



PRIVACY NOTICE

HOUSING BENEFIT/LOCAL HOUSING ALLOWANCE

What is the purpose of this document?

Hartlepool Borough Council (HBC) is committed to protecting the privacy and security of your personal information.

This privacy notice is issued in accordance with the General Data Protection Regulation (GDPR) and describes how we collect and use personal information about you and your household to assess and administer any entitlement there may be to Housing Benefit/Local Housing Allowance in an accurate manner.

This notice applies to information we hold about you and your household.

We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

The Data Protection Legislation

We will comply with data protection law which includes the GDPR and the Data Protection Act 2018 which states that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.

5. Kept only as long as necessary for the purposes we have told you about.

6. Kept securely.

No personal information held by us will be processed unless the requirements of the Data Protection legislation for fair and lawful processing can be met.

Who is the Data Controller?

HBC is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

Who is the Data Protection Officer?

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this notice or how we handle your personal information, please contact the DPO:

Laura Stones
Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY

dataprotection@hartlepool.gov.uk

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

What kind of information we hold about you?

Personal Information

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection.

How we use particularly sensitive information

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the

following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations and in line with our data protection policy.
3. Where it is needed in the public interest

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

HBC's Obligations

What are HBC's obligations?

We will collect, store, and use the following categories of personal information about you, the data we hold is kept both in our live and test processing system provided by NEC

- Your name and date of birth.
- National Insurance Number.
- Names and dates of birth of everyone who lives in your household.
- Address of properties for which you are claiming/have claimed Housing Benefit/Local Housing Allowance.
- Contact details such as addresses, telephone numbers and e-mail addresses.
- Amounts and descriptions of any Welfare Benefits you may be in receipt of.
- Amounts and descriptions of any Occupational Pensions you may be in receipt of.
- Employer and earnings details.
- Details of self-employment.
- Details of any other money, property or land you may have.
- Amounts and description of any disability benefits you may be in receipt of.
- Details of any Sub-Tenants, Boarders and Lodgers who may live at your address.
- Bank, savings and investment information.
- Address details in relation to Housing Benefit/Local Housing Allowance.
- Correspondence and verification of changes in circumstances including e-mails, telephone calls and correspondence received by the Council in relation to your Housing Benefit/Local Housing Allowance.
- Details of your housing costs.
- Evidence of rent and tenancy.
- Verification of how many rooms are contained within your residence.
- Details of the type of building you live in.
- Information regarding any business your residence is used for.
- Verification that you do not have a main home somewhere else.
- Details of where and how any housing benefit will be paid.
- Details of any reason why housing benefit should not be paid to you direct.
- Verification of your housing provider's name, address and method of payment details.
- Details of rent referrals and decisions for the address you occupy as a home.
- Details of support plans for residents of supported/specified accommodation.

We will use your particularly sensitive personal information in the following ways:

- We will use information about your physical or mental health, or disability status to administer discounts, exemptions, premiums and disregards where applicable in the administration of Housing Benefit/Local Housing Allowance.
- We will process sensitive personal information based on the below:-
Processing is necessary for the purposes of carrying out the obligations and specific rights of the controller or of the data subject to ensure correct premiums, disregards, awards of benefit and discounts that may be applicable are awarded in the correct manner.

How is your personal information collected?

We collect personal information by letter, e-mail, telephone, online, personal visits and through an interface between ourselves and the Department for Works and Pensions hub. Authorised users within the local authority download these files and place them within the relevant work area. The Benefits software processes these files and a proportion of the output is forwarded for intervention and checking by Local Authority Benefits Staff.

Automated Decision Making

We envisage that some decisions will be taken about your claim based solely on automated means using an interface between the Department for Works and Pensions hub and Hartlepool Borough Council. The Benefits software processes these files and the output is forwarded by Hartlepool Borough Council's mailing company (Critiqcom) direct.

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you one calendar month to request a reconsideration or take a new decision that is not based on automated processing.
2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

How we will use information about you?

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

(a) **where** the processing is necessary for us to comply with the law namely:

Local Government Finance Act 1992 and associated Orders

Local Government Finance Act 2012 and associated Orders

Social Security Benefits and Contributions Act 1992 associated Orders and Statutory Instruments.

Section 13A of the Local Government Finance Act 1992

Section 13A of the Local Government Finance Act 2012, associated orders and Statutory Instruments

Consolidation Amendments 2006

(b) **Where** the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law namely administering housing benefit/local housing allowance in accordance with the above legislation.

