

# **Privacy Notice – for Sandwell** **Metropolitan Borough Council Benefits and Awards**

## **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 **Housing Benefit, Discretionary Housing Payments , Local Welfare Provision** (also known as LWP) and **Local Council Tax Reduction Scheme** (otherwise known as Council Tax Reduction) 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 Housing Benefit claims:**

**To determine entitlement** – Housing Benefit Regulations 2006 Part 10, Section 86 (1)

Housing Benefit Regulations 2006 Part 14: Information Section 1.(108)  
Interpretation, (109) Collection of information

Housing Benefit Regulations 2006 Section 88 duty to notify changes of circumstances

The Housing Benefit Regulations 2006, Regulation 90

The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001, regulation 4

The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001, regulation 20

The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, regulation 71

**To determine if your payment of Housing Benefit should be made to your landlord** – Housing Benefit Regulations 2006 Part 12 (payments) (95) (1) (B)

### **For Discretionary Housing Payments (DHP):**

**To determine DHP entitlement** - 2001 No. 1167 – Social Security , The Discretionary Financial Assistance Regulations 2001, Section 2

Discretionary Financial Assistance Regulations 2001, regulation 7(a)

**To determine assistance with a rent deposit** - 2001 No. 1167/2001 No. 1167 – Social Security, The Discretionary Financial Assistance Regulations 2001, Section 3

**To determine assistance with removal costs** - 2001 No. 1167 -Social Security, The Discretionary Financial Assistance Regulations 2001, Section 3

### **For Council Tax Reduction:**

**To determine entitlement** – The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, Part 14 (115)

Sandwell Metropolitan Borough Council, Council Tax Reduction Scheme 2018/19, S13A and Schedule 1a of the Local Government Finance Act 1992

The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, Schedule 7, Part 2, paragraph 8

Sandwell Metropolitan Borough Council, Council Tax Reduction Scheme 2023/24, regulation 96.1 and 97.1

### **For Local Welfare provision:**

**To determine entitlement** - Section 2 of the Local Government Act 2000

Local Welfare Provision Policy – 2023/24

### **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 Housing Benefit:**

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 amount of Housing Benefit payable
- Ensuring that Housing Benefit is paid to the correct person

Contact with customers will result in the issue of accurate Housing Benefit payments.

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

#### **For Discretionary Housing Payments:**

This includes the following:

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

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

- Determining the correct amount of Discretionary Housing Payment to be awarded
- Determining the correct entitlement to a rent deposit
- Determining the correct award of removal costs

Contact with customers will result in the aid in reducing financial hardship. In addition customers may be contacted for the enforcement of Council Tax where statutory instalments are not paid in accordance with those billed.

#### **For Council Tax Reduction:**

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 entitlement to Council Tax Reduction
- Ensuring that any Council Tax Reduction awarded is paid promptly towards the customer's Council Tax bill

Contact with customers will result in the issue of accurate award of Council Tax Reduction payments. This will result in the prompt issue of accurate Council Tax Bills.

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

### **For Local Welfare Provision**

This includes the following:

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

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

- Determining the correct award of Local Welfare Provision

Contact with customers will result in the aid in reducing financial hardship.

## **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 Housing Benefit:**

- Ethnic Origin

### **For Discretionary Housing Payments:**

- Not applicable

### **For Council Tax Reduction:**

- Ethnic Origin

### **For Local Welfare Provision:**

- 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 Housing Benefit:**

- Information required to determine how much a customer can afford to pay towards a Housing Benefit overpayment

### **For Discretionary Housing Payments:**

- Not applicable

### **For Council Tax Reduction:**

- Not applicable

### **For Local Welfare Provision:**

- Information required to establish the need for and award of food parcels
- Information required for the provision of household goods.

## **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 Housing Benefit, Discretionary Housing Payments , Local Welfare Provision and Council Tax Reduction is collected for the following reasons:

- To administer Housing Benefit under The Housing Benefit Regulations 2006
- To administer Council Tax Reduction under The Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012
- To administer Discretionary Housing Payments under The Discretionary Financial Assistance Regulations 2001
- To administer Local Welfare Provision under the Section 2 of the Local Government Act 2000

Data in respect of Local Welfare Provision is collected for the following reasons:

- To award food parcels
- To be able to deliver any goods awarded under this scheme

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

We will collect a variety of information in order to administer Housing Benefit, Discretionary Housing Payments . Local Welfare Provision and Council Tax Reduction. 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 Housing Benefit data with other internal and external government departments, including but not limited to Department for Work and Pensions and HMRC
- The matching of Council Tax, Business Rates data with other internal and external government departments, including but not limited to Neighbourhoods
- Live data we hold may also be used for testing new systems, system upgrades, and new schemes or procedures, subject to the same protections outlined in this agreement.

