



# Counter Fraud Privacy Notice

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## **Counter Fraud Privacy Notice**

Wigan Council (“a data controller”) is committed to protecting the privacy and security of your personal information.

### **What this privacy notice is for:**

Our core obligations under the general data protection regulations (GDPR) and commitments are set out in the [Council’s primary privacy notice](#).

### **What we use your information for:**

We collect or obtain your personal information to in relation to the prevention and detection of fraud in the following areas

- Council Tax
- Non-Domestic Rates (also known as Business Rates)
- Housing Benefit
- Social Care Patients/Direct Payments
- Payroll
- Suppliers
- Students
- Blue Badge
- Tenancy/Housing Fraud

We may be asked to provide access to personal information by relevant authorities with regulatory powers such as the police, government departments and other local authorities for the purposes of the prevention or detection of crime and/or the apprehension or prosecution of offenders without the permission of the data subject. The Council will consider such requests on a case by case basis.

### **It describes how we collect, use and share personal information about you:**

- Before, during and after your relationship with us ends and
- The types of personal information we need to process, including information the law describes as ‘special because of its sensitivity.

It is important that you read this notice, together with any other privacy information so that you are aware of how and why we use your personal information.

### **What categories of personal information we use:**

Personal information can be anything that identifies and relates to a living person. This can include information that when linked with other information, allows a person to be uniquely identified. For example, this could be your name and contact details.

The law treats some types of personal information as 'special' because the information requires more protection due to its sensitivity. This information consists of:

- Racial or ethnic origin
- Sexuality and sexual life
- Religious or philosophical beliefs
- Trade Union membership
- Political opinions
- Genetic and bio-metric data
- Physical or mental health
- Criminal convictions and offences

### **Categories of personal data:**

In order to carry out activities and obligations as Counter Fraud we process personal information such as:

- Name
- Address
- Telephone number(s)
- Email address
- Employer details
- Income details
- Bank details
- Household composition
- Income and Expenditure
- Date of Birth
- National Insurance Number
- Nationality
- Health (Physical/Mental)

We may use information about your physical or mental health, or disability status to review risks and controls around council services such as adult services provision or to audit grants for property adaptations and other spend related to these health conditions.

### **The legal bases we rely on for processing your personal information are:**

The Council's Director of Finance has a statutory duty under Section 151 of the Local Government Act 1972 to establish a clear framework for the proper administration of the authority's financial affairs. To perform that duty the Section 151 Officer relies, amongst other things, upon the work of Counter Fraud in the prevention and detection of fraud and error.

The legal basis for processing and or sharing your personal information is article 6(1)(c) and 6(1)(e) of the General Data Protection Regulations.

The legal basis for Counter Fraud investigations is set out below:

- Local Government Finance Act 1992
- The Council Tax (Administration and Enforcement) Regulations 1992 (as amended)
- Data Protection Act 2018 (GDPR)
- Local Audit and Accountability Act 2014 (Part 6)
- Fraud Act 2006
- Prevention of Social Housing Fraud Act 2013

If you we intend to use your information beyond legal obligations or to exercise specific rights. We will seek your consent to process your information and full guidance will be provided.

#### **Automated decision-making:**

All the decisions we make through the processing of your personal data will involve human intervention.

#### **Cookies:**

To find out how we use cookies [please see our cookie notice](#).

#### **Data Sharing:**

The authority has a duty to protect the public funds it administers, and may use information held about you for all lawful purposes, including but not limited to the prevention and detection of crime including fraud and money laundering.

The Cabinet Office is responsible for carrying out data matching exercises. We participate in the Cabinet Office National Fraud Initiative; a data matching exercise to assist in the prevention and detection of fraud. 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 Government and Accountability Act 2014. It does not require consent of the individuals concerned.

We may be asked to provide access to personal information by relevant authorities with regulatory powers such as the police, government departments and other local authorities for the purposes of the prevention or detection of crime and/or the apprehension or prosecution of offenders without the permission of the data subject. The Council will consider such requests on a case by case basis.

As a service we do not collect data from the public directly but have access to the systems used across the council to ensure that the highest standards of controls are in place to protect the public purse. Therefore whilst we draw conclusions from

personal data the data used to draw those conclusions is not shared beyond the internal service that shared it with us initially unless otherwise stated above.

### **Data Retention:**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any future legal, accounting, or reporting requirements.

We must continue to retain necessary information in accordance with our corporate records policy to fulfil legal, statutory and regulatory requirements.

### **Rights of Access, Correction, Erasure and Restriction:**

You have the right to ask for your information and there will not be a charge for you to do so. This is known as a [subject access request](#) and we act in accordance with this policy.

- To ask for your information to be corrected if it is inaccurate or incomplete.
- To ask for your information to be deleted or removed where there is no need for us to continue processing it. (right to be forgotten)
- To ask us to restrict the use of your information.
- To ask us to copy or transfer your information from one IT system to another in a safe and secure way without impacting the quality of the information.
- To object to how your information is used.
- To challenge any decisions made without human intervention (automated decision making).

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is in our view unreasonable or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

### **Right to Withdraw Consent at any time:**

Where the legal reason for processing your personal information is based on your consent, you have the right to withdraw your consent at any time, without affecting the lawfulness of our processing prior to the withdrawal of your consent.

If you do not provide consent, we may not be able to perform the contract we have entered into with you, or we may be prevented from complying with our legal obligations.

If you wish to withdraw consent you can contact Internal Audit in writing who will process your request within 14 days.

### **Your Rights:**

In addition to the above you have legal rights in relation to your personal information. You have a right to be informed about how and why your personal information is being processed. This notice fulfils that obligation.

Full details are contained within the [Council's Primary Privacy Notice](#) and should be read before consenting to this document.

To ask for access to your information you should contact Internal Audit, Wigan Town Hall, Library Street, Wigan WN1 1YN or email [auditenquiry@wigan.gov.uk](mailto:auditenquiry@wigan.gov.uk). You can also refer to subject access request on the Council's website.

**Data Protection Officer:**

If you wish to raise a concern or discuss any aspect of this notice please contact our [Data Protection Officer](#).

If you are unhappy with the way that we handle your concern you may complain to the [Information Commissioners Office \(ICO\)](#) at:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113

The Information Commissioners Office deals with concerns and complaints relating to data protection (GDPR) and freedom of information legislation.

**Changes to this Privacy Notice:**

We may update or revise this privacy notice from time to time and will provide supplementary privacy information as is necessary.