

# Benefits Service Privacy Notice



**Oldham**  
Council

---

Date and version	8 Nov 2018 v3
------------------	---------------

---

## What this privacy notice is for

Our core data protection obligations and commitments are set out in the council's primary privacy notice at [www.oldham.gov.uk/dataprotection](http://www.oldham.gov.uk/dataprotection)

### 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 of:

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

We may share your information with other departments within the Council, if there is a legal basis to do so for the purposes of delivering other Council 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 inc 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 if applicable	
Other properties owned	
Nationality	✓
Previous addresses	
Date entered UK	
Temporary absence details	
Student status inc educational establishment	
Health (Physical/Mental) need for an overnight carer	✓
Racial or ethnic origin	✓

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

Oldham Council has 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 (Decision and Appeals) Regulations 2001</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Social Security Contributions and Benefit Act 1992</li> <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 the Council. 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:

- The Unity Partnership Ltd: The Unity Partnership is a wholly owned council company which administers statutory and discretionary benefits and recovery of overpayments on behalf of the Council.
- Software Providers: Our software providers may have to have access to our Benefits systems on occasion where there is a fault, to perform necessary upgrades or to host information on our behalf. The following have access
  - Capita Advantage PLC: We use Capita One Revenues and Benefits for the administration of Housing Benefit (including recovery of any overpayments), Council Tax Reduction, Discretionary Housing Payments, Free School Meals, Local Welfare Provision. We also use Capita One Digital for our online services.
  - Northgate Information at Work – Document Imaging System for information received and issuing manual correspondence.
  - Team Netsol – hosts the online benefits form to enable you to make an application or report a change in circumstances.

- Transunion (formerly known as Callcredit) – to undertake a risk based verification of the details supplied by you in the online application form and run a credit report to help identify potential high risk claims and determine the level of supporting information required to support your claim. Call Credit also extract information for statistical reporting to the Council.  
<https://www.callcredit.co.uk/legal-information/bureau-privacy-notice>
- Department for Work and Pensions (DWP) Customer Information Systems (CIS), Verify Earnings Pensions Service (VEP): for details of DWP and Her Majesty Revenue and Customs (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.
- Valuation 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.
- 3<sup>rd</sup> party companies to enable the supply of goods to residents under the Local Welfare Provision scheme
- 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 (DWP) / Her Majesty's Revenues and Customs (HMRC): we are required to undertake the Housing Benefit Matching Service 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

We may share your information with other departments within the Council, 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 otherwise 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 obtain 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 of 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 identify fraud.

## Data Transfers beyond European Economic Area

We do not transfer any of your personal information outside the European Economic Area ('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 your ongoing entitlement to Tax Credits. Notifications are automatically sent to you reporting any changes to your benefit entitlement.

Our Guide to Exercising Your Rights outlines the procedure to ask us for an automated decision to be reviewed by an appropriate officer. This can be found at [www.oldham.gov.uk/yourdatarights](http://www.oldham.gov.uk/yourdatarights)

## 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 council can be found in the council's privacy notice which can be found at [www.oldham.gov.uk/dataprotection](http://www.oldham.gov.uk/dataprotection)