

Benefits Service privacy notice

When you apply to the Benefits Service for:

- Housing Benefit
- Council Tax Reduction
- Discretionary Housing Payments

You will need to provide us with some personal data or information.

As the 'data controller' for the personal information or data we hold about you, North Ayrshire Council decides how your personal information is used/processed, and what it is used for. 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. This statement provides more details about this and provides information on how to get in touch with us if you need to know more.

Your personal data - what is it?

Personal data is information relating to a living person who can be identified from that data. Identification can be based on the information alone, or in conjunction with any other information. The processing of personal data is governed by the UK General Data Protection Regulation (UK GDPR) and supplemented by the Data Protection Act 2018.

What Personal Data will we collect from you?

We will only collect the personal information we need to process your application for Benefits. The personal data we will collect includes:

- Name(s) of all occupants of your household
- Date of birth for all occupants of your household
- Address
- Telephone Number (landline and mobile)
- Email for you and any partner
- National Insurance number for you and any partner
- Gender
- Health conditions (where relevant)
- Bank Account Details
- Income and savings details including any earnings and benefits in payment for all the occupants of your household
- Employment details
- Rent details

How will we use your information?

We will use this information to process a Housing Benefit claim, Council Tax Reduction, and an application for Discretionary Housing Payment. 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 legal basis for using/sharing your information?

Processing is necessary under the terms of the GDPR for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller as per Article 6(1) (e) of the GDPR and the task or function has a clear basis in law. This is namely to process Benefits claims. The main legislation relating to the Benefits Service is:

- The Housing Benefit Regulations 2006
- The Housing Benefit (State Pension Credit) Regulations 2006
- Council Tax Reduction (Scotland) Regulations 2021
- Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012
- Social Security (Scotland) Act 2018

Special Category Data

Some data is called special category which is more sensitive and must be treated with additional protective measures. This includes details of:

- ethnic origin
- religious beliefs
- sexual orientation
- trade union membership
- health data
- biometric (for example fingerprints, facial recognition, and genetic data, such as DNA)

Where we process special categories of personal information about you, the processing is necessary for the purposes of carrying out obligations and exercising specific rights of the controller or of the data subject in the field of social security or social protection law as set out in Article 9(2) (b) of the GDPR and meets a condition in Part 1 of Schedule 1 of the Data Protection Act 2018.

Providing personal information

It is expected when providing personal information that you:

- provide us with accurate information
- inform us as soon as possible if there are any changes to your personal information

This will ensure that your personal information is reliable, accurate and up to date.

Who will we share your information with?

Where necessary, depending on the service you have requested, we may be required to share your information with:

- Other Council Departments, e.g. Housing Services
- Department of Works and Pensions (DWP)
- HM Revenue and Customs (HMRC)
- Other Local Authorities
- Government Agencies
- Credit Reference Agencies
- The Scottish Government
- Landlords in respect of Housing Benefit (where you have given express permission)
- Police Scotland and other criminal investigation agencies

The Council also has a responsibility to support the prevention and detection of fraud, and your information may be shared if your benefits claim requires investigation to ensure public funds are being administered in line with legislation.

How long do we keep hold of your information?

We will not keep your information for any longer than it is needed and will dispose of both paper and electronic records in a secure way. We will retain your data in line with our Corporate Retention Schedule as follows:

- Housing Benefit claim processing (Live claim) - Retain all data relating to the claim regardless of Council's Data Retention Policy requirement.
- Housing Benefit claim processing (closed claim) – 6 years, plus the current year.
- Discretionary Housing Payment - 6 years, plus the current year.
- Council Tax Reduction claim processing - 6 years, plus the current year.

What are your rights?

The lawful basis for processing/using your personal data directly impacts which rights are available to you. For example, some rights will not apply, if we are processing your data under public task (Article 6 (1) (e) we are not required to:

- erase your personal information
- enable the right to data portability

However, you do have the following rights and can ask us to:

- correct your personal information if it is inaccurate
- complete your personal information if it is incomplete; and
- restrict the processing of your personal information in certain circumstances

You also have the right to object to the processing of your personal information and the right to access your information.

What are the consequences of failing to provide personal information?

Where the provision of your information to the Council is a statutory or contractual requirement, or a requirement necessary to enter into a contract, you are obliged to provide the information. If you fail to provide this information, we will not be able to process your application therefore we will be unable to award any benefits.

How can you get in touch with us?

If you wish to obtain any records held by the Council relating to you, or if you have any general data protection queries, please contact the Council's Data Protection Officer at:

Email

dataprotectionofficer@north-ayrshire.gov.uk

Address

Data Protection Officer

North Ayrshire Council

Cunninghame House

Irvine

KA12 8EE