

Guidance for local authorities on the use of social security data

Housing Benefit Strategy Division

August 2010

Contents

- Contents 2
- 1 Aim of the guide 4
- 2 Considerations and constraints on data sharing..... 6
 - What do we mean by ‘data sharing’? 6
 - What law is relevant to data sharing? 6
 - Administrative law 7
 - Effect of the offence provision in section 123 SSAA 9
 - Example of where it would be an offence to re-use data 9
 - Other legal gateways 9
- Data Protection Act 1998 10
 - What is personal data? 11
 - Who controls the data?..... 12
 - How long should data be kept? 13
 - What are Privacy Notices? 13
 - Obtaining consent 14
 - Data sharing by DWP on basis of customer consent 15
 - Data sharing within LAs on basis of customer consent 16
 - Working with Representatives 18
 - Data Handling..... 18
 - Transmission of data between DWP and LAs 18
 - Transmission of data within LAs, and between LAs and a third party 19
- 3 Potential uses of data, and our advice..... 20
 - To administer HB/CTB and DWP benefits. 20
 - Using Customer Information System (CIS) data..... 20
 - To support direct marketing and take-up work 23
 - To undertake eligibility checks 24
 - Fairer charging assessments 24
 - Supporting People 25
 - Free School Meals 25
 - Asking the customer to provide written proof of income 25

Guidance for local authorities on the use of social security data

Cross checking against HB/CTB records 26

Checking against the DfE Eligibility Checking Service (ECS)..... 26

Centralised Assessment Team..... 26

To provide better intelligence for strategic and operational planning 27

Annex A Example of a customer consent form 28

Annex B Example of a privacy notice..... 29

Annex C Section 110 of the Education Act 2005 31

Annex D Section 42 of the Welfare Reform Act 2007 32

Annex E Section 72 of the Welfare Reform and Pensions Act 1999..... 33

1 Aim of the guide

- 1.1 This guide aims to help local authorities (LAs) decide whether they can re-use customer data, obtained for the purpose of administering social security benefits, to help improve delivery of other locally – managed services and benefits. It is particularly aimed at Housing and Council Tax Benefit teams but may also be useful to other parts of the LA. It accompanies a separate DWP guide on [Data sharing to tackle worklessness](#), and a sector-led guide available from IDeA¹ – [Good Practice in data sharing](#).
- 1.2 Parliament has attached special importance to the confidentiality of social security information and has made it a criminal offence for a person employed in the administration of social security to disclose social security information relating to a particular individual without lawful authority. This offence provision and other restrictions in social security legislation mean that LAs cannot consider sharing or reusing social security data in the same way that they would share or reuse other data that they hold. This guide will help LAs to better understand some of the key considerations and constraints that frame how social security data can be used.
- 1.3 LAs who are considering how to make best use of data for a variety of different activities may find it helpful to read the ‘*Worklessness*’ guide, as the information provided will be relevant across a range of policy areas. It includes advice on how to:
 - become more aware of the ‘small area’ data that DWP and other government departments already make publicly available – and how to access this data;
 - assess whether a formal data sharing request to DWP to access non-published data would be worthwhile, particularly where DWP’s published data does not appear sufficient for local needs.
- 1.4 The information about the Data Protection Act 1998 (DPA) and the Social Security Administration Act (SSAA) 1992 contained in this guide is applicable to England, Scotland and Wales. However in Scotland, and (to a lesser degree) in Wales, there are differences in the law which may impact on the advice in this guide.
- 1.5 This guide is not intended to be a substitute for specific legal advice from LA lawyers on particular data sharing proposals in England, Scotland or Wales that relate to the data that LAs hold. However, where LAs have legal questions in

¹ IDeA: Improvement and Development Agency for local government

Guidance for local authorities on the use of social security data

relation to the use of DWP social security data, they should continue to approach DWP for the Department's view.

- 1.6 The author would like to acknowledge the contribution made by colleagues in DWP Legal Group, as well as the input from a number of LAs, who contributed to a review of data sharing policy, and submitted case studies.

2 Considerations and constraints on data sharing

- 2.1 The purpose of this section is to provide a brief overview of some of the main concepts, considerations and constraints that apply to sharing social security data between DWP and LAs, within LAs, and between LAs and their service providers.
- 2.2 While there is usually a great deal of additional depth and detail to each of these points, which is often the domain of specialists, a basic understanding can be very useful in becoming aware of potential solutions and in tackling common misperceptions.

What do we mean by ‘data sharing’?

- 2.3 Data sharing is a concept that is often used by local partners to describe a wide range of sharing of information between one organisation and another.
- 2.4 For the purpose of this guide we are focusing on a very specific example of data sharing: that of passing individual customers’ personal social security data between:
- DWP and LAs;
 - LAs and their service providers; and
 - within different parts of one LA.
- 2.5 By personal social security data, we mean the information obtained from customers or others in relation to claims for Housing Benefit and Council Tax Benefit (HB/CTB), or a DWP social security benefit, including both personal data and sensitive personal data.
- 2.6 ‘Within LAs’ refers to the re-use of personal social security data obtained for the authority’s HB/CTB functions for another function. Even where the same member of staff is responsible for two different functions, data obtained for the HB/CTB function cannot be re-used for another function unless the law allows this.

Any future references to data sharing in this guide refer to these specific types of share.

What law is relevant to data sharing?

- 2.7 There is no single source of law that regulates the powers that a public body has, to use and to share personal information. The collection, use and disclosure of personal information is governed by a number of different areas of law as follows:

Guidance for local authorities on the use of social security data

- the law that governs the actions of public bodies (administrative law);
- the Human Rights Act 1998 and the European Convention on Human Rights;
- the common law tort of breach of confidence;
- the Data Protection Act 1998; and
- European law.

2.8 The starting point is always to determine whether the public body has the power to carry out any proposed data sharing. This will be a matter of administrative law. The next stage is then to consider whether the proposed data sharing might nevertheless be unlawful due to the operation of any of the other legislation listed above.

2.9 This section will provide a summary of the relevant administrative law followed by an overview of the Data Protection Act (DPA) 1998. Further guidance on how the legislation applies to public bodies can be found on the [Ministry of Justice](#) website.

Administrative law

2.10 Public bodies such as LAs derive their powers from statute, and LAs must not act outside these powers. Account must be taken of any specific data sharing legislation that applies to the function being undertaken.

2.11 As there is no general statutory power to disclose customer social security data held by local authorities, it is necessary to consider the legislation to see whether there is a statutory gateway permitting the disclosure in question. In the context of social security the key piece of legislation is the **Social Security Administration Act 1992 (SSAA)**.