We may use your information to proactively award additional funds that are part of any government initiatives.

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**

### **Internal (SMBC)**

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

### **Council Tax Billing:**

For the purpose of ensuring that the correct person is billed for Council Tax and that the relevant discounts and exemptions are awarded. Access to information provided under the following legislation:

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

### **Council Tax Recovery:**

For the purpose of the recovery and enforcement of Council tax arrears:

- 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

### **Neighbourhoods (Housing):**

For the purpose of identifying households eligible for support. Access to information provided under the following legislation::

- The Social Security (Information sharing in relation to Welfare Services etc.) Regulations 2012. Part 3 (6)

### **Adult Services:**

For the purpose of establishing support that is provided by or on behalf of a Landlord. Access to information provided under the following legislation:

- Housing Benefit Regulations 2006 Part 14 Section (1) Regulation 111 (A) (B)

### **Welfare Rights:**

For the purpose of providing additional support with regards to budgeting advice, to maximise income and develop life skills. Access to information provided under the following legislation:

- The Social Security (Information sharing in relation to Welfare Services etc.) Regulations 2012. Part 3 (6)

### **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 Housing Benefit , Discretionary Housing Payment and Council Tax Reduction IT systems as part of a contractual agreement.

**NEC Document Services:** for scanning and indexing Housing Benefit based correspondence and with

**DSI Billing Services :**

The production of and dispatch of Housing Benefit / Council Tax Reduction notification letters to customers and landlords (where applicable) and invoices for Housing Benefit overpayments.

**Govtech Solutions Ltd:**

Provides technology to enable information provided on an application form to be loaded into the core Benefits system prior to that claim being assessed by the Benefits and awards team.

**Ascendant Ltd.**

For the purpose of providing, administering of Local Welfare Provision , Household Support fund and any other government initiatives.

**Landlords:**

- Where Housing Benefit is paid directly to a landlord, legally they have to be notified of who the Housing Benefit is for, the amount of payment and the period that it covers
- Where a deposit is paid on behalf of a customer, the landlord is notified who the payment is in respect of

**Department for Works and Pensions:**

For the purpose of data matching, enforcement activity to collect amounts outstanding in relation to Housing Benefit overpayments and for statistical purposes:

- Part (2) (5) Section 131 of the Welfare Reform Act 2012
- Housing Benefit Regulations 2006 No. 213 Part 13 (105,106)
- Ethnic Origin - (Special Category data) Article 9(2) (D) of the General Data Protection Regulations

**Enforcement Agents:**

- For the purpose of carrying out enforcement activity to collect amounts outstanding in relation to Housing Benefit overpayments as part of a contractual

agreement. As part of contractual arrangements data is shared with enforcement agents Bristow and Sutor and Rundles and Newlyn.

### **Employers:**

For the purpose of carrying out enforcement activity to collect amounts outstanding in relation to Housing Benefit overpayments:

- Welfare reform Act 2012
- This is supported by Social security (overpayment recovery) regulations 2013

### **Movecorp:**

When a customer is awarded a Discretionary Housing Payment to enable them to move from one property to another, Movecorp is the approved contractor used to do so. Access to information provided under the following legislation:

- 2001 No. 1167 –Social Security, The Discretionary Financial Assistance Regulations 2001, Section 3 Paragraph 13(1) and (3) (5) and (9), Paragraph 14, 15 and 16

### **HM Courts and Tribunals Service:**

For the purpose of an independent tribunal to be heard when the customer appeals a Housing Benefit decision but the Local Authority is satisfied that the decision they have made is correct. Access to information provided under the following legislation:

- The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001, regulation 4

### **The Valuations Tribunal:**

For the purpose of an independent tribunal to be heard when the customer appeals a Council Tax Reduction decision but the Local Authority is satisfied that the decision they have made is correct. Access to information provided under the following legislation:

- Sandwell Metropolitan Borough Council, Council Tax Reduction Scheme 2018/19, regulation 96.1 and 97.1

### **Foodbanks:**

To determine the size of food parcel to be provided

### **Local Charities:**

For the provision of goods awarded under the LWP scheme. As part of contractual arrangements data is shared with Loaves and Fishes and Community Transport

## **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.