PRIVACY NOTICE

Benefits and Money Advice - Welfare and Grants Application

Who we are

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, www.moray.gov.uk 01343 543451, is a Local Authority established under the Local Government etc. (Scotland) Act 1994. We are the Data Controller of the personal data being collected.

Why we are collecting your personal data

When you complete a Welfare and Grant Application (WAGA) form, personal data will be collected from you in order to assess your eligibility for:

- Housing Benefit
- Council Tax Reduction
- Free School Meals
- School Uniform Clothing Grant
- Education Maintenance Allowance

We administer these using a single WAGA form. The personal data we require to collect in order to assess your ability for the above includes:

Applicant:

- Name, contact details (address, email, phone number)
- Names, dates of birth, National Insurance numbers, income, capital details, details of benefits received, health information for any other household members who live with you, and, whether any household members are in detention.

Applicant and Applicant's Partner:

- Name, address (including previous addresses and home ownership details), dates of birth, National Insurance numbers, nationality (if you have come to live in the UK for the last 2 years), health information, income, capital details, employment details and higher/further education details.
- Also details of any students/children you support.

Personal data we collect from other sources

In order to determine eligibility for support and verify the information you have provided, the Council may collect personal data from third parties. These include but are not limited to other agencies and organisations such as the Department for Work and Pensions (DWP), HMRC and the Scottish Prison Service. We may also gather information about you from other Council services, private landlords and employers.

We also receive information from Social Security Scotland (an Executive Agency of the Scottish Government) to confirm eligibility for free school meals and to enable us to deliver these.

Personal data you give us about other people

If you have provided someone else's personal data within the WAGA form, if reasonable to do so, please ensure you have told them that you have given their personal data to us for this purpose.

Our legal basis

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand the Council's basis in data protection law to be Article 6(1)(e) of the United Kingdom General Data Protection Regulation (UK GDPR) because your personal data is necessary for the performance of a task carried out in the public interest by the Council, under legislation including:

- Social Security Administration Act 1992
- Local Government Finance Act 1992
- Education (Scotland) Act 1980 (as amended)
- The Education (School Lunches) (Scotland) Amendment Regulations 2013
- The Housing Benefit Regulations 2006
- The Council Tax Reduction (Scotland) Regulations 2021
- The Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012
- Local Government (Scotland) Act 2003

Personal data that counts as 'special category data', and personal data relating to criminal convictions or offences must satisfy extra conditions when processed. We understand our legal basis in data protection law for processing these types of data to be Article 9(2)(g) of the UK GDPR and Schedule 1, Part 2, Paragraph 6 of the Data Protection Act 2018 (DPA 2018), and, Article 10 of the UK GDPR, together with Schedule 1, Part 2, Paragraph 6 of the DPA 2018; as the processing is necessary for reasons of substantial public interest for statutory and government purposes. The processing is necessary for the exercise of functions conferred under the above legislation.

Who we share this personal data with

In relation to free school meals, information may be shared with Social Security Scotland.

To process your application for Housing Benefit and Council Tax Reduction, your information may be shared with DWP, HMRC (for tax verification purposes), your landlord, and, the Scottish Government.

Also:

- HM Courts and Tribunal Service where you challenge a decision about Housing Benefit issued by us.
- The Local Taxation Chamber where you challenge a decision about Council Tax Reduction issued by us.

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. It may also be shared with other relevant Council Services where applicable.

The Council may also share your personal data with other relevant Council Services and third parties where we are under a legal obligation to do so. For example, this may be with Police, Social Security Scotland, HMRC, Department of Work and Pensions, UK Border Agency or Registered Professional Bodies.

The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council Services and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

How long the personal data is held for

Your personal data will be securely stored by Moray Council for a pre-determined length of time. Information is only kept for the minimum amount of time necessary. We maintain a record retention schedule which sets out how long we retain different types of personal data. This is available on our website: www.moray.gov.uk/RetentionSchedules

The Council stores information within the UK.

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 it and to ask us to stop doing something with your personal data.

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.

For more information about these rights, please see the Information Management pages on the Council's website here: www.moray.gov.uk/InformationRights. Alternatively, email the Council's Data Protection Officer at: IG@moray.gov.uk

If you have a concern about the way the Council has handled your personal data, you can make a complaint to the Council's Data Protection Officer in the first instance; an e-form is available on the Council's website here: www.moray.gov.uk/Complaints

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 personal data lawfully.

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Telephone: 0303 123 1113 Website: https://ico.org.uk/
Online: https://ico.org.uk/make-a-complaint/data-protection-complaints/