2.12 The box below provides a summary of the key elements of the SSAA. Aspects of this legislation will be discussed in more detail further on in the section.

Sections 7B of the SSAA and associated regulations provide for LAs to use social security information they hold in relation to HB/CTB for certain advice and take up activities in relation to HB/CTB and some other DWP benefit. Unlike the other gateways in this box, these powers relate to county councils in England as well as authorities administering HB/CTB. (See section 3.1 below for further details about these provisions).

Section 122C of the Act allows DWP to provide social security information to LAs, and to organisations carrying out functions on behalf of the LA (i.e. service providers), for the purposes of: administering HB/CTB; prevention, detection, investigation or prosecution of offences relating to HB/CTB (and in some circumstances, DWP social security benefits); and verification of, amending or supplementing HB/CTB information (fraud and verification). In some circumstances where DWP obtained the information for fraud and verification purposes its use but LAs is limited to fraud on HB/CTB and DWP benefits and verification of HB/CTB information. There are restrictions on disclosure).

Section 122D of the Act allows DWP to require local authorities to provide 'relevant benefit information' to DWP for any purpose relating to social security and certain other functions. DWP can also require 'benefit policy information' for estimating future expenditure and developing policy in relation to any relevant social security benefit (including HB and CTB), and for planning in relation to a limited number of other functions.

Section 122E of the Act allows a LA administering HB/CTB to share 'relevant benefit information' with another authority **administering** HB/CTB, for fraud and verification purposes.

Section 123 of the Act provides that it is an offence for any person employed in social security administration (including LA staff and their service providers), to disclose without lawful authority, any social security information which relates to a particular individual.

2.13 Statutory powers may be:

- **express:** for example, the duty to share information set out in section 122D of the SSAA
- **discretionary:** for example, the provisions in section 122E of the SSAA allowing LAs administering HB/CTB to share information with each other. Also, section 2(1) of the Local Government Act (LGA) 2000 provides LAs with wide discretionary 'well-being powers' to do anything which they consider is likely to achieve the promotion or improvement of the economic, social or environmental well-being of part or the whole of their area.²
- **implied:** it is a well-established principle that express powers should be interpreted so as to authorise, by implication, the carrying out of activities which are reasonably incidental to the express function. This principle is extended by section 111(1) of the Local Government Act (LGA) 1972 which provides that LAs are expressly empowered to do anything which is calculated to facilitate, or is conducive or incidental to the discharge of any of their functions.

² However, section 2 of the LGA 2000, cannot be used where there is a prohibition, restriction or limitation in any enactment as set out in section 3 of that Act.

- 2.14 Any reliance on a discretionary or implied power to disclose information is **subject to** any express statutory limitation on the use of the data or any other limitation, including for example any obligation of confidence and also the Human Rights Act 1998 (with reference to article 8 of the European Convention on Human Rights).
- 2.15 These limitations on the use of discretionary and implied powers are particularly important in the field of social security information where the statutory gateways under which information is supplied usually restrict the uses to which the information can be put. As an example, see the information in the box above, summarising section 122C of the SSAA.

Effect of the offence provision in section 123 SSAA

- 2.16 Section 123 of the SSAA makes it an offence for a person employed in social security administration (which includes DWP civil servants administering DWP benefits and LA officers and their service providers administering HB/CTB) to disclose social security information relating to any particular individual without lawful authority. However there is no offence where the person to whom the information relates (or others listed in section 123(10), such as an attorney) consent to the disclosure.
- 2.17 The effect of section 123 and the other prohibitions, restrictions and limitations relating to social security information is that, for example, LAs cannot rely on section 2 of the LGA 2000 as a lawful basis for sharing social security data unless they have the consent of the person to whom the information relates.

Example of where it would be an offence to re-use data

LAs may wish to pool data on their customers in order to ensure they have the most up to date contact details, for example to help pursue people who have defaulted on Council Tax bills.

It would not normally be legal to use information such as a customer's address, which has been obtained from social security claim details, to trace people that owe the LA money, for example rent arrears, or a Council Tax debt.

If the customer gave prior consent for their details to be re used for another purpose, it may be possible to disclose their personal details to another part of the LA for example to trace Council Tax debtors. **(See paras 2.34-2.44 below)**

It is appropriate to use personal social security data to trace people who have been overpaid HB or CTB, including where they owe the LA outstanding legal costs.

Other legal gateways

- 2.18 There are other legal gateways that have been specifically designed to allow the sharing of social security data, including:

Section 110 of the Education Act 2005: this allows DWP to share its social security data with the Secretary of State (for Education) and local authorities for the purpose of determining eligibility for free school meals. The method of delivering this is via the DfE Eligibility Checking Service (ECS), which provides an online service for local authority employees to check a parent/carer's entitlement against central government data held by DWP, HMRC and the Home Office. **For further details see Annex C.**

Section 42 of the Welfare Reform Act 2007 and regulations made under it: these allow both DWP and LAs to share social security data they hold where it is in connection with claims made under the Supporting People (SP) programme. In practice this means that staff dealing with SP grants can request details of the customer's entitlement to a social security benefit, and DWP or the HB/CTB team can provide this information without first obtaining the customer's consent. SP teams can also pass information on to HB/CTB teams to help administer housing benefit claims. **For further details see Annex D.**

Section 72 of the Welfare Reform and Pensions Act 1999: this contains regulation making powers to provide for the supply of social security, employment and training information and its use by service providers, designated persons, ministers of the Crown and LAs. Information can be supplied and used for certain purposes which broadly relate to labour market measures, employment and training, Jobseekers Allowance (JSA) and Employment Support Allowance (ESA). **For further details see Annex E.**

Schedule 5 to the Tax Credits Act 2002: allows HMRC to give LAs administering HB/CTB, data relating to Tax Credits, Child Benefit or Guardians Allowance, for use in the administration of HB/CTB. And HMRC can require a LA administering HB/CTB, to supply information to them, relevant to the exercise of any function relating to HB/CTB, to be used for purposes relating to Tax Credits, Child Benefit or Guardians Allowance.

2.19 There will be other gateways which do not expressly refer to social security information but which may provide the lawful authority for disclosing such data. For example:

- section 32B of the Audit Commission Act 1998 enables the Audit Commission to require a body subject to audit (such as a local authority in England) to supply data to it for the purpose of data matching exercise to assist in the prevention and detection of fraud;

Data Protection Act 1998

2.20 The [Information Commissioner's Office](#) produces detailed guidance, which provides organisations with comprehensive information about the DPA. This section provides an overview of the main principles. For more details, see the Information Commissioner's [Data protection guide](#)

Guidance for local authorities on the use of social security data

2.21 Processing of data, including its disclosure, must comply with the various data protection principles contained in the DPA. There are eight principles in all, the most important (for determining whether or not you can share data) being the first three principles which are summarised in the box below.

