

Privacy Notice

This privacy notice sets out how West Berkshire District Council (the “**Council**”) will use your personal data, and your rights in relation to that personal data. This document describes how and why we collect, store, protect, process and share the data you give to us. It is written in accordance with the UK data protection legislation.

This notice relates to personal data collected by the Benefits Team. We will use this information to calculate entitlement to Housing Benefit, Council Tax Reduction and/or Exceptional Hardship payments.

This notice applies to potential, current and former customers of the service and those we have contacted but have opted not to partake in the service. It is important that you read this notice so that you know how and why we use information about you. It is also important that you inform us of any changes to your personal information so that the information which we hold is accurate and current.

Date of Issue: July 2024

Update History:

July 2024	First issue of a new Privacy Notice
September 2024	Amended to include reference to Test database

Directorate: Resources
Service: Finance and Property
Team: Benefits

About the Organisation

The Council is the Data Controller. This means it is ultimately responsible for the data it holds about you.

Contact Address:

West Berkshire District Council
Market Street
Newbury
Berkshire
RG14 5LD

ICO Registration Number: **Z6825178**
<https://ico.org.uk/ESDWebPages/Entry/Z6825178>

The Data Protection Officer

Contact details for the Data Protection Officer at the Council can be found at:
<http://info.westberks.gov.uk/dpofficer>

THE PERSONAL DATA WE HOLD ABOUT YOU

We will process the following personal data about you:

- Surname, forename and title.
- Date of birth.
- Address and postcode.
- Previous address and postcode.
- Email.
- Phone number.
- Marital status.
- National Insurance number.
- Documents which establish identity and evidence of household composition (for example copies of passports or driving licenses).
- Your nationality and whether you have lived in the UK for the last 2 years
- Financial details including your income and any bank accounts or investments held by you.
- Student details.
- Information about other people living within your household including their genders, relationship to you and to each other, their income and circumstances.
- Whether you, or anyone you live with, has a disability.
- Information about where you live including tenancy details, rent charged, type of property you live in and your landlord.

Special Category Data:

In certain circumstances, we may collect the following which is special category data:

- Whether you have a disability.

These details are collected and held on NEC Document Management and NEC Benefit processing software. This includes a Test software system consisting of cloned Live data. Live data is held in a Test environment to prevent and detect award inaccuracies and/or adverse effects which could arise from new software releases, prior to being loaded into the Live system. No data from Test is shared with third parties and the Test system is held on the same NEC server as the Live database, subject to the same level of security and encryption.

Data held on all software platforms (i.e. Live and Test databases) will be protected using up-to-date technical and organisational security measures and will only be accessed using secure encrypted laptops.

Data stored securely on our software systems is accessed only by authorized officers of West Berkshire Council using their own log-in user credentials in accordance with the Council IT security protocol.

SOURCE OF YOUR PERSONAL DATA

We collect the above information about you from the data you enter when you apply for Housing Benefit and/or Council Tax Reduction.

Information is collected from you as the service user via

- Online web forms,
- Hard copy documents,
- Email,
- Telephone
- Face-to-face discussion.

This information will be collected from either you directly as the data subject, or from a representative acting on your behalf, e.g. a solicitor.

Information may also be collected from data you have supplied to

- The Department for Works and Pensions (DWP),
- His Majesty's Revenue and Customs (HMRC)
- 'Tell Us Once' service.

Information to help us assess your entitlement could come from

- Council Tax Section
- DWP
- HMRC
- Housing Services,
- Housing Needs and Financial Assessments.
- Valuation Office,
- Single Fraud Investigation Service
- Children Services,
- Information may also be shared by other councils within whose boundaries you have lived or are moving to.

