

# **Privacy Notice – for Sandwell** **Metropolitan Borough Council Revenues Service**

## **Your Personal Data**

We are Sandwell Council and your privacy is important to us. We aim for full transparency on how we gather, use and share your personal information in accordance with the General Data Protection Regulation.

This privacy Notice covers the **Council Tax** and **National Non Domestic Rates** (otherwise known as Business Rates) areas of Sandwell's Revenues and Benefits Service.

## **Criteria for collection of data**

### **Legal basis**

Under data protection law Sandwell Council does not need your consent to process certain personal data relating to you because it has a legal obligation to do so. This is usually where there is a law or instruction from Government. The Council may process more data than is necessary for this obligation, but you should be informed what this is and why they are doing it.

### **For Council Tax:**

**Liability** - Local Government Finance Act 1992 Schedule 2, and Administration and enforcement regulations 1992

**Distribution of credits/refunds** - Administrations and Enforcement Regulations 1992, Regulation 24 (2)

**Exemptions** – The Local Government Finance Act 1992 Schedule 1, The council tax (additional provisions for discount disregards) regulations 1992, order of council schedule 1 of the International Headquarters and defense organisations act 1964

Local Government Finance Act 1992 Schedule 4, Administration of Estates Act 1925, and Administration and enforcement regulations 1992 Regulation 58 (4) The Council Tax(Exempt Dwellings)(England)Amendment Oder 2012 (1) paragraph(2) and (3)

The Local Government Finance Act 1992, Schedule 4 The Council Tax,(Chargeable dwellings, exempt dwellings discounts disregards)Amendment order 1997 (4) (1) (2) (3) Diplomatic Privileges Act 1964, The Commonwealth Secretariat Act 1966, The Consular Relations Act 1968, The Commonwealth Countries and Republic of Ireland Order 1985, International Organisations Act 1968, Hong Kong Economic Trade Act 1996

The Local Government Finance Act 1992, Schedule 4 Council Tax Chargeable dwellings, exempt dwellings and discount disregards (amendment) order 2003(2)(1)

The Local Government Finance Act 1992 Schedule 4, The council tax (additional provisions for discount disregards) regulations 1992, The council tax (exempt dwellings) order 1992, The council tax (exempt dwellings) (amendment) (England) order 2005

The Local Government Finance Act 1992 schedule 4 and The council tax (exempt dwellings) amendment (England) order 2005, The Local Government Finance Act 1992 Schedule 1 paragraph 1

The Local Government Finance Act 1992 Schedule 4, The council tax (additional provisions for discount disregards) regulations 1992, The council tax (exempt dwellings) order 1992, The council tax (exempt dwellings) (amendment) (England) order 2005, The Local Government Finance Act 1992 Schedule 11

Local Government Finance Act 1992 Schedule 4, The Council Tax (Exempt Dwellings) (England) (Amendment) Order 2012(1) paragraph (2) and (3)

The Local Government Finance Act 1992, Schedule 4, The Council Tax Exempt Dwellings Order 1992 Section 4 (3)

The Local Government Finance Act 1992, Schedule 4 and Schedule 11

The Council Tax (Exempt Dwellings) (Amendment) (England) Order 2005 In accordance with paragraphs (2) (3) article 3(a paragraph a)

**Discount/Disregards** – Local Government Finance Act 1992 Schedule 1, The council tax (additional provisions for discount disregards) regulations 1992

The Local Government Finance Act 1992 Schedule 1, The council tax (discount disregards) order 1992 Schedule 1 paragraph 8, The employment and training Act 1973, Section 14 of The Education Act 2002, The council tax (discount disregards) (amendment) (England) order 2006, The employment and training act 1973 and The jobseekers allowance regulations 1996

Local Government Finance Act 1992 Schedule 1 paragraph 1 and The council tax (additional provisions for discount disregards) regulations 1992

Local Government Finance Act 1992 Schedule 2, and Administration and enforcement regulations 1992

The Local Government Finance Act 1992 Schedule 4, The council tax (discount disregards) order 1992, The council tax (discount disregards) (amendment) order 1994

The Local Government Finance Act 1992 schedule 4 and The council tax (exempt dwellings) amendment (England) order 2005, The Local Government Finance Act 1992 Schedule 1 paragraphs 1 and 2

The Local Government Finance Act 1992 Schedule 4, The council tax (additional provisions for discount disregards) regulations 1992, The council tax (exempt dwellings) order 1992, The council tax (exempt dwellings) (amendment) (England) order 2005