We may also use your personal information in the following situations, which are likely to be rare:

(a) **Where** the processing is necessary to protect someone's life. (VITAL INTERESTS)

Situations in which we will use your personal information

We need all the categories of information in the list above (see ***what kind of information we hold about you?*** above) primarily to allow us/ to enable us to comply with legal obligations and to carry out a public task. The situations in which we will process your personal

information are listed below.

The situations in which we will process your personal information are listed below.

Reason for Processing	Legal Basis
<ul style="list-style-type: none">• To determine any entitlement to Housing Benefit	Legal Obligation/Public Task
<ul style="list-style-type: none">• Business management and planning	Legal Obligation/Public Task
<ul style="list-style-type: none">• Accounting and Auditing	Legal Obligation/Public Task
<ul style="list-style-type: none">• Accounts and records	Legal Obligation/Public Task
<ul style="list-style-type: none">• Crime prevention and prosecution of offenders	Legal Obligation
<ul style="list-style-type: none">• Sharing and matching of personal information for national fraud initiative	Legal Obligation
<ul style="list-style-type: none">• Sharing information with your landlord	Consent
<ul style="list-style-type: none">• How your Housing Benefit/Local Housing Allowance will be paid	Consent

Some of the above grounds for processing will overlap and there may be more than one ground which justifies our use of your personal information.

What if I don't want to provide personal information?

If you fail to provide certain information when requested, we may be prevented from complying with our legal obligations we may not be able to assess any entitlement you may have to housing benefit.

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless

we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

Does HBC need your consent?

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights as required by law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

Data Sharing

We may have to share your data with third parties, including third-party service providers and other entities in the group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We will not transfer your personal information outside the EU.

Which third-parties process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents). The following third-parties process personal information about you for the following purposes:

NEC - The Council's ICT provider NEC may have access to systems on occasions where there is a fault

Department for Work and Pensions to accurately determine any entitlement to Housing Benefit/Local Housing Allowance

Why might you share my personal information with third parties?

This authority/organisation is required by law to protect the public funds it administers. It may share information provided to it with other bodies responsible for; auditing, or administering public funds, or where undertaking a public function, in order to prevent and detect fraud. The Cabinet Office is responsible for carrying out data matching exercises. Further information can be found here www.hartlepool.gov.uk/fair-processing-notice

We will share your personal information with third parties where required by law or where it is necessary to administer your Housing Benefit. Examples of the organisations we may need to share information with are:

Critiqom Ltd (printing and mailing company) - the Council shares your details for the purposes of issuing Housing Benefit/Local Housing Allowance Decision Notices.

Department for Work and Pensions - the Council may share your details for the purpose of accurate and timely assessment of Housing Benefit/Local Housing Allowance

- The Valuation Office to determine eligible rent for the accommodation you occupy as a home

WE MAY SHARE, **WITH YOUR CONSENT**, DETAILS ABOUT YOUR HOUSING BENEFIT/LOCAL HOUSING ALLOWANCE CLAIM WITH YOUR LANDLORD AS FOLLOWS:

- IF YOU HAVE CLAIMED HOUSING BENEFIT
- IF A DECISION HAS BEEN MADE ON YOUR CLAIM
- IF WE NEED MORE INFORMATION TO PROCESS YOUR CLAIM

IN ADDITION TO THE ABOVE IF YOUR LANDLORD IS PAID DIRECT WE WILL SHARE DETAILS OF THE AMOUNT AND FREQUENCY OF YOUR HOUSING BENEFIT/LOCAL HOUSING ALLOWANCE PAYMENTS.

CONSENT CAN BE WITHDRAWN AT ANY TIME BY CONTACTING THE DATA PROTECTION OFFICER AT HARTLEPOOL BOROUGH COUNCIL

How secure is my information with third-party service providers?

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

Data Security

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the Data Protection Officer.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data Retention

How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our retention policy which is available from www.hartlepool.gov.uk/retention-schedule.s To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

Rights of Access, Correction, Erasure and restriction

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Your rights in connection with personal information

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.
- **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.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Data Protection Officer in writing.

For further information on your rights please visit: www.hartlepool.gov.uk/GDPR

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee for photocopying.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Data Protection Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

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.

If you have any questions about this privacy notice, please contact the DPO.