



## **PRIVACY NOTICE – Discretionary Housing Payments**

### **How we use your information**

Whenever you make an application for a Discretionary Housing Payment the Council needs to use your personal data for a number of reasons, including:

- To verify your identity and any supporting evidence you provide in connection with your application.
- To process the application.
- To notify you of the decision we make. Third parties that you have asked us to contact on your behalf will also be notified about the decision we make.
- If the application is successful, to ensure that payment is awarded to the correct individual or sent to an appropriate third party.
- To ensure that the Council is compliant with the Child Support, Pensions and Social Security Act 2000 and the Discretionary Financial Assistance Regulations 2001.

The Council is committed to being transparent about how it collects and uses the data, in meeting our data protection obligations.

If you do not provide us with your personal information the Council will be unable to accurately assess your application, make a Discretionary Housing Payment award and will be unable to meet its legal obligations.

### **Information provided by third parties**

To accurately assess your application for a Discretionary Housing Payment information provided in your application may be verified with personal information collected by third parties, which may include Support Services, Charities, Professional Health Services, Prison Support Workers, your Landlord and the Department for Work and Pensions.

The data may include your name, address, contact details, household composition, household income and expenditure details, health information and details of support being provided to you.

### **Our legal basis**

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand our basis in data protection law to be Article 6(1)(e) of the General Data Protection Regulation (GDPR) because processing your personal information is necessary for us to carry out our legal duty as a local authority to provide a welfare service.

In the case of processing special category data the Council understands our legal basis for doing so as Article 9(2)(b) of the GDPR as processing is necessary for carrying out our obligations in the field of social security. See below for more information on special category data.

## **Processing special categories of data**

Personal data that counts as 'special category data' such as health, ethnicity and religion, must satisfy extra conditions when processed.

Where relevant to your application for a Discretionary Housing Payment, it may be necessary for us to gather information about your health, racial or ethnic origin religious or philosophical beliefs, or data relating to criminal convictions and offences. The information is only processed if relevant to determining an award and where required for statistical reporting requirements of Scottish Government

## **Who we share your information with**

In the case of Discretionary Housing Payment applications, your information may be shared with the following third parties:-

- Other Services within Moray Council such as the Benefit Team, Housing Support Team, Housing Department, Income Maximisation Team and Money Advice Team as relevant to your application.
- The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council departments and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.
- The Council may also share your personal data with other relevant Council departments and third parties, where we are under a legal obligation to do so. For example this may be with Police, Department for Work and Pensions, UK Border Agency or Registered Professional Bodies.
- Your personal data may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are accurate and up to date which improves the standard of the services we deliver. It may also be shared with other relevant Council departments where applicable.
- Charities or support organisations where you have requested/or agreed a referral for assistance is made by us on your behalf.
- Your landlord.

## **How long the information is held for**

Your data will be held by Moray Council for a pre-determined length of time. You can find all the information about how long we retain data for in our retention schedules, available on our webpage: [http://www.moray.gov.uk/moray\\_standard/page\\_92820.html](http://www.moray.gov.uk/moray_standard/page_92820.html) (found on the Moray Council website under Section 5 of the Records Management Plan)

## **Your rights**

Moray Council is the Data Controller for this personal data. You have legal rights about the way the Council handles and uses your personal data. These include the right to ask for a copy of it, to ask us to correct and to ask us to stop doing something with your personal data. For more information about these rights please contact the Council's Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633.

As so far as the legislation permits, you also have the right to request the deletion of your data and to object to the processing.

You also have the right to make a complaint to the Information Commissioner's Office. They are the body responsible for making sure organisations like the Council handle your data lawfully.

### Information Commissioner's Office

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 0303 123 1113

Email: [casework@ico.gov.uk](mailto:casework@ico.gov.uk)

Website: [www.ico.org.uk](http://www.ico.org.uk)