

Benefits Services Privacy Notice

When you apply to Benefits Services for:

- Housing Benefit
- Council Tax Reduction
- Education Benefits
- Discretionary Housing Payments
- Crisis Grants or
- Community Care Grants

You will need to provide us with some personal data or information

As the 'data controller' for the personal information – or data – we hold about you, **South Ayrshire Council** decides how your personal information is used/processed, and what it is used for.

This statement provides more details about this and provides information on how to get in touch with us if you need to know more.

Your personal data – what is it?

Personal data is information relating to a living person who can be identified from that data. Identification can be based on the information alone, or in conjunction with any other information. The processing of personal data is governed by the General Data Protection Regulation 2016 (GDPR) and supplemented by the Data Protection Act 2018.

What Personal Data will we collect from you?

We will only collect the personal information we need to process your application for Benefits. The personal data we will collect includes:

- Name(s) of all occupants of your household
- Date of birth for all occupants of your household
- Address
- Telephone Number (landline and mobile)
- Email for you and any partner
- National Insurance number for you and any partner
- Gender
- Health conditions (where relevant)
- Bank Account Details
- Income and savings details including any earnings and benefits in payment for all the occupants of your household
- Employment details
- Rent details

How will we use your information?

We will use the information you provide to process your application for the above mentioned Benefits and Grants.

We may also use your data to contact you for further supporting information, and we may verify the information you provide with information we currently hold on file, to prevent or detect crime, or to protect public funds as permitted by law. As part of this verification process it may be necessary to:

- Obtain additional information from third parties, or
- Provide some of your personal information to third-parties to check the accuracy of your application and supporting evidence

Further details on who we will share this information with are outlined below.

What is the legal basis for using/sharing your information?

Processing is necessary under the terms of the GDPR for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller as per Article 6(1) (e) of the GDPR and the task or function has a clear basis in law. This is namely to process Benefits claims and Grant applications. The main legislation relating to the Benefits Service is:

- Council Tax Reduction (Scotland) Regulations 2012
- The Housing Benefit Regulations 2006
- The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006
- Welfare Funds (Scotland) Regulations 2016
- Discretionary Financial Assistance Regulations 2001

Where we process special categories of personal information about you, the processing is necessary for the purposes of carrying out obligations and exercising specific rights of the controller or of the data subject in the field of social security or social protection law as set out in Article 9(2) (b) of the GDPR and meets a condition in Part 1 of Schedule 1 of the Data Protection Act 2018.

Who will we share your information with?

Where necessary, depending on the service you have requested, we may be required to share your information with:

- Other Council Departments, e.g. Housing Services
- Department of Works and Pensions (DWP)
- HM Revenue and Customs (HMRC)
- Other Local Authorities
- Government Agencies
- Credit Reference Agencies
- The Scottish Government
- Landlords in respect of Housing Benefit (where you have given express permission)
- Police Scotland and other criminal investigation agencies

We will not share any health related data you provide to us with anyone.

How long do we keep hold of your information?

We keep your personal data for no longer than reasonably necessary to deal with your application. We will retain your data in line with our Corporate Retention Schedule as follows:

Purpose we collect your personal data	Trigger – event that prompts start of retention period	How long we hold your data
Council tax benefit - claim processing	Start of liability	Current year + 20 years (we will then review whether we will continue to hold this information for business requirements)
Housing benefit and Discretionary Housing Payments - claim processing	Start of liability	As above
Welfare fund applications, and Education Benefits	End of current financial year	6 years
Records documenting the administration of Housing Benefit and Council Tax Relief	End of current tax year	6 years (from end of financial year)

What are your rights?

The lawful basis for processing/using your personal data directly impacts which rights are available to you. For example, some rights will not apply, if we are processing your data under public task (Article 6 (1) (e)) we are not required to:

- erase your personal information
- enable the right to data portability

However, you do have the following rights and can ask us to:

- correct your personal information if it is inaccurate;
- complete your personal information if it is incomplete; and
- restrict the processing of your personal information in certain circumstances.

You also have the right to object to the processing of your personal information and the right to access your information.

What are the consequences of failing to provide personal information?

Where the provision of your information to the Council is a statutory or contractual requirement, or a requirement necessary to enter into a contract, you are obliged to provide the information. If you fail to provide this information we will not be able to process your application therefore we will be unable to award any benefits.

What about Automated Decision- Making?

The Council does not use profiling or automated decision-making. Some processes are semi-automated (such as data matching for the prevention or detection of fraud),

but an actual person will always be involved before any decision is reached affecting any individual.

Do you require this statement in a different format?

Please contact us if you require this information in an alternative format.

How can you get in touch with us?

If you wish to obtain any records held by the Council relating to you, or if you have any general data protection queries, please contact the Council's Data Protection Service at:

Data Protection Officer
South Ayrshire Council
County Buildings
Wellington Square
Ayr
KA7 1DR

Email: DataProtection@south-ayrshire.gov.uk

Telephone: 01292 612 223

Are you dissatisfied with the way your Personal Information has been handled?

If you are unhappy with the way we have dealt with your personal information, you can complain to the Council's Data Protection Officer using the contact details noted above.

If you remain dissatisfied after contacting us, you have the right to complain to the Information Commissioner (<https://ico.org.uk/for-the-public/>):

Information Commissioner's Office – Scotland
45 Melville Street
Edinburgh
EH3 7HL

Email: Scotland@ico.org.uk

Telephone: 0303 123 1115