

Privacy notice

Customer services, revenues and benefits

Date: October 2020

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Version Control

Version	Description of version	Effective Date
2.0	Updated 2020	October 2020

Approvals

Approved by	Date
Elizabeth Barton	October 2020
Data Protection Officer	October 2020

This Privacy Notice will be kept under regular review to ensure that it is fit for purpose.

1.0 Who we are

South Derbyshire District Council is registered as a data controller with the Information Commissioner's Office.

Our address is Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH.

The Council is committed to protecting your privacy when you use our services. This privacy notice tells you what to expect when Customer Services, Revenues and Benefits collect personal information. It also explains when and why we collect this information, how we use it, the conditions under which we may disclose it to others, how we keep it secure and what rights you have in relation to the data we hold about you.

2.0 How do we collect information from you?

We collect information from you when you fill in any forms on our website www.southderbyshire.gov.uk or associated customer portals, when you contact us in writing, speak to us on the phone or face to face or communicate with us by email or any other type of electronic communication.

Details of information obtained from third parties.

We may collect data from the following sources:

- Other Council Departments
- Derby Homes
- Elected members
- Other local authorities
- Our contracted service providers' records and their available datasets/repositories
- Police
- Department for Work and Pensions, Home Office, National Asylum Support Service, HM Revenues & Customs, HM Courts & Tribunals Service, The Valuation Office Agency, Department of Education, Ministry of Housing, Communities & Local Government, the Prison Service and any other Government Departments, organisations and agencies as are appropriate
- The National Anti-Fraud network (NAFN)
- The National Fraud Initiative (NFI)
- The Contract Tracing & Advice Service (CTAS).
- Any relevant third parties as required to help prevent fraud, including private sector companies as allowed by law
- Banks and building societies
- Landlords, agents and appointees
- Employers
- Schools
- Medical practitioners
- External auditors
- Debt advice agencies
- NHS Test and Trace Service
- Anyone you give us permission to speak to on your behalf
- Anonymous sources, such as members of the public contacting the Council's Counter Fraud team to report suspected fraudulent activities

The data that we obtain from the above sources is usually not publicly available, but we will also obtain and use publicly available data sources wherever it is appropriate to do so for the processing of your data as allowed by law, including for the detection, prevention and prosecution of fraud.

3.0 What types of information do we collect from you?

We collect different sorts of information about you, depending on the service you want from us and/or the reason why we need to process information about you. This could be personal information (for example your name and address), or other more sensitive data that we would only collect and use in very particular circumstances that are set out by law.

4.0 How is your information used?

Customer Services, Revenues and Benefits may use your information to:

- Bill, administer and collect Council Tax, including the processing of refunds, discounts, exemptions, non-discretionary and discretionary reliefs and grants
- Bill, administer and collect Business Rates, including the processing of refunds, discounts, exemptions, non-discretionary and discretionary reliefs and grants
- Bill, administer and collect Business Improvement District (BID) levies, including the processing of refunds, discounts, exemptions, non-discretionary and discretionary reliefs and grants
- Process and pay Housing Benefit, second adult rebate for pensioners, Council Tax Support.
- Process and administer Discretionary Housing Payments and Council Tax Hardship, including the recovery of overpaid amounts
- Administer Test and Trace Support claims and payments, including any discretionary claims and awards as required. This includes any activities as required by Government such as assisting HMRC to determine income tax liabilities relating to Test and Trace Support payments and awards
- Bill, administer and collect Housing Benefit overpayments and overpaid Council Tax Support including the processing of refunds
- Process applications for free school meals
- Bill, administer and collect Sundry Debts, including the processing of refunds
- Process financial assessments relating to Home Care Charging and Residential Care Charging
- Investigate and prosecute Fraud
- We may send you communications about services you are already receiving and those you may benefit from that are linked to those you already receive
- Ask agencies, government departments or other public bodies to give us information they have about you
- Check information you have provided, or information about you that someone else has provided, with other information we hold
- Carry out our obligations arising from any contracts entered into by you and us
- Get information about you from certain third parties, or give information to them to check the accuracy of information, prevent or detect fraud or protect public funds including by conducting data matching exercises
- Identify vulnerable Housing Benefit and Council Tax Support claimants to support COVID-19 activity
- Conduct bank account validation, including whether a bank account is open and belongs to the individual/company concerned and returning a score indicating the strength of the match between the datasets held by the Council and the contracted service provider

This is to help us:

- Meet our statutory and non-statutory duties, including providing data to assist with the completion of surveys, including the private sector housing stock condition & health survey
- Administer work accurately and efficiently
- Assess any contribution to means-tested payments or grants provided by the Council
- Bill, administer and collect debt
- Trace debtors
- Risk score claims made to determine evidence requirements
- Provide you with information
- Contribute to intelligence gathering to assess impacts of changes to identify need
- Check the information you have given us to make sure we are handling your data correctly, and for other purposes allowed by law
- Prevent fraud and the misuse of public funds
- Support COVID-19 activity including:
 - Making use of the data easement permitted by the Department for Work and Pensions relating to the identification of vulnerable Housing Benefit and Council Tax Support claimants to support COVID-19 activity. We may use the following information to that end: your name, your national insurance number, your address and your contact details. We may use other data, but only if allowed by the Department for Work & Pensions
 - The payment of Business Support Grants
 - The administration of Test and Trace Support payments, discretionary awards and any other activities as required by Central Government
 - Any other activity permitted by law.
- Fulfil our legal obligations under the relevant legislation including:
 - Housing Benefit (General) Regulations 1987
 - Local Government Finance Act 1988, as amended
 - The Children Act 1989 and 2004
 - Local Government and Housing Act 1989
 - Non-Domestic Rating (Collection and Enforcement)(Local Lists) Regulations 1989
 - Local Government Finance Act 1992 as amended
 - Council Tax (Administration and Enforcement Regulations) 1992
 - Social Security Administration Act 1992
 - Social Security Contributions and Benefits Act 1992
 - Council Tax (Deductions from Income Support) Regulations 1993
 - The Education Act 1996, as amended (see Children and Families Act 2014)
 - Housing Benefit (Recovery of Overpayments) Regulations 1997
 - Social Security Administration Act Section 3 Social Security Act 1998
 - Section 115 of the Crime and Disorder Act 1998
 - Welfare Reform and Pensions Act 1999
 - The Regulation of Investigatory Powers Act 2000
 - Child Support, Pensions and Social Security Act 2000
 - Housing Benefit (General) Amendment (No 2) Regulations 2001
 - Council Tax and Non-Domestic Rating (Electronic Communications) (England) Order 2003
 - The Business Improvement Districts (England) Regulations 2004
 - Housing Benefit (General) Regulations (Revised) 2006
 - Housing Benefit (State Pension Credit) Regulations 2006
 - Fraud Act 2006
 - Council Tax Benefit Regulations 2006
 - Council Tax Benefit (State Pension Credit) Regulations 2006
 - Welfare Reform Act 2007
 - Localism Act 2011
 - Welfare Reform Act 2012
 - Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012
 - Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, as amended

- Local Government Finance Act 2012 as amended
- The Social Security (Civil Penalties) Regulations 2012
- The Social Security (Overpayments and Recovery) Regulations 2013
- Council Tax Reduction Schemes (Detection of Fraud and Enforcement)(England)Regulations 2013/501
- Universal Credit Regulations 2013
- Prevention of Social Housing Fraud (Power to Require Information)(England) Regulations 2014/899
- Section 54A of the Modern Slavery Act 2015
- Any relevant legislation relating to the recovery of sundry debts
- General Data Protection Regulations 2016
- Data Protection Act 2018
- Small Business grand Fund (SBGF) and Retail, Hospitality and Leisure Grant Fund (RHLGF) government guidance
- Coronavirus Act 2020

COVID-19/Coronavirus

Coronavirus has been added as a notifiable disease under the Health Protection (Notification) Regulations 2010. The Council have a legal duty to process and share personal information in accordance with the Coronavirus Act 2020, Public Health (Control of Disease) Act 1984 and all associated Regulations. Any such processing will be done in the public interest to promote health and wellbeing.

The Council have a duty to notify Public Health England and the local authority where the individual resides (if different), where there are suspected Coronavirus cases. In this instance, the Council will disclose the information under Article 9(2)(j) of GDPR (processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health), and confidential information can be lawfully disclosed in the public interest, without consent, where the benefits to an individual or to society outweigh both the individuals and the public interest in keeping the information confidential.