The Data Protection Act 1998 (DPA) Key Principles

First Principle

Personal data are required to be processed fairly

This means data must be obtained lawfully and the data subject – the person whose data is being sought – must understand the purpose for which it will be used.

And lawfully

In the context of local authorities, this means it must relate to a function that the authority has the power to carry out, and the processing is compliant with any relevant domestic statute, common law principle, the Human Rights Act, and the European Convention on Human Rights.

The processing must meet at least one of the conditions in schedule 2 of the Act and in the case of personal sensitive data, at least one of the conditions in schedule 3.

Second Principle

This requires that data shall be obtained for one or more specified and lawful purposes, and shall not be further processed in any way that is incompatible with that purpose.

Third Principle

This requires that personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is processed

2.22 Some key aspects of the DPA are described below.

What is personal data?

2.23 The DPA defines personal data as data that relates to a living individual who can be identified:

- from those data or
- from those data combined with other information which is in the possession of, or likely to come into the possession of, the data controller.

2.24 Sensitive personal data is defined as information concerning data subjects

- racial or ethnic origin
- political, religious or other beliefs
- membership of a trade union
- physical or mental health
- sexuality
- criminal offences, proceedings, or sentences.

Who controls the data?

2.25 The DPA applies to any processing of personal data and regulates whether and how 'data controllers or data processors' process personal data.

A data controller is:

- a person who either alone, jointly or in common with others determines the purposes for which and the manner in which any personal data are processed and
- responsible for ensuring that the provisions of the Data Protection Act are complied with

'Person' includes legal entities such as LAs and companies as well as individuals. 'Jointly' is used where two or more persons (usually organisations) act together equally to decide the purpose and manner of any data processing. 'In common' applies where two or more persons share a pool of personal data that they process independently of each other.

A data processor is:

An agency or partner organisation (includes contractors or service providers) who process data on behalf of the data controller. These are known as data processors under the Act.

2.26 DWP is the data controller for the personal data it obtains from customers and others in the process of administering social security benefits.

2.27 LAs are data controllers for the personal data they obtain from customers, and the information they obtain from DWP or others, for the limited purpose of administering HB/CTB. For example, where they have looked on the Customer Information System (CIS) to check whether a person applying for HB is on income support, and then noted the person's income support status on locally held records, the LA is the data controller for that information.

2.28 A person is only a data controller if, alone or with others, they 'determine the purposes for which and the manner in which any personal data are processed'. In essence, this means that the data controller is the person who decides how and why personal data is processed. The ICO take the view that having some discretion about the smaller details of implementing data processing (ie the manner of processing) does not make a person a data controller.

Example of a Data Processor

A LA decides to send out some marketing material to people on low incomes, alerting them to a scheme to help people in fuel poverty. It decides to use housing benefit records, which are clearly personal data, to identify who it will target. It then commissions a private-sector company to do certain matching according to clear criteria, but allows the company to use some discretion in deciding how they do this (eg what software to use). In this example, the LA would be the data controller and the company would be a data processor, even though it decides the details of the processing method. **(See the example at 3.17 below for further details on how this kind of marketing would work).**

How long should data be kept?

2.29 Retention policies should be in place to ensure personal data is not kept for any longer than is necessary. Details of how long customer data will be kept for can be included in the Privacy Notice (**see para 2.31 below**). To ensure data is not kept longer than necessary it is important to:

- review the length of time data is held;
- consider the purpose that the information has been collected for;
- decide whether and how long to keep different types of information;
- update, archive or securely delete information where appropriate.

2.30 There are various legal requirements and professional guidelines about keeping certain kinds of records – such as information needed for audit purposes. If an organisation keeps personal data to comply with a requirement like this it will not be considered to have kept the information for longer than necessary.

Example of data retention policy

Information relating to a HB claim is kept for 6 years to comply with LA auditing requirements.

Information collected by the HB/CTB team as part of a marketing campaign is deleted when the campaign has been completed, and all customers who responded have had follow up calls.

Information collected for research purposes in order to analyse levels of deprivation in the borough, is retained for one year in order to inform operational planning. The information is updated the following year.

What are Privacy Notices?

2.31 Privacy Notices (PN), previously known as fair processing notices, inform customers how their data will be used, including whether it will be shared within or outside the local authority. It should be drafted in an easy to understand way. A single notice can be provided for general information about the data that LAs process, but more detailed and individual notices are advisable for specific data share activities. Where the LA provides a PN this will not negate the need to seek customer consent, where this is necessary (**see paras 2.34 – 2.44 below**).

2.32 An example of how information that might form part of a privacy notice is incorporated in HB/CTB claim forms is included at **Annex B**. The declaration on **page 31** includes information in the fourth and fifth bullets explaining to the HB/CTB customer how their data will be used.

2.33 Further advice is available in the ICO [privacy notices](#) guidance

Obtaining consent

- 2.34 LAs can use DWP data provided to them, and HB/CTB data that they hold, for the purposes of administering HB/CTB. They do not need customer consent to do this (**see section 3 for more details**). But where there is no express statutory power (referred to as a legal gateway) allowing the sharing of social security data, customer consent, taken together with the discretionary power in section 2 of the LGA 2000, may form the basis for legitimate data sharing.
- 2.35 Consent is not defined in the DPA. However, the European Data Protection Directive (to which the Act gives effect) defines an individual's consent as:
- “...any freely given specific and informed indication of his wishes by which the data subject signifies his agreement to personal data relating to him being processed”.
- 2.36 The fact that an individual must **signify** their agreement means that there must be some active communication between the parties. An individual may signify agreement other than in writing, but organisations should not infer consent if an individual does not respond to a communication – for example, from a customer's failure to return a form or respond to a leaflet. In these circumstances, consent cannot be implied.
- 2.37 Informed consent means the customer must understand what is being consented to and the consequences of giving or withholding consent. In the case of sensitive personal data, consent must be explicit.
- 2.38 Consent forms should include information about what data is going to be shared, with whom, and for what purpose. Where appropriate, a time limit should also be included, explaining when the data will be destroyed.
- 2.39 The customer must have a real choice. Care must be taken to avoid implying that they can only get HB/CTB if they agree to their data being used for another purpose, for example, where joint claim forms are used. An example is provided in **Annex B (see page 30)**. Here the HB/CTB customer is asked if they will give consent for the LA to contact the landlord in certain circumstances. But they are also told that this will not affect their claim if they withhold consent.
- 2.40 Equally, the customer must be advised about how their data will be used when their consent is not required. In **para 2.31** above, the use of PNs has been discussed and it is shown how this kind of information can be incorporated in the HB/CTB claim form declaration on **page 31**.
- 2.41 Consent must also be appropriate to the age and capacity of the individual and to the particular circumstances of the case.
- 2.42 If the LA intends to continue to hold or use personal data after the relationship with the individual ends, then the consent should cover this.
- 2.43 Where consent has been given, it will not necessarily last forever. Although in most cases consent will last for as long as the processing to which it relates

