

Benefits Privacy Notice

This privacy notice provides information on how we collect, store and process your data as part of our benefits service provision.

We are committed to protecting your personal information.

The council is the data controller for purposes of the Data Protection Act (2018), and the retained EU law version of the General Data Protection Regulation (EU) 2016/679 ("UK GDPR"), and is also registered as a data controller with the Information Commissioner's Office (ICO) registration number: Z6717508.

As a data controller, we have a responsibility to make sure you know why and how your personal information is being collected. This is according to relevant data protection law.

The primary laws which govern how East Herts Council collects and uses your personal information (known as "Data") are:

- [General Data Protection Regulations \(GDPR\)](#)
- [Data Protection Act \(DPA\) \(2018\)](#)

Why we are collecting your data

The Revenues and Benefits Shared Service collects your personal information for the purpose of administering Housing Benefit, Council Tax Reduction and Discretionary Housing Payments.

We use your information to establish eligibility and entitlement to Housing Benefit, Council Tax Reduction and discretionary awards. The information collected from you will vary depending on the nature of the service. Our processing activity may include:

- Creating benefit claims and requesting supporting evidence to assess entitlement
- Calculating entitlement and issuing notification of awards
- Making payments and recovering benefits that have been overpaid
- Assessing and awarding Discretionary Housing Payments
- Determining appeals and making submissions to the Tribunals Service or Valuation Tribunal Service

- Supporting customers at risk of homelessness or affected by the Benefit Cap and providing advice on maximising household income and opportunity

We may use your information where relevant to make you liable for Council Tax at your address if you are the taxpayer. We also use your data to resolve complaints and protect public funds through the detection and prevention of crime and fraud, including data-matching. We may also undertake consultations in connection with the administration of the Council Tax Reduction scheme. If we use your information for statistical or research purposes we will only use anonymised data.

We will use your information to help us confirm your identity when you contact our services. We may also check your data with other sources to ensure the information you have provided is accurate and up-to-date. Sometimes we will receive information about you from other organisations, including the Department for Work and Pensions, HM Revenues and Customs and landlords.

If you do not provide the information requested it may not be possible to assess your entitlement and make an award.

What is the legal basis for collecting your data?

The council is collecting this data in accordance with the UK GDPR and Data Protection Act 2018 where:

- 6(1)(a) you have given consent to the processing of your personal data for one or more specific purposes. You can remove this consent at any time by contacting the Data Protection Officer by using the contact details below;
- 6(1)(c) processing is necessary for compliance with a legal obligation to which we are subject:
 - Housing Benefit General Regulations 2006 (and associated regulations)
 - S13A and Schedule 1a of the Local Government Finance Act 1992 (Administration of the Council Tax Reduction Scheme)
 - Welfare Reform Act 2012
 - Social Security (Information-sharing in relation to Welfare Services etc) Regulations 2012

- Discretionary Financial Assistance Regulations 2001 (Administration of Discretionary Housing Payments)
- Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001;

6(1)(d) processing is necessary in order to protect your vital interests or those of another natural person;

6(1)(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us;

6(1)(f) processing is necessary for the purposes of the legitimate interests pursued by us or by a third party, except where such interests are overridden by your interests or fundamental rights and freedoms.

9(2)(b) processing is necessary for the purposes of carrying out obligations or exercising rights we have under social security or social protection law. The relevant legislation we rely on for this is mentioned in 6(1)(c) above.

The data we may collect

The type of personal data we may collect from you is as follows:

- Information about you, such as your name, address, date of birth, telephone number, email address, social media profiles, National Insurance numbers
- Details about your household income, earnings, self-employment, allowances, benefits, tax credits, pensions, student finance, savings and investments, property ownership, child care costs, including those of your partner
- Information about your landlord, your rent and any services it includes
- Property details, such as the number and type of rooms in your home
- Details about other people in your household and their relationship to you
- Your bank details for making payment
- Other relevant information needed to process your application, such as your employer details or evidence of education or training

We may also collect special category (sensitive data) personal data that may include:

- Information about physical or mental health issues and disabilities that may affect your entitlement to benefits or discretionary assistance
- Details of your immigration status or EEA Worker status to help us decide if you have a right to access public funds or are eligible to access Housing Benefit
- Gender and gender identity
- Sexual orientation
- Racial or ethnic origin
- Criminal proceedings, outcomes and sentences if you have been found guilty of fraud or admitted fraud after a caution, or agreed to pay an administrative penalty because of a Housing Benefit overpayment.