Local Government Finance Act 1992 Schedules 6, 9 and 11

Local Government Finance Act 1992 Section 13A, The council tax reduction schemes (prescribed requirements) (England) Regulations 2012

The Local Government Finance Act 1992 Section 13 A paragraph (1) c The council tax reduction schemes (prescribed requirements) (England) (amendment) regulations 2016

**Disabled Relief** - Local Government Finance Act 1992 Schedule 13 paragraph 6 and The council tax (reductions for disabilities) regulations 1992

**Recovery and enforcement** - Local Government Finance Act 1992 Schedule 2, Administration of Estates Act 1925, and Administration and enforcement regulations 1992 Regulation 58 (2)(a) and (4)

The Local Government Finance Act 1992, Schedule 3 paragraph 3 (this schedule also refers to the Theft Act 1968), Valuation and community charge tribunal regulations 1989

### **For Business Rates:**

**Liability** – Section 43 of The Local Government Finance Act 1988

**Business Rates Relief** – Section 43 and 45 of The Local Government Finance Act 1988

The Local Government Act 2003, the Non-Domestic Rating (Small Business rates Relief) (England) Order 2012 SI 2012/148 as amended

Sections 47 and 47(3) of The Local Government Finance Act 1988

**Reductions** – Section 44a and Section 49 of The Local Government Finance Act 1988, SI 1989/2261 Reg 2 (2)(G) as amended by the Non Domestic Rating (Unoccupied Property)(England)(Amendment) Regulations 2004 as amended

The Local Government Act 2003

The Non-Domestic Rating (Small Business rates Relief) (England) Order 2012 SI 2012/148 as amended

Section 47(3) of The Local Government Finance Act 1988 - local powers

## **Task in the Public Interest**

Sandwell Council does not need your consent to process your personal data where it is in the public interest to do so.

### **For Council Tax:**

This includes the following:

- Contact details for customer including telephone number and email address
- Contact details for third party including name, address, telephone number and email address

The information collected will be used to correspond with customers with regards to the following:

- Determining the correct person/s responsible for Council Tax.
- The award of Council Tax discount, disregard, exemption or disabled relief.
- Ebilling, where customers have elected to use this service.
- Payment arrangements prior to or following the issue of a bill.

Contact with customers will result in the issue of accurate Council Tax bills.

In addition customers may be contacted for the recovery and/or enforcement of Council Tax where statutory instalments are not paid in accordance with those billed.

### **For Business Rates:**

This includes the following:

- Contact details for customer including telephone number and email address
- Contact details for third party including their name, Business name, address, telephone number and email address
- Information to confirm household income and expenditure for recovery/enforcement purposes

The information collected will be used to correspond with customers with regards to the following:

- Determining the correct person/s responsible for Business Rates.
- Verify property based (hereditament) information in turn used to determine the correct rateable value.
- The award of Business Rates reliefs or exemptions.
- Ebilling, where customers have elected to use this service.
- Payment arrangements prior to or following the issue of a bill.

Contact with customers will result in the issue of accurate Business Rates bills.

In addition customers may be contacted for the recovery and/or enforcement of Business Rates where statutory instalments are not paid in accordance with those billed.

## **Consent**

Under data protection law, Sandwell Council needs your consent to process your personal data for the purpose of collecting statistical information to ensure equality and diversity. You are not obliged to give this data, and if you refuse it will not affect any other dealings you have with the Council.

### **For Council Tax:**

Not applicable

### **For Business Rates:**

Not applicable

## **Contractual**

Some of your personal data is required to enable you to enter into a contract with the Council. Under data protection law you are only obliged to give the minimum data necessary to fulfil the contract. You may be asked for additional information but it should be made clear to you if you are not obliged to give it. Refusal to give this additional information should not affect the contract you want to enter into.

### **For Council Tax:**

- Information required to set up a Direct Debit for Council Tax payments
- Information required to issue a copy bill
- Information is shared with Riverside PFI for set up of accounts in relation to properties owned by Riverside

### **For Business Rates:**

- Information required to set up a Direct Debit for Business Rate payments

## **Who are we**

Sandwell Council is the Data Controller for the information held about you for this purpose/these purposes. Contact details:

Sandwell Metropolitan Borough Council,  
Sandwell Council House,  
Freeth Street,  
Oldbury  
B69 3DB.

The Data Protection Officer can be contacted at the above address and through email at [dp\\_officer@sandwell.gov.uk](mailto:dp_officer@sandwell.gov.uk)

As a Public Authority we do not have a representative in any other member states of the EU.

