Housing 21 – to check tenancies and rents for Housing 21 tenants
- Land Registry – to check ownership of properties

- Local Government Ombudsman: We may share information when requested as part of any ongoing complaint investigation.
- Her Majesty's Courts and Tribunals Service (HMCTS): If we are required to take legal action to recover monies you owe, or provide evidence at benefit appeal hearings.
- Valuable Tribunal (VT): We may share information when requested as part of a VT appeal.
- Printing and Mailing Companies: We may share your details for the purposes of issuing benefit notifications, bills, invoices, and reminder Notices.
- Cabinet Office: We participate in the Cabinet Office's National Fraud Initiative, a data matching exercise to assist in the prevention and detection of fraud. We are required to provide particular sets of data to the Minister for the Cabinet Office for matching for each exercise. This data may then be passed on to other public bodies to investigate any matches.
- Department for Work and Pensions/Inland Revenues: we are required to undertake the Housing Benefit Matching Service on behalf of our local authority clients to report any discrepancies and enable Government to undertake statistical analysis. We may share your details for the purpose of requesting an attachment to your benefits.
- External Auditors: to ensure correct administration of benefit legislation.
- 3<sup>rd</sup> party companies to enable the supply of goods to residents under the Local Welfare Provision scheme.

We may share your information with other departments within a local authority, if there is a legal basis to do so. Where this happens, data sharing agreements are in place to control the use of this data. These services currently include:

- The Audit and Counter Fraud Team: In order to prevent and detect fraud and help protect public monies.
- Business Intelligence and the Policy Office to inform decisions on the equality impact on protected groups so that elected members can make an informed decision on any disproportionate impact from proposals or changes to policy.
- Welfare Rights Service to support you to claim the benefits you are entitled to.
- Your employer: we may share your details for the purpose of requesting an attachment to your earnings.
- Housing Benefit Matching Service for prevention and detection of fraud and to ensure accurate data is held to maintain accurate benefit claims.
- Children Missing in Education: The Council has a statutory duty to ensure that we are able to establish the identities of children, aged 5 – 16 years, in the borough area who are not registered pupils at a school, and are not receiving suitable education other than at a school.
- Adult Social Care Client Financial Affairs: To support the processing of fairer charging assessments.
- Electoral Register: to support the administration of the electoral register.

If you provide another person or organisation authority to discuss or to act on your behalf in benefit related matters, we may share information with them. In all cases we would require evidence that you had granted authority before any information is shared.

We may be asked to provide access to personal information by relevant authorities with regulatory powers such as the police, government departments and other local authorities for the purposes of the prevention or detection of crime and/or the apprehension or prosecution of offenders without the permission of the data subject. The Council will consider such requests on a case by case basis.

As well as information collected directly from you, we may also obtain or receive information from:

- Letting Agents: To provide confirmation of occupation and vacation dates for tenants.
- Solicitors: If they b relevant information in relation to you whilst acting on our behalf.
- Landlords: To provide confirmation of occupation, vacation dates for tenants and if there are any rent arrears.
- Department for Work and Pensions: Information to administer Benefits and Council Tax Reduction, and confirmation of any deductions from benefits in place.
- Her Majesty’s Revenues and Customs: Information to administer Benefits and Council Tax Reduction, and confirmation of any deductions from benefits in place.
- Credit Reference Agencies: to verify your personal and financial circumstances for entitlement to benefits and ascertain your ability to pay back any overpayments.
- Other Council Services: To keep our records up to date and to help prevent and identity fraud.

### **Data Transfers beyond the European Economic Area (EEA)**

We do not transfer any of your personal information outside the EEA.

### **Automated Decisions**

The decisions we make through the processing of your personal data in relation to a statutory or discretionary online benefit application may involve an automated decision, such as a credit check to determine the level of risk on a new application, the final decision however, involves human interaction. We may increase, decrease or suspend a benefit award automatically, based upon a change in circumstances reported to us by the DWP ATLAS system such as your ongoing entitlement to Tax Credits. Notifications are automatically sent to you reporting any changes to your benefit entitlement.

### **How long we keep your data**

We will only keep your information for as long as it is required by us or other regulatory bodies in order to comply with legal and regulatory requirements or for other operational reasons. In most cases this will be a minimum of six years.

### **Where can I get advice**

More information on how to seek advice in order to exercise your rights, raise a concern or complain about the handling of your personal information by The Unity Partnership can be found [here](#).