continues, LAs should recognise that the individual may be able to withdraw consent at any time. LAs should put in place a process for checking whether any consent obtained is still valid. Withdrawing consent does not affect the validity of anything already done on the understanding that consent had been given.

Data sharing by DWP on basis of customer consent

2.44 It is possible for claimants to consent to their personal social security data being shared by DWP with LAs. In practice this is usually quite costly unless the volumes are small. LAs must agree in advance with the relevant DWP office, how consent should be handled and what form the consent should take.

Customers cannot consent to the LA being given access to their data via CIS. (See also para 3.3 below).

Example: Consent to use DWP data for Fairer Charging assessment

A social worker from the LA Adult Social Care (ASC) team visits an elderly resident who is having difficulty managing her finances and has serious health problems. The social worker discusses various care packages with the client, which will help her remain living independently at home. There may be a charge for this package of services, depending on the client's income. The social worker obtains written consent from the client to approach DWP for a breakdown of all her social security benefits.

The LA has an agreement in place with Pension, Disability and Carers Services (PDCS) that consent forms can be sent electronically, (by GCSX secure email to a specific PDCS Inbox) and PDCS will respond by the same route with any relevant financial information. As a result the social worker is able to receive confirmation that their client is getting PC and this allows her to complete the Fairer Charging Assessment.

2.45 An example of a consent form (taken from PDCS Local Bulletin 06/08), is attached at **Annex A**.

Other examples of where LAs may want to use DWP data

There are many different benefits and services that LAs or their partners deliver, and quite a few either involve a means test or use receipt of a DWP benefit as a 'passport' to eligibility for the LA benefit/service. Examples include;

- Blue Badge parking permits
- School Uniform Grants
- Concessionary Travel
- Leisure Pass
- Disabled Facilities Grants
- Warm Front Grant

For all of these and other benefits/services, the LA will need to obtain the customer's consent to seek personal social security details from DWP

Data sharing within LAs on basis of customer consent

- 2.46 The ICO take the view that for the purposes of the DPA, a LA is a single organisation which makes its own decisions about how personal information is used. A LA is composed of many separate departments, and if one department passes information to another department within the same LA, this is not a disclosure of personal information as defined by the DPA. But if one LA department passes information to another LA department so that it can be used for a different purpose, then this will be a secondary use by the LA of that personal information. The LA must satisfy itself that such sharing complies with the data protection principles, the most relevant being the first and second.
- 2.47 This principle is explained in the [ICO Good Practice Note](#)
- 2.48 The position in relation to social security information which the LA holds is more complicated because of the prohibitions, restrictions and limitations on its use discussed above.
- 2.49 HB/CTB information that LAs hold (this means data it has obtained and recorded on its local recording system) is available to be used by LA HB/CTB staff for the purpose of the administration of HB/CTB. Administration of HB/CTB in this context includes any contact with customers to discuss an award or potential claim; dealing with appeals; recovery of an overpayment; and investigating suspected benefit fraud. It also covers take up activity.
- 2.50 It can also be used for providing advice about a limited number of DWP benefits (**see para 3.1 below**), and Supporting People Grants (**see paras 3.14 – 3.15 below**).
- 2.51 In addition, HB/CTB staff could use HB/CTB data to identify customers who may be entitled to other LA services or benefits and to make them aware of these services and benefits and how to access them, providing the LA PN covers this use of data.
- 2.52 Unless there is an express statutory gateway or section 2 of the LGA 2000 can be used as consent to re use data has been obtained, the HB/CTB section cannot share data with any other part of the LA. However HB/CTB sections could write to customers and, if the customer wants to take advantage of the service/benefit being offered, they can be advised to reply to another part of the LA (and in doing so, signify their consent to their details being shared). **See para 3.15 for an example of how this might work).**

Examples: Consent to re-use HB/CTB data

(i) A LA decides to collect consent up front in order to help customers receive any benefits and services they may be entitled to. HB/CTB claim forms are designed to obtain consent for data to be used for purposes other than HB/CTB. The customer is asked to indicate on the form if they are content that information provided for HB/CTB can be used to determine eligibility for 'any other benefits and services to which I may be entitled.'

(ii) A LA decides to provide joint claim forms, designed to allow the customer to specifically apply for several different benefits at the same time if they wish to do so, for example HB/CTB, Free School Meals and School Uniform Grants. The form is structured so that customers who are applying for just one of the benefits only has to answer questions relevant to that benefit, For example, this means a person applying for free school meals does not have to provide a lot of information about their home.

(iii) A LA decides to run a summer play scheme for children in its borough, and provide a number of free places to parents on low incomes. They decide the best way to reach their target group is to identify families from HB/CTB records, with children under age ten. Marketing material is sent by the HB/CTB team to customers in the target group. Customers who want to take up a free place at the summer play scheme are advised to reply to the Leisure Department, and the leaflet explains that by doing so, customers agree to information about them being shared between the two LA departments.

2.53 In the absence of a statutory gateway, or other lawful authority such as section 2 of the LGA 2000, where the customer gives consent, passing such information to another department in the LA would be a disclosure of social security information in breach of section 123 of the SSAA. This is likely to be the case even where the same member of staff is performing functions in relation to the administration of HB/CTB, and is also undertaking another local authority function, **(see also paras 3.5 – 3.8 below.)**

2.54 Where LAs obtain consent for the re-use of HB/CTB data they control, the consent form does not have to be passed on to DWP.

Example: staff with multi functional role

A LA employs a central financial team to assess claims for HB/CTB, along with Free School Meals, Supporting People Grants, Fairer Charging assessments, and Blue Badge permits.

