

Privacy Notice for Housing Benefit and Council Tax Support, including Discretionary Housing Payments

Introduction

This notice is provided within the context of the changes required by the EU General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

This document will therefore be subject to ongoing review to ensure it continues to align with the requirements of all applicable legislation.

Service description

It is necessary for Thanet District Council to collect and process personal information to work out and award your Housing Benefit and/ or Council Tax Support, for Discretionary Housing Payments, or for getting back money you may owe to the council.

Processing activity

In order to administer Housing Benefit and/ or Council Tax Support, and to award discretionary Housing Payments, it is necessary for us to collect and hold personal information about you. The information collected and held will vary and depend on the nature of the service. We will process personal information relating to:

- Administration;
- Award of benefit and/ or support;
- Calculation of entitlement;
- Discretionary Payments
- Recovery of overpayments
- Notifications

Information requirements

This may include the following information from you and any other person in your household:

- Name
- Address
- Date of birth
- Telephone number
- Email address
- National Insurance number
- Employer details
- Income details
- Expenditure details
- Financial details
- Health information
- Power of attorney details

Lawful basis for processing your information under GDPR

The Council's **lawful bases** for processing your personal information are¹:

¹ Under article 6 of GDPR

- For the performance of a task carried out in the public interest (under the legislation below); and
- That it is necessary for compliance with a legal obligation to which the council is subject

We require the information in order to carry out our duties under the Local Government Finance Act 1992 and associated Regulations including:

- Administration of the Council Tax Reduction Scheme under S13A and Schedule 1a of the Local Government Finance Act 1992 and associated Regulations;
- Administration of the Social Security Administration Act 1992;
- Administration of Housing Benefit under the Housing Benefit Regulations 2006 and associated Regulations;
- Administration of Discretionary Housing Payments under the Discretionary Financial Assistance Regulations 2001 and associated Regulations;
- The Serious Crime Act 2007 (where needed to disclose information to prevent fraud)

Additional lawful basis for processing other categories of data

Some of the information that is collected is classified as **special category personal data** or personal data consisting of **criminal convictions and offences** (including alleged offences).

In order to process special category of data, the Council needs to have an additional lawful basis to above. In this instance, special category of data is processed² for exercising specific rights of the council (under the regulations above). And where the Council collect and process criminal convictions information³, this is done lawfully under the provisions of the Data Protection Act 2018 (DPA)⁴.

Data Processors

We have outsourced some of our services to either joint arrangements with other local authorities, arm's length partly owned companies, or private sector companies who provide services on our behalf. These organisations collect and use personal information on our behalf to provide services. We will need to supply your information to these organisations in order to supply a service to you. These are:

EK Services

² Under Article 9 of GDPR

³ Under Article 10 of GDPR

⁴ The DPA 2018 [Part 2, para. 5 (1&2) and para. 6(1&2)] supplements the GDPR by providing the legal basis for processing criminal convictions and offences. In the Council's case, as a 'public authority' and when it is in the public interest to do so.

A joint administrative arrangement with Canterbury City Council and Dover District Council which provides services relating to revenues and benefits, ICT and manages the council's contract with Civica UK Ltd.

Civica UK Limited

A private sector company which provides benefit services, income collection services, council tax and business rates administration and collection services and customer contact services to the council.

Data sharing

The law says that we must protect the public funds that we handle. In order to do this we will check some of the information with other sources (e.g. HM Revenue and Customs, credit reference agencies) to verify your identity and to ensure that the information you have provided is accurate.

We may also share your information internally with other council departments (where it is in your interests to do so) as well as under legal obligations with partner organisations that inspect or handle public funds, to prevent and detect fraud and error including:

- Other councils;
- Government departments such as HM Revenue and Customs, the Department for Work and Pensions, and the Cabinet Office (as part of the National Fraud Initiative);
- National Audit Office;
- East Kent Housing;
- Police;
- Credit reference agencies;
- Health and social care organisations;
- Registered providers

If you have given us your permission in writing some of your information may be shared with:

- Your landlord;
- A named friend or family member;
- Support worker or other individual authorised by you to act on your behalf

We will not share your personal data with third parties for commercial purposes nor will we use your personal data for marketing products or services without your consent.

We may also rely on a number of exemptions, which allow us to share information without needing to identify a lawful basis for the sharing and without needing to provide you with information about the sharing. Please refer to the Kent & Medway Information Agreement for further details on our sharing arrangements.

Automated decision making

We may make automated decisions concerning your entitlement and you have the same rights of appeal as when an officer makes a decision. The automated decisions are time-related changes to your entitlement (e.g. a change to your Local Housing Allowance (LHA) rate due to a child reaching a certain age) or income-related information received directly from certain partner organisations (e.g. HM Revenue and Customs).

Your rights

The Data Protection Act 2018 in conjunction with the General Data Protection Regulation (GDPR) grants you a number of other rights. These include the right to rectify errors in your records, the right to withdraw consent given to process your data, and the right to object to the use of your data.

You have the right to be told if we have made a mistake whilst processing your data and we will self-report breaches to the Information Commissioner.

For more information on your rights, how we process your personal information and how to make a subject access request, please visit <https://www.thanet.gov.uk/privacy-statement/>

This is also available in other formats (e.g. print)

Complaints

If you wish to complain about how we are processing your personal information please contact:

The Data Protection Officer
Thanet District Council
Cecil Street
Margate
CT9 1XZ
Email: dataprotection@thanet.gov.uk
Tel: 01843 577000

You also have the right to complain to the Information Commissioner's Office, at:

The Information Commissioner
Wycliffe House, Water Lane, Wilmslow, Cheshire
SK9 5AF
Phone: 0303 123 1113 or 01625 545745
Website: www.ico.org.uk