PRIVACY NOTICE

Benefits and Money Advice - Scottish Welfare Fund

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

Moray Council collects and maintains information about you in order to administer applications to, and grants from, the Scottish Welfare Fund within Moray (including crisis grants and community care grants).

When you complete a Scottish Welfare Fund application, personal data will be collected from you, the applicant, about you and your partner (if you share a home), including:

- Your names, dates of birth, address, National Insurance number, information about your income(s), savings and benefits received.
- Your contact details, or the contact details for your representative, or other agency applying on your behalf.
- Names and dates of birth of the people who live with you, and their relationship to you.
- We will also collect sensitive information that you provide as part of your application, including health information, and, whether you have been in prison.

If you choose to complete the Equalities Section of the form and provide further data, such as your ethnic group, religion, country of birth and additional health information we will use the data you provide for equalities monitoring, to maintain and promote equality of access to our service.

Personal data we collect from other sources

As part of the verification process that's undertaken to confirm eligibility for awards made under Scottish Welfare Fund legislation, we are also provided with information about you from other sources, including (but not limited to) private landlords, Housing Associations, other Local Authorities, the Department of Work and Pensions (DWP), HMRC, your employer (if you have one), Police Scotland, the Scottish Prison Service, third sector organisations and other Council Services. We may also speak to these organisations as part of confirming and administering your claim.

Personal data you give us about other people

If you have provided someone else's personal data as part of your Scottish Welfare Fund application, 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 the Welfare Funds (Scotland) Act 2015.

Also, UK GDPR Article 6(1)(c), as the processing is necessary for the Council to comply with its legal obligations under The Welfare Funds (Scotland) Regulations 2016, the Local Government (Scotland) Act 2003 and the Immigration and Asylum Act 1999.

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

The personal data you provide on your application may be shared with the following third parties:

- Other Services within the Council, such as Housing, Taxation or Social Work where necessary, and in order to assist you in accessing other available support.
- DWP in relation to ongoing benefit claims relating to you or your household.
- Where you have requested or agreed that a referral for assistance should be made by us on your behalf, we may contact agreed Charities or Support Organisations.
- The National Health Service, Home Office, Scottish Government and the Scottish Prison Service.
- In the case that the application results in the awarding of specific goods and services, we will provide your contact details to the Council's contractor(s) so that they can contact you to arrange delivery and fitting.
- In the case that the application results in a cash or cash equivalent award, information may be shared with PayPoint, or any other service provider appointed by the Council for this purpose.
- If you move to or from a different Local Authority area, details about your application and application history may be shared with that Local Authority where necessary to comply with Scottish Government statutory guidance.
- In order to comply with the legal Second Tier Independent Review process, a copy of all information held in connection with your application to the Scottish Welfare Fund will be sent to the Scottish Public Services Ombudsman when requested.

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/