The team can:

- access CIS and local HB/CTB records to assess the HB/CTB claims;
- use the DfE electronic Checking Service for Free School Meal claims, or obtain customer consent to use local HB/CTB records;
- use local HB/CTB records to check eligibility for the Supporting People grant, or approach DWP where necessary;
- obtain customer consent and seek data from DWP for the Blue Badge request and fairer charging assessment.

It is not appropriate for the team to access CIS to deal with Free School Meals, Supporting People grants, Fairer Charging assessment or Blue Badge applications.

Working with Representatives

- 2.55 DWP has produced guidance for those who often assist customers to claim the benefits they are entitled to, and as such may act as the customer's representative. The [Working with Representatives](#) guide includes the concept of 'implicit consent'. LAs have asked for clarification on how this might fit with the advice above regarding consent.
- 2.56 This guidance can assist LAs where a member of staff, commonly working in the Welfare Rights area, is helping a DWP customer with their benefit or pensions claim, and needs to phone DWP for information about the claim. DWP staff are allowed to make a judgement, based on the nature of the information held by the adviser, and whether the questions asked are consistent with the role of a representative, whether the caller has the implicit consent of the customer to seek the information.
- 2.57 'Implicit consent' is not applicable where the LA requires information for any other purposes, for example, fairer charging or for assessing entitlement to other LA services.
- 2.58 Where the LA is seeking data for the purpose of dealing with the HB/CTB claim, they can contact the DWP for information without needing to obtain customer consent (**see paras 3.1 – 3.5 below**).

Data Handling

- 2.59 Once a decision has been taken to share information, either between DWP and the LA, with another part of the LA or with a third party, it is important to consider how that data should be transferred.

Transmission of data between DWP and LAs

- 2.60 The DWP Data Access policy requires that all sensitive personal data must only be sent via a government approved secure communications channel, where such a channel can be or has been made available. This policy applies to all authorities in England, Wales and Scotland.
- 2.61 **Government Connect** is the pan-government programme providing an approved secure network between central government and every local authority in England and Wales. The Government Connect Secure Extranet (GCSX) is part of the wider Government Secure Intranet (GSI). It provides connectivity to the majority of central departments as well as many other public sector organisations, such as the NHS and police, and accredited commercial organisations. Scottish local authorities are connected to this trusted communications infrastructure via the Government Secure Extranet (GSX). More information about GCSX and the Code of Connection can be accessed at: [Government Connect](#)
- 2.62 The DWP Data Access Policy means that:
- local authority access to CIS over the internet is no longer possible

Guidance for local authorities on the use of social security data

- bulk file transfers between DWP and LAs are no longer to be sent by encrypted transmissions over the internet or by encrypted physical media – it is now only be possible via GCSX
- LA access to DWP RESTRICTED data is only be possible via GCSX.

2.63 In addition, new guidance issued on 26 July 2010 advises that in order to comply with the DWP Data Access Policy, DWP HBSD are withdrawing the facility to fax sensitive information to the LA Support Team (LA-ST). This means that from 6 September 2010, all correspondence to LA-ST that includes sensitive data will ONLY be accepted if sent via a secure method, i.e. using a secure email address.

Transmission of data within LAs, and between LAs and a third party

2.64 LAs need to have effective data handling processes to ensure the safe transmission of personal data both within the authority and with any external customers. Where it is not possible to use a GCSX or similar secure channel of communication, LAs need to consider alternative methods of ensuring the safe transmission of personal data. IDeA produce [Local Government Data Handling Guidelines](#) that provide more detail about this.

3 Potential uses of data, and our advice.

To administer HB/CTB and DWP benefits.

- 3.1 LAs can use DWP data provided to them, and HB/CTB data that they hold, for the purposes of administering HB/CTB. They do not need customer consent to do this. Administration includes any contact with customers to discuss an award or potential claim; dealing with appeals; recovery of an overpayment; and investigating suspected benefit fraud. It also covers take up activity.

Using LA social security data

LAs can use social security information that they hold on their own system, whether it has been obtained from the Customer Information System (CIS), from the customer, or from someone else, to do anything in relation to a claim which is made or could be made, for the purpose of:

- identifying customers who may be entitled to HB/CTB, or to the following DWP benefits:
 - Attendance Allowance
 - Bereavement Allowance
 - Bereavement Payment
 - Carers Allowance
 - Disability Living Allowance
 - Incapacity Benefit
 - Income Support
 - Jobseekers Allowance
 - Retirement Pension
 - State Pension Credit
 - Widowed Parents Allowance
 - Winter Fuel Payment
- encouraging or assisting customers to make such a claim
- advising customers in relation to such a claim

- 3.2 LAs can also use data they hold to provide advice and carry out take up activities in relation to certain DWP benefits (**see box above**). Customer consent is not required.

Using Customer Information System (CIS) data

- 3.3 An advice service may be offered by, for example, Customer Service staff or Welfare Benefits teams, where staff may have several functions. Where staff employed on dual or multi functions are given access to social security data the local authority holds or to CIS, it is very important that they are made aware of the limitations on its use.

- 3.4 **Administration includes providing take up advice:** As well as using HB/CTB data it already holds, accredited staff can access CIS to obtain information where necessary. While they can access CIS to help provide advice to individual customers, they cannot use CIS to create a list of customers to target for take up activity.
- 3.5 It is very important that staff who offer advice to customers are made aware that CIS must only be used for the purpose of administering HB/CTB. Only staff employed in the administration of HB/CTB who have obtained the necessary authorisation to access CIS after all the relevant training and checks have been completed can access CIS.

Using CIS to advise customers

(i) A customer visits the LA to ask whether he would be entitled to HB/CTB. The customer is out of work and getting JSA. The Customer Service adviser checks on CIS to confirm that JSA is in payment and that HB/CTB has not been applied for. The customer is assisted to submit a claim for HB/CTB

(ii) A customer visits a One Stop Shop to find out if she is getting all of the benefits she is entitled to. She recently started work but is struggling to pay her housing costs, particularly because she has a disability that means extra costs in travelling to work. A member of the LA outreach team checks the local records and finds that HB/CTB stopped several months ago. CIS is then interrogated to see what happened. The customer's JSA stopped when she found work and HB/CTB was wrongly terminated at the same time. Details are taken of her new income, and her HB/CTB is reviewed and reinstated. She is also helped to apply for DLA.

(iii) A customer talks to a member of the Welfare Benefits team about benefits he might qualify for. He appears interested in applying for HB and initial questioning suggests he may be entitled. To encourage him to pursue the claim, a check is done on CIS to confirm he is getting JSA. The customer leaves without making a claim, as he wants to consider it further.