The Council may contact staff, service users, residents and patients with messages relating to Coronavirus by text, phone, letter or e-mail. This contact is not direct marketing; therefore we do not need your Consent before contacting you. There is more information available on the national Information Commissioners Office approach to the current epidemic here: <https://ico.org.uk/>

5.0 Who has access to your information?

We may share your information with:

- Other Council departments and business partners and our Elected Members
- Other Councils
- Government departments, particularly:
 - HM Revenues and Customs,
 - Department for Work and Pensions
 - Home Office
 - Ministry of Housing, Communities and Local Government
 - HM Courts and Tribunals Service
 - HM Prison and Probation Service
 - The Police
- Other appropriate third parties, including:

- o Any judicial court, tribunal and body allowed by law, including:
 - the Courts: Magistrates, County, Crown and Family
 - Tribunals: Valuation, Rent Officer, Upper and Lower
 - Police: National Asylum Support Service and Borders agency
 - National Anti-Fraud network (NAFN)
 - National Fraud Initiative (NFI).
 - The Contract Tracing & Advice Service (CTAS).
 - Experian Finance PLC
 - The Rent Office
 - The Valuation Office Agency

Other agencies and third parties appointed to help us meet our statutory and non-statutory duties to administer work accurately and efficiently; assess any contribution to means-tested payments or grants provided by the Council; contribute to intelligence gathering to assess impacts of changes to identify need; check identity and the information you have given us to make sure we are handling your data correctly, and for other purposes allowed by law; prevent fraud and the misuse of public funds.

This will include:

- software providers and IT companies used for technical support
- contracted service providers
- social housing landlords (for Housing Benefit claimants in social housing)
- banks, building societies and similar financial organisations
- external auditors - enforcement agents
- debt advisors or other agencies supporting you, including your GP or other appointed medical professionals
- your employer
- any relevant third parties as required to help prevent fraud.

Relevant individuals such as landlords, agents, appointees and other legal representatives

These may be subject to change.

6.0 Research and statistics

Anonymised and pseudonymised data may be used for research and statistical purposes. Any data collected may be used for research and statistical purposes relevant and compatible with the purpose that the data was collected for.

7.0 What are your rights in relation to personal data we process?

- **Access** – you can request copies of any of your personal information that is held by the Council.
- **Rectification** – you can ask us to correct any incorrect information.
- **Deletion** – you can ask us to delete your personal information. The Council can refuse to delete information if we have a lawful reason to keep this.
- **Portability** – you can ask us to transfer your personal data to different services or to you.
- **Right to object or restrict processing** – you have the right to object to how your data is being used and how it is going to be used in the future.
- **Right to prevent automatic decisions** – you have the right to challenge a decision that affects you that has been made automatically without human intervention, for example an online form with an instant decision.

For further information, please visit the Data Protection Act 2018 section of our website.

8.0 How long will we keep your information for?

We keep and dispose of all records in line with our record retention schedule.

Information about this can be found at

<https://www.southderbyshire.gov.uk/assets/attach/4952/Document%20Retention%20Schedule.pdf>
and will comply with the Data Protection Act 2018.

9.0 What precautions are in place to protect the loss, misuse or alteration of your information?

Your personal data will be stored electronically or in hard copy files as appropriate. The Council uses a variety of different systems to process and store personal data.

We are strongly committed to data security and will take reasonable and appropriate steps to protect your personal information from unauthorised access, loss, misuse, alteration or corruption. We have put in place physical, electronic, and managerial procedures to safeguard the information you provide to us.

However, we cannot guarantee the security of any information you transmit to us. We recommend that you take every precaution to protect your personal information.

10.0 Keeping your data up to date

We want to ensure any information we hold is accurate. You can help us by promptly informing us of any changes to the information we hold about you.

11.0 Under 13s

If you are aged 13 or under, please get your parent/guardian's permission whenever you provide us with personal information.

12.0 Where can I get advice and more information?

We want to ensure any information we hold is accurate. You can help us by promptly informing us of any changes to information we hold about you. If you have any worries, questions, or complaints about how your personal information is handled, please contact our Data Protection Officer by emailing dataprotectionofficer@southderbyshire.gov.uk or by telephoning 01283 595795.

For independent advice about data protection, privacy and data sharing issues, you can contact the Information Commissioner's Office (ICO) at:

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

Telephone: 0303 123 1113 (local rate) or 01625 545 745 (national rate number).

Email: casework@ico.org.uk

Further guidance on the use of personal information can be found at www.ico.org.uk

13.0 Automated decision making or profiling

No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

14.0 Changes to our policy

We keep our privacy notice under regular review, and we will make new versions available on our privacy notice page on our website. This privacy notice was last updated on 13 October 2020.