

Housing Benefit/Council Tax Reduction/Scottish Welfare Fund and Council Tax Privacy Notice

This notice is provided for clarification on what information the Council needs in order to process Housing Benefit/Council Tax Reduction, Scottish Welfare Fund payments and council tax discounts, exemptions and payments, and to collect or recover funds due to the Council. It is necessary for the Council to gather, collect, store and process personal information to assist in the running and provision of this service. The Council puts measures in place to protect the privacy of individuals throughout this process.

Who is responsible for your information?

All personal information is held and processed by East Ayrshire Council in accordance with Data Protection law. For information on the role of Data Controller, Data Protection Officer and Contact Details for the Council, please refer to the '[Privacy Statement](#)' on the Council's website:

What information do we need and why?

The Council will collect personal information about you, your family and other parties. This information will include information such as:

- Details about you (and any partner or dependants), such as, your name, address, telephone number, email address, National Insurance number, date of birth;
- Details about your household composition, such as, income, allowances, savings and investments including those of your partner or any dependents;
- Other relevant information needed to process a claim, such as your landlord details;

We will use this information to process a housing benefit claim, council tax reduction, Scottish Welfare Fund claim or to administer benefits or council tax. We will check some of the information with other sources to ensure the information provided is accurate.

If this information is not provided it may affect our ability to process a claim or enquiry.

What is the lawful basis for processing the data?

The lawful basis for processing personal data are set out in Data Protection legislation. In this case the lawful basis for processing individuals' data are:

- (1) Legal Obligation - The processing is necessary for the Council to comply with the law
- (2) Public task - the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law

The information is required by the Council in order to carry out its duties under the Local Government Finance Act 2012 and associated Regulations including:

- The Social Security Administration Act 1992 and any subsequent amendments
- The Welfare Reform Act 2012 and any subsequent amendments
- The Council Tax Reduction (Scotland) Regulations 2012 and any subsequent amendments
- The Welfare Funds (Scotland) Act 2015 and any subsequent amendments

Special Category Data

Data Protection legislation defines Special Category Data as data relating to the processing of personal data regarding racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership and the processing of genetic data, biometric data, data concerning health or data concerning a person's sex life or sexual orientation.

The Council will have a requirement to process some types of Special Category Data and in particular:

- racial or ethnic origin information for monitoring purposes
- health information for housing benefit, council tax reduction and Scottish Welfare Fund claims

The lawful basis for processing Special Category Data is:

- (1) The processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

Who will we share your information with?

To enable the Council to administer housing benefit and council tax we may share information under our legal obligations with partner organisations, including:

- The Department for Work and Pensions and other Government departments;
- Social Security Scotland
- Health & Social Care Organisations such as NHS Ayrshire & Arran and East Ayrshire Health & Social Care Partnership;
- Police Scotland and other criminal investigation agencies;
- Social care providers;
- Scottish Government
- The Care Inspectorate;
- Mental Welfare Commission;
- Scottish Children's Reporter Administration;
- Office of the Public Guardian
- Scottish Public Services Ombudsman;
- Registered social landlords;
- The (UK) Information Commissioner;

- External Regulators
- External enforcement, collection or tracing agents
- External contractors

The Council will also make any disclosures required by law and may also share information with other bodies or council departments that are detecting/preventing fraud, auditing/administering public funds or carrying out the assessment or collection of a tax or duty or an imposition of a similar nature.

A link to the specific Privacy Notice is contained on this webpage:

<https://www.east-ayrshire.gov.uk/CouncilAndGovernment/About-the-Council/Information-and-statistics/Privacy-Statement.aspx>

The Council is required by law to participate in the National Fraud Initiative (NFI) data matching exercises and information may be provided to the Cabinet Office for NFI purposes and will be used for cross-system and cross-authority comparison for the prevention and detection of fraud.

How long do we keep your information?

The Council will only keep your personal data for as long as necessary. Full details of how long it retains personal data can be found in the Council's [Retention Schedule](#). After this time personal data will be securely destroyed.

Providing accurate information

It is important that we hold accurate and up to date information. If any details have changed, or change in the future, then individuals should ensure that they inform the Revenues and Benefits Section as soon as possible so that they can update their records.

Individuals' data processing rights

Under data protection legislation, individuals have the right to request access to information about them that the Council holds. Further details can be found in the Council's [Privacy Statement](#).

Individuals also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means; and
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed
- in certain circumstances, transfer their data to another organisation (data portability)

Individuals can contact the Council regarding their data protection rights and the processing of their data. Details of how to do this can be found on the Council's Privacy statement.

If individuals have a concern about the way the Council is collecting or using their personal data, they should raise their concern in the first instance with the Councils' Data Protection Officer; contact details can be found on the Councils' [Privacy Statement](#).