- 3.6 Administration includes dealing with overpayments of benefit: LAs can use social security data they hold, and access data on CIS in order to pursue customers who have been overpaid HB/CTB. This includes legal costs, where those costs have been incurred in relation to dealing with an HB/CTB overpayment. They cannot use social security data to pursue customers for other debts such as Council Tax, unless the customer has previously given consent for their data to be re used for this purpose. Even where consent has been given, it will not be appropriate to use CIS as the means to check for details such as current address.
- 3.7 LAs cannot use their access to CIS to give advice about DWP benefits, or to obtain financial data for other purposes, (for example Fairer Charging assessments, or eligibility checks for services/benefits (for example Blue Badge parking permits). If the relevant information is not held on local records, then DWP must be approached for the data that is being sought. Customer consent must be obtained.
- 3.8 Even though one team may be dealing with a range of different benefits, or undertaking different functions, it cannot use LA access to CIS, except for the purpose of administering HB/CTB, as discussed above. For example one member of staff may be administering HB/CTB and also dealing with requests for Blue Badge

Guidance for local authorities on the use of social security data

permits. Even though this is the same member of staff, different functions are being performed and each function is subject to specific legislation. This member of staff will be able to access CIS when dealing with HB/CTB claims but will have to seek customer consent to approach DWP for social security benefit information that is required to assess whether a Blue Badge can be allocated.

3.9 For more information about using CIS visit [Customer Information System \(CIS\)](#)

3.10 You can also view the [CIS Memorandum of Understanding](#)

Example of how data can be used: working with Housing Departments

LA staff in the Housing Department (HD) are concerned about a tenant who has built up serious arrears of rent. They are considering court action but first want to check whether the tenant has applied for any benefits he may be entitled to.

Unless the HD obtain the customer's consent to seek information about his benefits, nothing can be done at all.

With the customer's consent, the HD team approach HB/CTB colleagues and ask for information. HB/CTB staff provide details about the tenant's HB claim, taken from records they hold locally. (It is not appropriate to interrogate CIS to obtain any information.)

HD staff need further information about DWP benefits being paid to their tenant, and the information is not held on local HB/CTB records, so they approach DWP direct for the data, sending DWP a copy of the written consent form signed by the tenant.

3.11 It is very important that the arrangements in place for accessing CIS are adhered to. The data on CIS is owned by DWP and HMRC and contains far more information than is likely to be necessary for non-social security purposes. Accessing CIS would be contrary to the DPA principal that data use must not be excessive and the principle of proportionality under the ECHR. It would also be a serious breach of the MoU which sets out the terms of local authority access to CIS. **Customer consent cannot override this.**

Example of how data can be used: Blue Badge application

LA staff dealing with Blue Badge permits receive an application from a person who is getting DLA and HB/CTB. Customer consent is obtained, and a check is made with the HB/CTB team to confirm benefit status. HB/CTB staff confirm the customer is getting benefit, but cannot provide a breakdown of the DLA as this information is not held on local records.

HB/CTB staff are not allowed to interrogate CIS to obtain this information. The LA approach the relevant DLA office to obtain the details, making sure the written consent form is securely emailed to the right person.

3.12 LAs can provide social security information to DWP for any purpose relating to social security. For example DWP may contact a LA to check whether someone is in receipt

of HB/CTB, so that they can process a claim for a Funeral Payment. **Customer consent is not required** because there is a legal gateway allowing this sharing of data.

To support direct marketing and take-up work

- 3.13 For example, to facilitate targeted direct marketing to local residents with specific characteristics, such as people at risk of child or fuel poverty. This direct marketing may be by letter or 'on the doorstep', and could be used to help improve take up of particular benefits or services.
- 3.14 The SSAA restricts DWP's ability to share bulk social security data, such as the names and addresses of benefit recipients. But it is possible to make available very low level anonymised data ('Output Area' data) on the number of people claiming different benefits. Further advice can be found in the **Worklessness** guide.

Using output area data to target mail shots.

A LA decides to tackle high levels of child poverty in its area, and decides to issue marketing material to low income families with young children, offering them a benefits 'health check' .

Using DWP output area data, the LA is able to identify a number of small geographical areas, consisting of as little as one or two streets, where there are a high number of families with young children.

Mail shots are sent out to households in these streets, thereby ensuring it is targeted to families who are most likely to read it.

The material includes a form which the customer can sign and return, indicating they wish to take up the offer of a benefits health check, which is provided by LA staff at a benefits surgery in the local shopping centre.

- 3.15 The example above is just one way in which output level data could be used. LAs could also use this to send out other types of marketing material. Depending on what is on offer, the LA may also need to seek the customer's consent to re-use their data, particularly if, by taking up the help on offer, their details are going to be passed on to another part of the LA or a third party provider.

Helping to tackle worklessness

A LA uses DWP output level data to identify households that include a person who is unemployed. They want to advertise a training course aimed at people who have been out of work for 3 months or more and need help to re enter the labour market.

Mail shots are sent to selected households, offering residents the opportunity of registering for this new course. The mail shot advises people that if they respond, and wish to take up the offer, their contact details will be passed to a third party training provider who will send them instructions about how to register for the course.

- 3.16 Local HB/CTB data could be used as an alternative. For example, the LA HB/CTB team could use customer data to identify target groups to whom it would send take up advice, such as those who are getting CTB but have not applied for Pension

Guidance for local authorities on the use of social security data

Credit, or those on HB with a disability premium, but no DLA or AA in payment. The LA should cover this in its PN.

- 3.17 Local HB/CTB data can also be used to market a non social security benefit/service, but customer consent must be obtained before the data is used to deliver that benefit/service. How this might work is covered in the example below.

Using HB/CTB data to monitor fuel poverty

National Indicator 187 aims to monitor progress in tackling fuel poverty at a local level. LAs are required to report annually on progress and this involves collecting data using a postal survey.

A LA chooses to issue the survey by mailing HB/CTB customers. It publishes a PN setting out how data will be used in this way. The mail shot is sent out by the HB/CTB team (it could also be issued by a third party acting under contract).

The customer is given information about the survey including what data is being used and collected, how it will be used and how their personal details will be protected. They are asked to respond if they need advice about energy conserving measures, or about energy related benefits they may be entitled to such as Warm Front grants. Details of those who respond are passed on to another team in the LA dealing with fuel poverty, and customers are advised of this.

- 3.18 At the point that the mail shot is sent out by the HB/CTB team, data has not been shared with any other part of the LA or with any third party provider. If the customer decides to take up the offer or wants to find out more about the benefit/service being marketed, they can be informed that by responding, they are consenting to their data being used for this secondary purpose. They should also be notified if this means that data will be passed to another part of the LA (this may include the County Council in a two tiered authority) or to a third party.

