

# East Lothian Council

## Privacy Statement

### Section 1: Our contact details

Your personal information is being collected by:

East Lothian Council  
John Muir House  
Haddington  
EH41 3HA

Telephone: 01620 827827

Email: [financialsupport@eastlothian.gov.uk](mailto:financialsupport@eastlothian.gov.uk)

Data Controller:  
East Lothian Council  
John Muir House  
Haddington  
EH41 3HA

Data Protection Officer:  
East Lothian Council  
John Muir House  
Haddington  
EH41 3HA  
Telephone: 01620 827827  
Email: [dpo@eastlothian.gov.uk](mailto:dpo@eastlothian.gov.uk)

### Section 2: Why we need your personal information

East Lothian Council collects and maintains information about you and your household in order to administer financial support services such as [Housing Benefit](#), [Council Tax Reduction](#) and the [Scottish Welfare Fund Crisis Grant](#) or [Community Care Grant](#).

As well as using the information to administer Housing Benefit, Council Tax Reduction and Scottish Welfare Fund, we may also use the information you provide in your application form to assess and award [Council Tax Single Person Discount](#), [Council Tax Second Adult Rebate](#), [Discretionary Housing Payment](#) and in the recovery of [Housing Benefit Overpayments](#).

We may use information held about you for lawful purposes, including the prevention and detection of fraud, matching Council Tax data with electoral registration records and protecting public funds in investigating misuse of public money. This includes information that you have provided to us as part of your application for any of our financial support services, for example bank statements and benefit award letters.

We may also use information received from a variety of sources to support your application, including private landlords, housing associations, support workers, other local authorities, the Department for Work and Pensions (DWP), HM Revenue & Customs (HMRC) and other Council services.

We may, on occasion, contact you to seek feedback on the services we have provided to you.

In addition to determining your eligibility for financial support services, we may also use your information for the following purposes:

- To help identify people affected by the benefit cap.
- To help identify people who may be eligible for certain benefits, for example Pension Credit or Universal Credit and to encourage, assist or advise people to make claims for additional financial support.
- To help identify if you are entitled to housing support services.
- To refer you for support to help maintain your tenancy.

### Section 3: Legal Information

In order for us to collect and use your information, we have to have a [legal basis](#) for doing so.

The legal basis for processing your personal information is our public task to deliver financial support services, including Housing Benefit, Council Tax Reduction, Council Tax Single Person Discount, Council Tax Second Adult Rebate, Discretionary Housing Payment, Housing Benefit Overpayments and the Scottish Welfare Fund are under the:

- Local Government Finance Act 2012
- Social Security Administration Act 1992 (Section 134)
- Social Security Contributions and Benefits Act 1992
- Social Security Administration Act 1992 (Section 139)(as amended)
- Public Finance and Accountability (Scotland) Act 2000, S. 26C
- Local Government (Scotland) Act 1973 and supporting regulations
- Discretionary Financial Assistance Regulations 2001 – as amended
- Welfare Funds (Scotland) Act 2015

Where we correspond with the Home Office about the status of your visa this is to comply with our duties under the Immigration & Asylum Act 1999 (s115).

In delivering our services, the Council may process special category personal data, for example data concerning your health. In most circumstances, we need to process this information in order to deliver social security and social protection services. In some circumstances, it may be in the substantial public interest to process your special category data, for example to ensure we are treating individuals equally.

The type of personal information we collect can include:

- Name
- Current address
- Landlord details and/or their agent
- Proof of rent
- Details of other household members, including date of birth, National Insurance Number and contact details
- Previous address or any forwarding address
- Contact details, including phone number and email address if you have one
- Date of birth
- National Insurance number
- Marital status
- Gender
- Ethnicity
- Details of physical or mental health or disabilities
- Details of any support needs
- Name of your employer or nature of self-employment
- Income & expenditure, including information about other benefits you and other household members receive

- Financial information, including bank details for you and others in your household
- Proof of identification
- Passport details, immigration documents or ID card details, if applicable
- Data relating to criminal convictions and offences

Should you not provide personal details we may be unable to verify your circumstances and therefore will be unable to process your application for assistance.

