

Shetland Islands Council

Discretionary Housing Payment 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 claims for Discretionary Housing Payment and determine whether or not you need further financial assistance with your housing costs.

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 necessary for compliance with a legal obligation to which the council is subject.

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:-

- Discretionary Financial Assistance Regulations 2001
- Discretionary Housing Payment Guidance Manual
- Social Security (Scotland) Act 2018

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.

The information we gather depends on what type of support you need.

Scottish Government are committed to using DHP to mitigate the impact of the Size Criteria – Under Occupancy Restriction in Housing Benefit and Universal Credit. Where someone applies for this support, they are given it without any financial assessment (ie they do not need to demonstrate a need for the support). To administer this support we need:

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- 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 (i.e. children or other adults who live with you)
- Your address
- Contact details
- Bank details

Where you are applying for other support, in order to demonstrate to us that you need further financial assistance with your rent, you need to provide enough information to enable us to undertake a financial assessment. We therefore ask for information about:

- Your income
- Your expenditure
- Why your current property is suited to you – this may include information about medical or health conditions
- If you are expecting a child
- Your rent, and any rent arrears you have
- Steps you are taking to improve your situation
- Other additional information which you feel is relevant to your application

The extent of the information you provide is determined by you. However, the legislation allows us to ask for other supporting information we consider reasonably necessary to reach a decision on your application.

To verify the information you provide, we also review other information held by Shetland Islands Council about you. If you receive Housing Benefit or Council Tax Reduction, we will use the details from those claims. We will coordinate with the Housing Service, Revenues Team, and Recovery Team to gather any additional information needed to determine your entitlement.

We also have access to the Department for Work and Pensions (DWP) Customer Information System, which we can use to verify details of your income. DWP also share information to allow us to assess Council Tax Reduction and DHP if you claim Universal Credit.

The Council is provided with information from a variety of different sources for administering Discretionary Housing Payment. The sources include (but not limited to) private landlords, Housing Associations, other Local Authorities, UHI Shetland, the Department of Work and Pensions, HMRC, other Council departments and Sheriff Officers.

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.

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 want to make sure that your personal information is accurate, complete and up to date. Therefore you may ask us to correct any personal information about you that you believe does not meet these standards.

Deletion of your information

You have the right to ask us to delete personal information about you when:

- You think that we no longer need to hold the information for the purposes for which it was originally obtained
- You have a genuine objection to our use of your personal information – see Objecting to how we may use your information below
- Our use of your personal information is contrary to law or our 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.