To undertake eligibility checks

- 3.19 For example, to check whether a person is entitled to a benefit or service on the basis of receipt of a 'passporting' benefit or to cross check information that has already been provided to another part of the authority.
- 3.20 Where the LA wants to check against DWP or HB/CTB records in order to determine eligibility for another benefit or service other than those referred to in para 3.1, for example a Disability Facilities Grant, Blue Badge parking permit, or adult social care (ASC) services, they must seek the customer's consent before accessing their own HB/CTB records or approaching DWP for information.

Fairer charging assessments

- 3.21 These are the assessments that are undertaken to decide how much a person may have to contribute towards the cost of help provided under the Supporting People (SP) scheme (such as help in managing bills or completing forms, or provision of security alarms) or social services (such as home helps, meals, or day care). Sometimes a package of care will be provided that includes both SP and social

services help. The aim of this kind of support is to help a person remain living at home independently rather than moving into residential care.

- 3.22 Local arrangements must be made with DWP to agree how consent forms should be handled. A model consent form is provided at Annex A, but this must be agreed with the relevant DWP office, who may have their own preferred wording. When seeking access to DWP data LAs should use the most secure method of communication possible.

Supporting People

- 3.23 Where a customer has applied for help under the **Supporting People scheme**, consent is not required in order to access data. SP is a scheme that funds a range of support to complement the help provided by social services. SP provides housing related support to help vulnerable people to live as independently as possible in the community. This could be in their own homes or in hostels, sheltered housing or other specialised supported housing. It is free to people on HB, and for others, a means test (fairer charging assessment) must be done to determine the amount a client can contribute to the cost of the support being provided.
- 3.24 There is a legal gateway allowing the exchange of personal data between HB/CTB and DWP benefit teams, with SP teams, for the purposes of determining entitlement to SP help (**see Annex C**). However it is not appropriate for SP staff to have direct access to CIS. They must approach the DWP for any social security information that is required, that cannot be obtained from LA locally held records.

Supporting People: assessing entitlement

A customer has been identified as being vulnerable and in need of a support worker to assist with managing day to day tasks. To find out if he is entitled to free support, the SP team contact the HB/CTB team for information about his benefit status. It is not necessary to seek the customer's consent to do this. The HB/CTB team confirm the customer is receiving HB – they do not need to provide any further information as all the SP team need is a yes/no answer.

Another customer requires help. The SP team are advised by the HB/CTB team that HB is not in payment. The SP team then have to approach DWP and find out he is getting ESA. Again, customer consent is not required. Using the details provided by DPW about his income, the SP team are able to carry out a financial assessment to calculate how much contribution the customer needs to make.

Free School Meals

- 3.25 Free School Meals (FSM) are available to the children of low income families. The box below sets out the eligibility conditions. Where a parent/carers has applied for FSMs, there are several options for checking eligibility:

Asking the customer to provide written proof of income

- 3.26 This is the least effective method as the customer has to try and obtain suitable written verification confirming their income and any benefits they may already be

receiving. It is time consuming and discourages many parents from applying, and should only be used if other methods are not available

Cross checking against HB/CTB records

3.27 This is better for the customer as the LA does not need to ask for additional written evidence. It is quicker and more likely to be accurate. It can be done at any stage during the award of HB/CTB, ie a joint claim for HB/CTB and FSMs can be taken at the same time. Customer consent is required in order to check against HB/CTB records. The drawback is that if the customer is not getting HB/CTB there will be no local records to check against. Not all families who are entitled to FSMs will be getting HB or CTB.

Checking against the DfE Eligibility Checking Service (ECS)

3.28 This is the preferred method as it is quick, accurate and can be used for every customer, not just those getting HB/CTB. It is not a legal requirement to have the customer's consent to use the ECS, but it is recommended as good practice. This might be achieved by the use of joint claim forms, for example with HB/CTB. Any consent obtained should be retained locally by the LA. Where appropriate consent has been obtained, the results of the check undertaken for the FSM's claim can be used to decide eligibility other benefits/services where the criteria is the same.

A child is eligible for Free School Meals if his parents/carers receive:

- Income Support;
- Income based Jobseekers Allowance;
- Employment Support Allowance (income related);
- Pension Credit guarantee element;
- Child Tax Credit, but not Working Tax Credit, with an annual income of less than £16,190

*Note: From 1 May 2009 where a parent is entitled to Working Tax Credit during the four-week period immediately after their employment ceases, or after they start to work less than 16 hours per week, their children are entitled to free school meals'

3.29 Request access to the ECS by emailing fsm.admin@dfes.gsi.gov.uk

Centralised Assessment Team

3.30 LAs may wish to set up one team dealing with a range of benefits where a common financial assessment is required, or where eligibility is linked to receipt of a social security benefit. In addition to HB/CTB, other benefits that typically fall within this category include Fairer Charging assessments, Free School Meals, and education related support.

3.31 Customer consent must be obtained in order to use data obtained for HB/CTB for different purposes. This can be done by using a common claim form. Where several

benefits are included in one claim form the customer must be offered the option of applying for one or a selection of the benefits covered by the form.

- 3.32 A successful claim for HB/CTB for example, should not be conditional on the customer consenting for data to be used for other purposes such as Free School Meals. The form should be designed so that the customer only completes questions that are applicable to the benefit(s) being claimed.

To provide better intelligence for strategic and operational planning

- 3.33 DWP are not able to share postcodes, names or addresses of benefit recipients for these purposes. However, a reasonable amount of small area data is already available in published form, as set out in section 3 of the **Worklessness** guide. This should enable most needs to be met with some success, and it is always good practice to use non-personal data where possible.
- 3.34 LAs may want to consider using local HB/CTB data for strategic and operational planning. A PN should be published and made available to customers, explaining how their data may be used. If the proposal involved any disclosure of personal data to non-HB/CTB staff, or to HB/CTB staff for another function, consent must be obtained

Using high level data to identify target areas.

To measure the levels of deprivation and underachievement, LAs can use raw high level data, which does not identify individuals, obtained from DWP, and other agencies (e.g. Sure Start and Children and Adult Services Departments). For example, they might examine the number of:

- benefits claimants/types of benefit being claimed
- pupils with Key Stage 2 attainment less than Level 4 and Key Stage 3 attainment less than Level 5.

As this is anonymised data, customer consent is not required.