PURPOSE AND LEGAL BASIS FOR PROCESSING YOUR PERSONAL DATA

In accordance with data protection laws, we need a "legal basis" for collecting and using information about you. The lawful basis for processing your information is necessary for compliance with a legal obligation, as specified by the following legislation governing Housing Benefits, Council Tax Reduction and Universal Credit:

- The Social Security Contributions and Benefits Act 1992
 - The Social Security Administration Act 1992
 - The Child Support, Pensions and Social Security Act 2000
 - The Welfare Reform Act 2012
 - The Welfare Reform and Work Act 2016
 - The Local Government Finance Act 2012
 - The Council Tax Reduction Schemes Regulations 2013
 - Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 2013
 - Valuation Tribunal for England Regulations 2013
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- Local Government Finance Act 1992
- Council Tax (Administration and Enforcement) Regulations 1992 as amended
- Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulation 1989 as amended

There are a variety of different legal bases for using personal data which are set out in the data protection laws.

We have set out below the different purposes for which we collect and use your personal data, along with the legal basis we rely on to do so.

Why we use your information	Our legal basis for using your information
<p>We will use your data for the primary purpose of calculating your entitlement to Housing Benefit and/or Council Tax Reduction.</p> <p>This data may also be used in calculating discretionary housing payment, exceptional hardship payments, or other forms of local welfare provision.</p> <p>Data collected may also be used for detection and prevention of fraud, to provide you with updates about our services and analysis of statistical data for service development purposes (anonymised).</p> <p>Where a service or information request requires you to submit further personal information, a separate privacy notice will describe how we will use that data.</p>	<p>Legal Obligation: Article 6(1)(c) of the General Data Protection Regulations (“GDPR”), namely processing is necessary for compliance with a legal obligation to which the controller is subject</p> <p>Public Task: Article 6(1)(e) of the GDPR, namely the processing is necessary for the performance of a task carried out in the public interest.</p> <p>Special Category Data: Article 9(2)(g) of the GDPR, namely processing is necessary for reasons of substantial public interest.</p>

SHARING YOUR PERSONAL DATA

Your data will be seen by officers of the Council employed within the Benefits service or a related service.

To process claims and fulfil our duties as a benefit provider we may need to share information with other organisations with whom we work or those who provide services on our behalf.

These include:

- DWP
- HMRC
- Home Office
- Other council departments –to provide related welfare services and protect public funds.
- Your landlord – if we make housing benefit payments directly to your landlord, we will only share information about payment of Housing Benefit, unless you authorise us to disclose anything additional.
- Your employer – to get back any money that has been overpaid to you.
- External enforcement agencies - for the collection of overpaid housing benefit, where appropriate.
- The Cabinet Office - for the purposes of a data matching exercise called the national fraud initiative - the purpose of this exercise is to detect fraud and error and the council is legally required to participate.
- Other councils - where a request is received which satisfactorily identifies that information is subject to an [exemption](#) permitted within legislation.
- Auditors
- Tribunal Service – following an appeal against a housing benefit decision.
- Valuation Service – following an appeal against a council tax reduction decision.
- Contractors to assess benefit entitlement. If/when contractors are engaged this will be for a clear specified purpose and subject to the same security measures and duty of confidentiality as applies to permanent Benefit Officers.
- Only with your authorisation: Information may also be shared with third parties such as Landlords, Citizens Advice Bureau, Family members and friends.
- Elected members – to resolve queries when acting on your behalf
- Occasionally, your information may be accessed by contracted IT providers. Access by IT providers will only be for reasons of technical support, and any viewing of data will be incidental.

There are other 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.

Where a service or information request requires us to share your data with other parties, a separate privacy notice will describe who that is.

We may share your personal data with third parties where it is necessary for the delivery of the service.

RETAINING YOUR PERSONAL DATA

Your personal data will not be kept longer than necessary.

You can check how long the Council will keep each type of data against our [retention schedule](#).

YOUR RIGHTS

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

HOW TO MAKE A REQUEST

You are not required to pay any charge for making a request. If you wish to make a request associated with any of the rights listed above, contact the Council using the contact details at the top of this notice.

INTERNATIONAL TRANSFERS

Your personal data will not be processed outside the UK or by an international organisation.

COMPLAINTS

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. Further information can be found at: <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
0303 123 1113

Email: casework@ico.org.uk

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.