### **Why we need the information**

Data in respect of Council Tax and Business Rates is collected for the following reasons:

- To administer and enforce Council Tax under the Local Government Finance Act 1992
- To administer and enforce National Non Domestic Rates under the Local Government Finance Act 1988

### **How information about you will be used**

We will collect a variety of information in order to administer Council Tax and Business Rates. Sandwell Council has a duty to protect the public funds it administers and may use information held about you for:

- All lawful purposes, including but not limited to the prevention and detection of crime, including fraud and money laundering
- The matching of Council Tax with other internal and external government departments, including but not limited to Electoral Services and HMRC
- The matching of Business Rates data with other internal and external government departments, including but not limited to Planning and Valuation Office Agency

Sandwell Council will share data with other bodies where there is a legal duty to do so.

We will not disclose your personal information to third parties for marketing purposes

### **Data sharing**

#### **Council Tax (SMBC Internal):**

Data is shared with the following internal service areas and a legal basis has been established in order to provide this:

#### **Admissions Learning Service**

For the purpose of safeguarding the wellbeing of children missing education under the following legislation:

- Section 7 of the Education Act 1996

- Sections 436A, 437 and 443 of the Education Act 1996
- Section 2.12 and 2.13 of the School Admissions code December 2014

### **Electoral Services**

For the purpose of assisting with checking residency for compilation of the electoral register under the following legislation:

- The Representation of the People Act 1983 Schedule 2, 2.43 Paragraph 1(5)
- The Representation of the People Act 1983 Schedule 35(1) a and b
- The Representation of the People Act 1983 Schedule 35(2) a and b
- The Representation of the People Act 1983 Schedule 35(3)

### **Environmental Adult and Community Services**

For the purpose of assisting in investigations relating to Environmental protection issues under the following legislation:

- Sections 33 and 47 of the Environmental Protection Act 1990
- Section 4 of the Prevention of Damage by Pests Act 1949

### **Environmental Health**

For the purpose of assisting in investigations relating to Business Regulation issues under the following legislation:

- Schedule 20 of the Health and Safety at Work Act 1974
- Schedule 6 of the Food Safety Act 1990
- The European Communities Act 1972
- The Public Health (Control of Disease) Act 1984 as amended by the Health and Social Care Act 2008 and the Public Health Protection Regulations 2010
- Schedule 17 of the Public Health Act 1961
- Schedules 59, 60, 95 and 97 of the Building Act 1984
- Schedules 16 of the Local Government (Miscellaneous Provisions Act) 1976
- Schedules 63, 64, 287 and 289 of the Animal Health Act 1981
- Schedules 43-52 of the Anti-Social Behaviour, Crime and Policing Act 2014
- Schedules 108 and 109 of the Environment Act 1995
- Schedules 3, 33, 34, 46, 47, 79, 80 and 81 of the Environmental Protection Act 1990

### **Housing Quality Team**

For the purpose of identifying persons with an interest in residential properties to facilitate the correct service and enforcement of statutory notices and other correspondence concerned with property condition and the states of the landlord. Access to information provided under the following legislation:

- Part 3 of the Environmental Protection Act 1990

- The provisions of the Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014
- Enterprise and Regulatory Reform Act 2013
- Sections 59, 60, 64, 70, 76, 80 and 81 of the Building Act 1984
- Sections 79, 80 and 81 of the Environmental Protection Act 1990
- Sections 270, 271, 272, 273, 275, 289 (amended by Section 47 of the Housing Act 2004) 339, 341 of the Housing Act 1985
- Section 265 of the Housing Act 1985, Schedule 1 Part 2: Paragraph 6 and 8, Schedule 2 Paragraph 3 and 5, Schedule 3 Paragraph 3, 3(4) and 4
- Housing Act 2004 (Part 1) S3, S4, S10, S11, S12, S14, S17, S20, S21, S23, S26, S28, S29, S40, S43, S46, S47, S49, S50 (5)
- Housing Act 2004 (Part 2) S62, S64, S68 (4), S73, Schedule 5 Paragraph 1, Schedule Paragraph 3, Schedule 5 Paragraph 5, Schedule 5 Paragraph 7, Schedule 5 Paragraph 8, Schedule 5 Paragraph 14, Schedule 5 Paragraph 16, Schedule 5 Paragraph 19, Schedule 5 Paragraph 21, Schedule 5 Paragraph 22, Schedule 5 Paragraph 24, Schedule 5 Paragraph 26, Schedule 5 Paragraph 28
- Housing Act 2004 Schedule 3 Paragraphs 1, 3, 4, 9 and 12
- Houses of Multiple Occupation (HMOs) S62, S64, S68 (4), S73, Schedule 5 Paragraph 1, 3, 5, 7, 8, 14, 16, 19, 21, 22, 24, 26, 28
- Sections 4 and 22 of the Prevention of Damage by Pests Act 1949
- Sections 16 and 29 of the Local Government (Miscellaneous Provisions) Act 1982
- Actions under the Smoke and Carbon Monoxide (England) Regulations 2015 to exercise powers conferred by Section 150(1) to (6) and (10) of the Energy Act 2013 and paragraph 3(a) of Schedule 4 to the Housing Act 2004