Annex A Example of a customer consent form

Authorising (insert name of data controller e.g. DWP) to disclose relevant personal information provided for (insert original purpose for which information was provided eg assessing entitlement to Pension Credit, to (insert name of other party eg local authority) for (insert new purpose eg social care financial assessment.

Customer details

Name:

Address:

NINO:

DOB:

Customer consent

I agree that the personal and financial information I have provided to DWP for the purpose of administering my Pension Credit claim may be passed to (name of Local Authority) for the purpose of assessing my contribution to any social care support provided by the (name of local authority).

I understand that I may withdraw my consent to the disclosure of such information at any time by writing to (insert name and address of data controller)

Signed

(customer/appointee/legal representative)

Date

Annex B Example of a privacy notice

About your claim – sharing information

Sharing information with your landlord could help us to deal with your claim more quickly and reduce the risk of you falling behind with your rent because of your claim being delayed.

We may need to confirm information with your landlord before we can make a decision on your claim for example, the start date of your tenancy. In these circumstances we can contact your landlord without your permission.

The law requires that we inform your landlord of certain decisions we make on your claim, for example, when a decision is made to pay your benefit to your landlord.

Under the Data Protection Act 1998 we need your permission to discuss anything else.

If you give us permission we would also be able to tell your landlord if:

- you have claimed Housing Benefit
- we have made a decision on your claim, or
- we need more information to make a decision and what that information is.

You can withdraw your permission at any time.

We will not give your landlord any information about your personal or household circumstances, or your financial circumstances.

It will not affect your claim if you do not give us permission to discuss your claim with your landlord.

If you want to give us permission to discuss your claim with your landlord, please sign below.

I give my local council permission to share information about the progress of my Housing Benefit claim with my landlord or their representative.

Signature of claimant

Date

Your declaration

- I understand that this claim is made to you, my local council

Guidance for local authorities on the use of social security data

- I declare that the information I have given on this form is correct and complete as far as I know and believe.
- I understand that if I knowingly give information that is incorrect or incomplete, I may be liable to prosecution or other action
- I agree that you will use the information I have provided to process my claim for Housing Benefit or Council Tax Benefit, or both. You may check some of the information with other sources as allowed by law.
- I understand that you may use any information I have provided in connection with this and any other claim for social security benefits that I have made or may make. You may give some information other organisations such as government departments, local authorities and private-sector companies such as banks and organisations that lend me money, if the law allows this.
- I know that I must let you know straight away about any change in my circumstances which might affect my claim.

Signature:

Date:

Annex C Section 110 of the Education Act 2005

This provides that information held by the HMRC for tax credit purposes, or by DWP for social security purposes, can be shared by DWP with local authorities for the purpose of determining eligibility for free school meals. There is no direct gateway between HMRC and local authorities, which means the method of transferring data must be via DWP. To achieve this, the Department for Education (DfE) developed an online eligibility checking service (ECS) to support local authorities, initially called the 'Hub'.

The Hub was set up in March 2008, and in March 2009 was updated and improved to become what is now the ECS. This allows accredited local authority employees to check a parent/carer's entitlement against central government data held by DWP, HMRC and HO. There are currently two technical options for checking eligibility using the ECS:

- web browser (one check at a time by LA staff member)
- batch checking (multiple queries submitted overnight by LA staff member)

ECS also has a web service or system-to-system interface. This gives LAs the ability to create online FSM application forms linked directly to the ECS. A parent/carer can be given an instant response via the online application form as to whether their children are eligible for FSMs.

ECS cannot be used by schools. However where the work has been contracted out to a service provider, the service provider can apply for access to ECS to undertake checks.

ECS can only be used to check eligibility for FSMs. But once an authority has received a claim for FSMs and checked entitlement using ECS, and the customer has given their consent, they can re-use this information to determine eligibility for other benefits, for example school uniform grants, and concessionary travel. Using ECS to confirm eligibility means that customers no longer have to provide paper based evidence.

ECS is accessed via standard desktop internet software the Department of Education website (you will need to copy the following link into your web browser – <https://fsn.dfe.gov.uk/fsm.laportal/default.aspx>)

Request access to ECS by emailing fsm.admin@dfesgsi.gov.uk

Annex D Section 42 of the Welfare Reform Act 2007

The Supporting People programme, introduced on 1 April 2003, is administered by the Department for Communities and Local Government, delivered by local authorities in partnership with local agencies, and provides housing related welfare services to vulnerable people.

The primary purpose of such support is to help people to remain in their own homes and live independently. Some examples of housing related support include enabling individuals to access their correct benefit entitlement, ensuring they have the correct skills to maintain a tenancy, and providing the assistance of a support worker. Examples of people assisted include those who have been homeless, ex prisoners, people with drug or alcohol problems and those with a history of tenancies breaking down. Around 1.2 million people benefit from this support.

As part of the development of Supporting People services, clients in receipt of certain means-tested benefits do not need to undergo a second means test to allow assistance with their Supporting People charges. In order to facilitate this, regulations made under section 42 of the Welfare Reform Act provide that social security data can be shared, where it is in connection with claims made under the Supporting People programme, without customer consent. This simplifies administration and reduces the need for clients to supply financial data more than once.

In addition, Supporting People teams are able to share information with housing benefit teams concerning the vulnerability of a tenant or the probity of a landlord, which will help decide whether to pay housing benefit to the tenant or to the landlord.

Annex E Section 72 of the Welfare Reform and Pensions Act 1999

A number of regulations have been made, most recently to facilitate the integrated employment and skills agenda. The most recent regulations made under section 72, following amendments to the section made by the Education and Skills Act 2008 and the Welfare Reform Act 2009, are the Social Security (Claims and Information) (Amendment) regulations 2010 which came into force on 6 April 2009.

These regulations amend provisions in the Social Security (Claims and Information) regulations 1999 relating to the holding, use and supply of information in connection with arrangements made by the Secretary of State, in particular made under section 2 of the Employment and Training Act 1973.

These regulations, along with designation orders, will allow the Secretary of State, persons providing services to the Secretary of State, careers advisory services, training providers and certain employers, to share social security or employment and training information with each other in connection with arrangements made by the Secretary of State to secure the provision of advice, support and assistance to persons claiming benefit to help them acquire or enhance their skills and qualifications with a view to improving current and future prospects of finding and retaining employment.

The regulations will also allow the Secretary of State and persons designated to supply and use information relating to social security and employment and training for the purposes of research, monitoring and evaluating these arrangements.

Social security information can only be supplied to or used by county councils in England, in relation to those persons to whom the county council is required to provide the service under section 68 and 70 (1) of the Education and Skills Act 2008 (formerly referred to as Connexions Services).