Personal data we get from the Department for Work and Pensions (DWP):

We use personal data that DWP shares with us for live testing to ensure accurate and efficient processing of Benefits & Council Tax Support. The data is typically used in the following ways:

- Verification of claims – this data is used to cross reference local records to verify income, benefits entitlement and change in circumstances.
- Realtime information (RTI) - HMRC RTI data, accessed via DWP systems, help confirm employment income for claimants ensuring the correct benefit calculations are awarded.
- Universal credit (UC) - DWP provides us with live UC data, which allows us to automatically adjust housing benefit and council tax support.
- Fraud prevention and error reduction – Using real time DWP data we can detect potential fraud or discrepancies early reducing over payments or underpayments.

For more information on how DWP processes your personal data, please see their [Privacy Charter](#).

Who we'll share your data with

We share information with a range of organisations depending on the service being provided and the statutory requirements we have to comply with. We only share information where it is necessary and appropriate to do so and we ensure

it is used safely and securely. We require anyone we share information with, or who uses it on our behalf, to do so too. All our staff receive training on data protection and information security.

Your personal data may be shared with:

- other council departments, other councils and local government organisations;
- other central government organisations and statutory bodies, such as the Department for Work and Pensions, HM Revenue and Customs, HM Courts and Tribunals Service, the Valuation Tribunal Service, HM Land Registry, the Cabinet Office and HM Prison service;
- ombudsman and regulatory authorities;
- third parties commissioned by the council or customers to process data or provide goods and services, including contractors, enforcement agents and IT software providers, removal companies;
- debt collection and tracing agencies;
- the Insolvency Service and Insolvency Practitioners;
- credit reference agencies;
- law enforcement and fraud prevention agencies, such as Hertfordshire Police and prosecuting authorities;
- Housing Associations, registered providers, landlords and their agents;
- health, social care and welfare organisations;
- voluntary, charitable and community organisations who assist people in need;
- internal and external auditors.
- the council operates shared services with Stevenage Borough Council and Hertfordshire County Council. We may share your information with one of these partners if necessary to provide these services.

If you have given us your written permission your information may be shared with:

- A named friend or family member; a support worker or other individual authorised by you to act on your behalf, such as a charity or voluntary sector representative;
- Your landlord; we will not contact your landlord unless you have agreed for us to give information to your landlord about your claim. If your Housing Benefit is paid directly to your landlord we will only inform your

landlord when they will be paid and the amount of Housing Benefit due to be paid to them on your behalf.

There are other specific situations where we may be required to disclose information about you, such as:

- where we are required to provide the information by law
- where disclosing the information is required to prevent or detect a crime, including fraud
- where disclosure is in the vital interests of the person concerned.

How Long We Will Keep Your Data

We will not keep your data for longer than is necessary, subject to any legal obligations we have to retain the data. For more information, please see the council's [retention schedule](#).

Transferring Data outside the United Kingdom

Your information is not processed outside of the United Kingdom.

Your Rights

You have a number of rights in relation to your personal data. Please note that not all rights are automatic and some may not be available in certain circumstances where a lawful exemption applies.

For more information on your data subject rights, please see our [corporate privacy notice](#).

Automated decision making and profiling

There are restrictions on decisions based solely on automated means without any human involvement, including restrictions on profiling. Your data will not be automatically processed for this purpose, however, if you have any queries, please contact the council's Data Protection Officer.

How to get advice or make a complaint

If you want to discuss any of your data protection rights, you can:

- phone 01279 502148
- send an email to data.protection@eastherts.gov.uk

- Write to us:

Data Protection Officer
East Herts District Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ

Information Commissioners Office (ICO)

The ICO is the national regulator with responsibility for ensuring compliance with data protection.

We would prefer you to contact us first with any concerns, but you can also contact the Information Commissioner to make a complaint:

- on their website
- by phone: 0303 123 1113
- by post: Wycliffe House, Water Ln, Wilmslow, SK9 5AF

Changes to this privacy notice

This privacy notice may be subject to regular review and you will be notified about any changes on our website.