

## **Perth and Kinross Council Privacy Notice**

**Name of Processing Activity- Housing Benefit and Council Tax Reduction**

**Date notice written- 2023-01**

### **1. Why is this information being processed?**

The information provided by you, the Department for Work and Pensions (DWP), Her Majesty's Revenues and Customs (HMRC), Scottish Government or other organisations will be used by Perth and Kinross Council to process your claim for Housing Benefit, Council Tax Reduction or Local Welfare Services.

This information will also be used to review your ongoing entitlement to Housing Benefit, Council Tax Reduction or Local Welfare Services

To administer Housing Benefit and Council Tax Reduction, we sometimes need information about people other than the person who has applied for a benefit or service to work out what that person is entitled to. For example, we need information regarding the income of additional household members (referred to as non-dependants) over the age of 18

### **2. Who is processing this information?**

The personal information you've provided will be processed by Perth and Kinross Council, 2 High Street, Perth, PH1 5PH, [enquiries@pkc.gov.uk](mailto:enquiries@pkc.gov.uk) 01738 475000.

### **3. Why is it lawful for the Council to process this information?**

The Council is permitted to process your personal data in this way because it has a legal obligation to pay Housing Benefit (under the terms of the Social Security Contributions and Benefits Act 1992) and Council Tax Reduction (under the terms of the Council Tax Reduction (Scotland) Regulations 2012) if an application is received from an eligible household.

The Council is also obliged (under the terms of the Welfare Reform Act 2012) to share information with the DWP and HMRC in order to administer welfare benefits. The Council has to ask for evidence when it is assessing your eligibility to receive Housing Benefit and/or Council Tax Reduction. Details of the evidence we have to ask you for are set out in legislation – the Housing Benefit Regulations 2006, Housing Benefit Regulations (State Pension Credit) 2006, and the Council Tax Reduction

(Scotland) Regulations 2012. This information may be provided to us in a variety of formats, including electronically, by post, in person or by telephone. Evidence can be required for all household members, including those who deemed non-dependants and is not limited to the claimant and any partner.

Sometimes this information is provided to Perth and Kinross Council by other organisations such as Department for Work and Pensions (DWP) or Her Majesty's Revenue and Customs (HMRC) or 3<sup>rd</sup> parties such as Social & Private Sector Landlords. Information may be provided by other Council departments where the law allows for this or through initiatives such as 'Tell Us Once'.

Formally, the processing of personal data provided to us for this purpose satisfies Article 6(1) (c) of the *General Data Protection Regulation - Processing shall be lawful...to the extent that processing is necessary for compliance with a legal obligation to which the controller is subject*

**4. Will any sensitive personal information (Special Category Data or information about criminal convictions etc.) be processed?**

Yes

**If so, why is it lawful for the Council to process this information?**

In the case of benefit payments the Council is allowed to process this information under the terms of Article 9(2)(b) of the GDPR (with reference to Schedule 1, Part 1, Section 1 (1)(a) of the Data Protection Act 2018) which permits the processing of information to carry out obligations in relation to social security, if there is a law in place allowing the data controller to do so. In this case, the laws are the Housing Benefit Regulations 2006, Housing Benefit Regulations (State Pension Credit) 2006, and the Council Tax Reduction (Scotland) Regulations 2012

## **5. Will this information be shared?**

Your personal information will be shared with third parties as required, including the DWP, The Scottish Government, HMRC, HM Court and Tribunal Service, National Fraud Initiative (NFI) and Auditing Bodies. It is necessary for us to share information in order to verify its accuracy, prevent or detect crime, protect public funds or where required by law. The Council may also check information provided by you, or information about you provided by a third party, with other information held by us.

The Council is permitted to share information with landlords relating to a payment of Housing Benefit that has been issued to that landlord. In some instances, the Council may issue invoices to landlords for the purposes of recovery of overpaid Housing Benefit. The Council is not permitted to discuss any other matter with a landlord without the consent of the data subject.

## **6. How long will this information be kept for?**

Personal information held on Perth and Kinross Council systems in relation to Housing Benefit, Council Tax Reduction and other benefits is kept for 6 years after last activity. After this it will be deleted or anonymised as far as is reasonably practicable, subject to the requirements of the service and Department for Work and Pensions.

## **7. Personal Information Rights**

Individuals have rights in relation to the information the Council holds about them, including the right to request a copy of their information. You can find out more about your [Personal Information Rights](#) on our website or by contacting the Council's Information Governance team at the address below.

## **8. Data Protection Officer**

The Council has a Data Protection Officer who you can contact in the first instance if you have any questions or complaints about how we are processing your personal information.

Please contact; Data Protection Officer, 2 High Street, Perth, PH1 5PH, [DataProtection@pkc.gov.uk](mailto:DataProtection@pkc.gov.uk), 01738 475444.

## **9. Information Commissioner's Office**

If you want to complain about how the Council has processed your information you have the right to contact the Information Commissioner's Office (<https://ico.org.uk> 0303 123 1113).

## **10. Information Governance Team**

If you have any questions about how the Council processes your information, or if you would like a copy of this notice in another language or format, please contact the Information Governance team;

Information Governance

Legal and Governance Services

2 High Street

Perth

PH1 5PH

Email: [DataProtection@pkc.gov.uk](mailto:DataProtection@pkc.gov.uk)

Telephone:01738 477933

