

# Data Protection

## Privacy and data protection

The Data Protection Act gives individuals certain rights regarding information held about them. It places obligations on those who process information (data controllers) while giving rights to those who are the subject of that data (data subjects). Personal information covers both facts and opinions about the individual.

The purpose of the Data Protection Act is to protect personal information about living individuals. The act places legal obligations on organisations that handle personal data. Council's must comply with the act and does so by applying the eight 'principles of data protection', which are legally enforceable.

Organisations that hold personal information have a duty under the act to provide individuals with access to information about themselves if they request it. Under the act you have a legal right to ask:

- what personal information the council holds about you (subject to some exemptions)
- why the council holds personal information about you
- to whom the information is disclosed
- that inaccurate information is corrected

For any enquiries which are related to the Data Protection Act 1998, please contact one of the **participating Councils**.

## The eight principles of good practice

Anyone processing personal information must comply with eight enforceable principles of good information handling practice.

These say that data must be:

- fairly and lawfully processed
- processed for limited purposes
- adequate, relevant and not excessive
- accurate and up to date
- not kept longer than necessary
- processed in accordance with the individual's rights
- secure
- not transferred to countries outside European Economic Area unless the country has adequate protection for the individual

## Homelessness

The 2017 Homelessness Reduction Act ('the 2017 Act') significantly reformed England's homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness in their areas. It also requires housing authorities to provide homelessness services to all those affected, not just those who have 'priority need'. The 2017 Act takes effect on 3rd April 2018.

The Homelessness Case Level Information Collection (H-CLIC) is the new quarterly data return on local authorities' actions under statutory homelessness legislation. It replaces P1E for all new statutory homelessness assessments and cases on and from the 3rd April 2018. All cases where a homelessness application is taken and any legal duty accepted should be reported to MHCLG in the quarterly returns.

### **Understanding the impact of Homelessness Programmes and the Homelessness Reduction Act 2017**

**Study Title:** Understanding more about what causes homelessness and how well homelessness services meet peoples' needs

This research is being carried out by the Ministry of Housing, Communities and Local Government (MHCLG).

#### **What's the aim of this study?**

By carrying out this research, MHCLG aims to find out whether:

1. Housing services prevent homelessness
2. People return for help and/or move regularly
3. Homelessness programmes, such as Housing First, reduce homelessness
4. There are other causes of homelessness and outcomes, such as poor health.

To do this, MHCLG wants to link information about you and others in your household together with other information, including your homelessness application and past and future information on your use of services and benefits.

**MHCLG will use your personal information - name, date of birth, gender, last known address, National Insurance number (if known) - to gather the right data held by other government agencies.**

**Any information you provide will not be used to make any decisions about what benefits you get, services you use, now or in future, or used to identify fraud.**

#### **Whose data are you collecting?**

We want to collect data on all people asking for help with homelessness.

#### **What's involved?**

At your assessment you will be asked questions about:

- Your experiences of homelessness
- Your support needs

- Whether you have spent time in local authority care, and your current employment status.

### **What will happen to the information provided?**

Your information will **only be used for research** and will be **anonymised** so the researchers will not know whose data they have.

Your local authority will send your information to MHCLG using a secure IT system.

Your personal information (name, date of birth, gender, last known address) will be used to identify data collected as part of your assessment and linked to information held by other government departments:

- Department for Work and Pensions (DWP) – to see what benefits you have received and whether you have been employed
- Ministry of Justice (MOJ) – to see what contact you may have had with the criminal justice system
- Department for Education (DfE) – to see when your child has been in school, how well they are doing at each Key Stage and whether they are a Child in Need.

Your information will be kept **strictly confidential**. Your name, date of birth, gender, address and National Insurance number will be kept separately from all the other information in a secure, password-protected document on a computer system. You will be assigned a unique reference number, so that even though a researcher will see all your information, they will not be able to know it is you.

### **How long will my information be kept for?**

DWP, DfE and MOJ will only keep your personal information for a month and will not keep records showing you were part of this research.

MHCLG will keep your personal information for five years.

We will only use your data within the terms of data protection laws, will delete your data securely and only keep it for as long as necessary. We will review dates for keeping personal data in the future and if necessary update these privacy notices.

To legally share data for this research, local authorities and MHCLG will rely on the Digital Economy Act 2017.

The collection of personal information by MHCLG for this project is compliant with data protection legislation.

Your local authority will collect your personal data under the public task basis (in this case to provide housing services) and agree to share this data with MHCLG under the public task basis (in this case to reduce homelessness).

MHCLG will rely on the following reasons for processing personal data and additional special category data below:

#### **A. Lawful basis for processing personal data under Article 6 GDPR**

The processing is necessary for this reason:

- (E) Public task: *the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.***

## **B. Additional condition for processing special category data under Article 9(2) GDPR**

Special category personal data may be processed if:

*(g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;*

## **C. The DPA 2017 will provide a lawful basis to process criminal offence data (as required by Article 10 GDPR).**

### **What are my rights?**

You can talk to your local authority about whether your data is being used for this project without it affecting your legal rights or routine care. You can also see copies of all the data MHCLG hold about you and ask for it to be corrected or deleted.

### **What if I want more information?**

If you want more information you can ask a member of staff. You can also contact MHCLG's Knowledge and Information Team about seeing your data or withdrawing from the research by emailing MHCLG's Data Protection Officer at [dataprotection@communities.gsi.gov.uk](mailto:dataprotection@communities.gsi.gov.uk)

If you are unhappy with the way your personal information is being handled you can contact the independent Information Commissioner at: [Home | ICO](#)

### **What will happen to the results of this research?**

The final results of this research will be published on the main government website. You will not be identified in any research report.

## **National Fraud Initiative**

Local authorities are under a duty to protect the public funds it administers. They may share information provided to them with other bodies responsible for; auditing, or administering public funds, or where undertaking a public function, in order to prevent and detect fraud.

The Cabinet Office is responsible for carrying out data matching exercises.

Data matching involves comparing computer records held by one body against other computer records held by the same or another body to see how far they match. This is usually personal information. Computerised data matching allows potentially fraudulent claims and payments to be identified. Where a match is found it may indicate that there is an inconsistency which requires further investigation. No assumption can be made as to whether there is fraud, error or other explanation until an investigation is carried out.

The local authorities participating in Hampshire Home Choice participate in the Cabinet Office's National Fraud Initiative: a data matching exercise to assist in the prevention and detection of fraud. They are required to provide particular sets of data

to the Minister for the Cabinet Office for matching for each exercise, as detailed [here](#).

The use of data by the Cabinet Office in a data matching exercise is carried out with statutory authority under Part 6 of the Local Audit and Accountability Act 2014. It does not require the consent of the individuals concerned under the Data Protection Act 1998.

Data matching by the Cabinet Office is subject to a [Code of Practice](#).

[Click here](#) to view further information on the Cabinet Office's legal powers and the reasons why it matches particular information. For further information on data matching please contact one of the [participating Councils](#).