### **Local Land and Property Gazetteer:**

For the purpose of checking that the Local Land and Property Gazetteer have a complete record of all properties in the borough and to help find properties that might not be rated. Access to information provided under the following legislation:

- Sections 64 and 65 of the Towns Improvement Clauses Act 1847
- Section 21 of the Public Health Act Amendment Act 1907
- Sections 17, 18 and 19 of the Public Health Act 1925
- Local Government Act 1999, 1999 c27 Part 1 and Section 14
- Section 139A(1) and (2) of the Social Security Administration Act 1992

### **Planning:**

For the purpose of obtaining owner and or agent information and contact details to determine interest in land under the following legislation:

- The Town and Country Planning Act 1990 (as amended)

## **Trading Standards:**

For the purpose of investigating individuals or businesses suspected of committing criminal offences or subject to a proceeds of crime investigation. Trading Standards act as a single point of contact for Sandwell Metropolitan Borough Council for Government Agencies Intelligence Network (GAIN). GAIN requests are processed by the police network and involve serious organised crime. The information required will be forwarded to GAIN. Access to information provided under the following legislation:

- Consumer Rights Act 2015, Paragraph 14 of Schedule 5
- Consumer Rights Act 2015, Part 1 Paragraphs 1, 2, 3 (1)(b), 4(b), 7(1), Part 2 Paragraph 13(1) and (3) (5) and (9), Paragraph 14, 15 and 16
- Estate Agents Act 1979
- Enterprise Act 2002 Paragraph 13 (4)
- Food Safety Act 1990
- Fraud Act 2006
- Proceeds of Crime Act 2002
- Licencing Act 2003
- Scrap Dealers Act 2013

## **Neighbourhoods (Housing):**

For the purpose of checking information relating to benefit adjustments for customers who reside in council owned properties so that assistance and support can be provided and obtaining forwarding addresses for pursuing former housing debt. Access is provided provided under the following legislation:

- Compliance with relevant pre-action Protocol for Possession claims set out in the Civil Procedure Rules
- Section 149 of the Equality Act 2010
- Article 8 of the European Convention on Human Rights
- Section 84(2)(a) of the Housing Act 1985

## **Council Tax (External):**

Data is shared with the following external service areas and a legal basis has been established in order to provide this:

### **NEC:**

- For the purpose of providing, administering and maintaining Revenues IT systems as part of a contractual agreement. As part of contractual arrangements with Northgate data is shared with NPS Document Services for scanning and indexing revenues based correspondence and with DSI Billing Services for production of and dispatch of bills and recovery and enforcement documentation

**NEC Document Services:**

- For scanning and indexing Council Tax based correspondence

**DSI Billing Services :**

- The production of and dispatch of Council Tax Bills and letters to customers

**Govtech Solutions Ltd:**

- Provides technology to enable information provided on an application form to be loaded into the core Council Tax system and to administer reviews of discounts

**Ascendant Ltd:**

- For the purpose of obtaining information regarding Council Tax reviews and any other government initiatives.

**Enforcement Agents:**

- For the purpose of carrying out enforcement activity to collect amounts outstanding in relation to revenues debts as part of a contractual agreement. As part of contractual arrangements data is shared with enforcement agents Bristow and Sutor, Rundles, Moorecroft and Rossendales

**Enforcement Solicitors:**

- For the purpose of providing legal advice and/or representation in relation to disputes surrounding legislative and regulatory aspects of revenues based actions

**Business Rates (SMBC Internal):**

Data is shared with the following internal service areas and a legal basis has been established in order to provide this:

**Environmental Adult and Community Services**

For the purpose of assisting in investigations relating to Environmental protection issues under the following legislation:

- Sections 33 and 47 of the Environmental Protection Act 1990
- Section 4 of the Prevention of Damage by Pests Act 1949

**Environmental Health**

For the purpose of assisting in investigations relating to Business Regulation issues under the following legislation:

- Schedule 20 of the Health and Safety at Work Act 1974
- Schedule 6 of the Food Safety Act 1990
- The European Communities Act 1972
- The Public Health (Control of Disease) Act 1984 as amended by the Health and Social Care Act 2008 and the Public Health Protection Regulations 2010
- Schedule 17 of the Public Health Act 1961
- Schedules 59, 60, 95 and 97 of the Building Act 1984
- Schedules 16 of the Local Government (Miscellaneous Provisions Act) 1976
- Schedules 63, 64, 287 and 289 of the Animal Health Act 1981
- Schedules 43-52 of the Anti-Social Behaviour, Crime and Policing Act 2014
- Schedules 108 and 109 of the Environment Act 1995
- Schedules 3, 33, 34, 46, 47, 79, 80 and 81 of the Environmental Protection Act 1990

### **Planning:**

For the purpose of obtaining owner and or agent information and contact details to determine interest in land under the following legislation:

- The Town and Country Planning Act 1990 (as amended)

### **Trading Standards:**

For the purpose of investigating individuals or businesses suspected of committing criminal offences or subject to a proceeds of crime investigation. Trading Standards act as a single point of contact for Sandwell Metropolitan Borough Council for Government Agencies Intelligence Network (GAIN). GAIN requests are processed by the police network and involve serious organised crime. The information required will be forwarded to GAIN. Access to information provided under the following legislation:

- Consumer Rights Act 2015, Paragraph 14 of Schedule 5
- Consumer Rights Act 2015, Part 1 Paragraphs 1, 2, 3 (1)(b), 4(b), 7(1), Part 2 Paragraph 13(1) and (3) (5) and (9), Paragraph 14, 15 and 16
- Estate Agents Act 1979
- Enterprise Act 2002 Paragraph 13 (4)
- Food Safety Act 1990
- Fraud Act 2006
- Proceeds of Crime Act 2002
- Licencing Act 2003
- Scrap Dealers Act 2013

### **Business Rates (External):**

Data is shared with the following internal service areas and a legal basis has been established in order to provide this:

**NEC:**

- For the purpose of providing, administering and maintaining Revenues IT systems as part of a contractual agreement. As part of contractual arrangements with Northgate data is shared with NPS Document Services for scanning and indexing revenues based correspondence and with DSI Billing Services for production of and dispatch of bills and recovery and enforcement documentation

**NEC Document Services:**

- For scanning and indexing Business Rates based correspondence

**DSI Billing Services :**

- The production of and dispatch of Business Rates Bills and letters to customers

**Govtech Solutions Ltd:**

- Provides technology to enable information provided on an application form to be loaded into the core Business Rates system

**Ascendant Ltd:**

- For the purpose of obtaining information regarding Business Rates reviews and any other government initiatives.

**Enforcement Agents:**

- For the purpose of carrying out enforcement activity to collect amounts outstanding in relation to revenues debts as part of a contractual agreement. As part of contractual arrangements data is shared with enforcement agents Bristow and Sutor, Rundles, Moorecroft and Rossendales

**Enforcement Solicitors:**

- For the purpose of providing legal advice and/or representation in relation to disputes surrounding legislative and regulatory aspects of revenues based actions

**How long we keep your information**

We will keep your information for as long as it is required by us or other regulatory bodies in order to comply with legal and regulatory requirements or for other

operational reasons. In most cases we will delete information 6 years after an account is closed and where no outstanding amounts are payable.

Internal policies are in place to manage retention and disposal of information/data.

## **Your Rights**

You are entitled to know what personal data Sandwell Council is processing about you. If you want to obtain the data, or if you want to exercise any of your other rights about the processing of the data, you can contact the Data Protection Officer – contact details above.

You have the right to:

- have your personal data corrected if it is inaccurate or incomplete
- ask for your personal data used for this purpose to be erased. This right may be limited where it is still necessary for the compliance with the legal obligation

You can also ask for the processing of your personal data to be restricted if:

- it is inaccurate
- it is unlawful but you do not want it to be deleted
- it is due to be deleted but you require it kept because of a legal claim
- you have objected to the processing of the data and you are waiting for a decision about the objection

For more information about your rights you can contact the Information Commissioner's Office, which is the supervisory authority for the United Kingdom.

Contact details are:

- [www.ico.org.uk](http://www.ico.org.uk)
- Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)
- Tel: 0303 123 1113
- Write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, and Cheshire SK9 5AF

## **Transferring information overseas**

No data collected is transferred overseas.