

Shetland Islands Council

Housing Benefit and Council Tax Data Reduction Data Protection Privacy Statement

Who we are?

Shetland Islands Council is a local authority established under the Local Government etc. (Scotland) Act 1994. Its office headquarters is located at 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ, United Kingdom.

You can contact our Data Protection Officer by post at this address, by e-mail at: dataprotection@shetland.gov.uk and by telephone on (01595) 744 550.

The Data Protection Officer for Shetland Islands Council is the Executive Manager – Governance and Law.

Why do we need your personal information and what do we do with it?

You are giving us your personal information to allow us to collect and maintain information about you and your household in order to administer Housing Benefit and Council Tax Reduction.

We also use your information to verify your identity where required, contact you by post, email or telephone and to maintain our records.

Legal basis for using your information

We provide these services to you as part of our statutory function as your local authority. You can find more details of our role on our website. Processing your personal information is necessary for the performance of a task carried out in the public interest and for compliance with a legal obligation to which the Council is subject. If you do not provide us with the information we have asked for then we will not be able to provide this service to you.

Where we are relying on task carried out in the public interest or legal obligation as the lawful basis for processing, we rely on various pieces of legislation. Some of the key legislation and standards we use are detailed below:

- Housing Benefit Regulations 2006
- Council Tax Reduction (Scotland) Regulations 2021

What personal data we hold, and how we obtain it?

We need to gather your personal data to allow us to determine whether or not you need further financial assistance with your Housing Costs (Rent) or Council Tax.

To administer Housing Benefit and Council Tax Reduction we need to gather:

- Your name
- Your date of birth
- Your National Insurance Number
- Your partners name

- Their date of birth
- Their National Insurance Number
- Details of other people in the household (ie children or other adults who live with you including their dates of birth, National Insurance number, income and circumstances)
- Your address
- Contact telephone, email
- Bank details
- Your income and capital

If you rent your property from a private landlord or Registered Social Landlord we are required to ask for additional information about:

- Your tenancy type
- The length of the tenancy
- The amount of rent you are due to pay each week/fortnight/4 weeks/month
- The type of property you are renting, including the number of bedrooms, any shared facilities, communal areas
- Any additional charges, ie heating, light
- A rent book or evidence of rent being paid
- Whether you are in arrears with your rent

Legislation allows us to ask for other supporting information we consider reasonably necessary to reach a decision on your application and any failure to provide the requested information may result in your claim being suspended then terminated.

The Council is provided with information from a variety of different sources for administering Housing Benefit and Council Tax Reduction. The sources include (but not limited to) private landlords, Housing Associations, other Local Authorities, UHI Shetland, other Council departments and Sheriff Officers. We also have access to the Department for Work and Pensions (DWP) Customer Information System (CIS), which we can use to verify details of your income, and in some circumstances, the income of the other people in your household.

We can also access the DWP Wider Use of Real Time Information (WuRTI) and Verification of Earnings & Pensions (VEPS) systems to verify earnings and pension data from Her Majesty's Revenues & Customs.

In addition to your application, we also keep electronic copies of supporting evidence provided by you or about you by third parties, communications we have with you, details of our assessment and decision, and decision notices we issue.

Who do we share your information with?

We are legally obliged to safeguard public funds so we are required to verify and check your details internally for fraud prevention. We may share this information with other public bodies (and also receive information from these other bodies) for fraud checking purposes.

We are also legally obliged to share certain data with other public bodies, such as HMRC and will do so where the law requires this. We will also generally comply with request for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate.

The Council is legally obliged to participate in the National Fraud Initiative in Scotland. As part of this exercise, the Council shares information with Audit Scotland for the prevention and detection of fraud. Further information can be found on Audit Scotland's website at <https://audit.scot/what-we-do/counter-fraud>, or in individual Privacy Notices.

Your information is also analysed internally and externally to help us improve our services and to comply with legislations. We provide an internal audit service because the law states we must do so. The law also states we must be audited externally. The external auditors are appointed by Audit Scotland. Our internal audit team and the external auditors may process any personal information held within the Council for its contractors and partners) in order to assess and provide assurances on the arrangements for governance, risk management and internal control within the service area. External audit will also ensure that the financial position stated in the annual accounts give a true and fair view in accordance with the law and codes of practice.

Will we send your information outwith the UK?

We do not transfer your information outwith the UK. If it becomes necessary to do so, we would ensure that the appropriate safeguards are in place.

How long do we keep your information for?

We only keep your personal information for the minimum amount of time necessary. Sometimes this time period is set out in the law, but in most cases it is based on the business need. We maintain a records retention and disposal schedule which sets out how long we hold different types of information for. You can view this on our website at <http://www.shetland.gov.uk/information-rights/InformationManagement.asp> or you can request a hard copy from the address above.

Your rights under data protection law

Access to your information

You have the right to request a copy of the personal information that we hold about you.

Correcting your information

We • You think that we no longer need to hold the information for the purposes for which it was originally obtained

De • You have a genuine objection to our use of your personal information – see Objecting to how we may use your information below

You • You have the right to ask us to delete personal information about you where we have no other legal obligations.

Objecting to how we may use your information

You have the right at any time to tell us to stop using your personal information for direct marketing purposes.

Restricting how we may use your information

In some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information that we hold about you or we are assessing the objection you have made to our use of your information.

This right might also apply if we no longer have a basis for using your personal information but you don't want us to delete the data. Where this right is realistically applied will mean that we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Please contact us as stated above if you wish to exercise any of these rights.

Information you have given us about other people

If you have provided anyone else's details to the Council, please make sure that you have told them that you have given their information to Shetland Islands Council. We will only use this information for a specific purpose, e.g. to contact those people in the event of an emergency, to assess your own entitlement to a service or to contact them in order to take up references in the event that you are successful in your job application.

If they want any more information on how we will use their information they can visit our web site at <http://www.shetland.gov.uk/information-rights/DataProtection.asp> or email dataprotection@shetland.gov.uk.

Complaints

We aim to directly resolve all complaints about how we handle personal information. If your complaint is about how we have handled your personal information, you can contact the Council's Data Protection Officer by E-mail at dataprotection@shetland.gov.uk or by Phone on (01595) 744 550.

However, you also have the right to lodge a complaint with the Information Commissioner's Office, who can be contacted by post at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Phone: 0303 123 1113 (local rate) or 01625 545 745.

Visit their website for more information at- <https://ico.org.uk/concerns>

Please note if your complaint is not about a data protection matter or does not concern the handling of personal information, please contact us using the Council's Complaints Handling Procedure.