#### **Section 4: Sharing and transfer**

We may share the information provided by you with:

- Other services within East Lothian Council, including Finance, Housing, Adult Wellbeing and Children's Wellbeing and Education.
- External organisations such as the Department for Work and Pensions, HM Revenue & Customs, the Scottish Government and Social Security Scotland.
- Other Local Authorities on request to ensure individuals have not exceeded the allowed Scottish Welfare Fund limit in a rolling 12 month period.
- The Furnishing Service, who are our contracted service provider and who supply goods to successful Community Care Grant applicants.
- Social work and health services to assist in determining your need.
- Third sector agencies if you have also approached or been referred to their services.
- Your registered social landlord (if applicable), including East Lothian Council's Rent Income Team or Housing Service.
- The Home Office to confirm the status of your visa in relation to accessing The Scottish Welfare Fund.
- The Scottish Prison Service, if you are or have been in prison.
- Our software suppliers to enable us to deliver this service.

We will also comply with requests for specific information from other regulatory and law enforcement bodies, such as Police Scotland, where this is necessary, relevant and proportionate.

We may receive information about you from:

- The Department for Work and Pensions, HM Revenue & Customs and other Local Authorities.
- Social Security Scotland in order to support an individual's benefit entitlement.
- Other East Lothian Council services.
- Third Party organisations such as Citizens Advice, Advice Agencies, Housing Associations and landlords.

Your personal information will not be transferred outside of the UK.

East Lothian Council is legally required to protect the public funds it administers. For this reason, your information may also be used to prevent and detect fraud, and we may share your information with other organisations responsible for auditing and administering public funds. For more information, please visit:

[https://www.eastlothian.gov.uk/info/210598/access\\_to\\_information/12340/privacy\\_and\\_cookies/1](https://www.eastlothian.gov.uk/info/210598/access_to_information/12340/privacy_and_cookies/1)

## **Section 5: How long will we keep your personal information?**

We retain information in our core processing system and in our document management and workflow system (which holds electronic copies of documents relevant to your claim or application).

We keep your personal data in line with our data retention policy, called a Retention Schedule. For a downloadable copy of the Council's Retention Schedule, please visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk) and search for 'Retention Schedule'.

## **Section 6: Your rights**

- You have the right to be informed about how your information will be used.
- You have the right to access your personal information. Normally this is done by placing a 'Subject Access Request' with the Council. For more information, please visit [https://www.eastlothian.gov.uk/info/210598/access\\_to\\_information/12300/access\\_to\\_information/1](https://www.eastlothian.gov.uk/info/210598/access_to_information/12300/access_to_information/1)
- You have the right to ask us to correct inaccurate or incomplete information.
- In certain circumstances, you have the right to have your personal information erased.
- In certain circumstances, you have the right to ask us to limit the ways we use or share your information.
- In certain circumstances, you have the right to ask us to move, copy or transfer your information to another organisation in an electronic format.
- In certain circumstances, you have the right to object to the ways we process your information.
- In circumstances where your data is processed automatically, without human intervention, you have the right to certain protections.

You can find more information about data protection and your rights on the Information Commissioner's Office (ICO) website at <https://www.ico.org.uk>.

## **Section 7: Complaints**

We take your privacy seriously and would like to know about your concerns so that we can address them as soon as possible. If you wish to make a complaint, we recommend that you contact the Council's Data Protection Officer using the contact details at the start of this Privacy Notice.

If we are unable to resolve the issue to your satisfaction, you have the right to complain to the Information Commissioner's Office (ICO). You can find further information about raising a concern with the ICO on their website: <https://ico.org.uk/concerns/>.

You can contact the ICO by post at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Telephone: 0303 123 1113 / 01625 545 745

## **Section 8: Information about other people**

If you have provided anyone else's personal details on this form, please make sure that you have told them that you have given their information to East Lothian Council. We will only use this information:

- For the purpose of processing Housing Benefit, Council Tax Reduction, Council Tax Single Person Discount, Council Tax Second Adult Rebate, Discretionary Housing Payment, Housing Benefit Overpayments and the Scottish Welfare Fund.