



Privacy Notice No:	18/1207
Date Created:	September 2018
Date Published:	01/02/21
Version Number:	2.00

Service Area:	Council-wide
Contact Details:	01443 815588, info@caerphilly.gov.uk
Privacy Notice Name:	National Fraud Initiative
Description of Privacy Notice:	To protect public funds, the Council has a legal duty to make available personal information for matching with data sources from other public bodies to detect fraud. This Privacy Notice provides more information.

How we will use your information

Source and type of information being processed

Categories of personal data

The National Fraud Initiative (NFI) involves comparing sets of electronic data held by one organisation against data held by the same or another organisation to see how far they match, in order to identify fraudulent and unlawful activity or error.

The data submitted by the Council for this purpose, and received as a result of a data match, is usually personal information, mainly financial records.

Depending on the nature of the financial involvement that government organisations or other public bodies have had with the individual it may include other details such as family make-up, how many people live in a property, or an indication that there is a health condition that affects financial benefits.

Source of the personal data

Information submitted to National Fraud Initiative

The National Fraud Initiative will securely match the following sources of personal information held by the Council:

- Council Tax, including reduction scheme discounts and exemptions
- Housing benefits claimants
- Housing, including tenancies, waiting lists and pending right to buy applications
- Licences, including market trader, taxi driver, and personal licences for the supply of alcohol
- Payroll data for Council employees
- Personal budget records for Social Services clients,
- Financial records for residents in private supported care homes
- Residents parking, blue badges and over 60s travel permits

- Trade creditors payment transactions and master file information
- Electoral registration
- COVID-19 Business Support Grants

The above is a list of data that is currently shared. The Auditor General for Wales can expand this list at any time, at their discretion.

If you would like more detailed information please see the Privacy Notices for each type of data on the Council's website at <https://www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Privacy-notices> or contact the Council at dataprotection@caerphilly.gov.uk 01443 863086.

Information received from National Fraud Initiative

Results of the data matching will be made available to the Council via a secure web portal. Results take the form of a report of matches that should be investigated, so the results will include information from other government organisations or publicly funded bodies that has resulted in a match with Council records.

Subsequent investigation aims to detect instances of fraud, over or under-payments and other errors. Matches arising may not always be investigated; it would depend on the circumstances. Further details can be found here:

<https://www.gov.uk/government/collections/national-fraud-initiative>

If you would like copies of your own personal information submitted to the National Fraud Initiative, or received from NFI, you may be required to apply for this information as a Subject Access Request.

Purpose and legal basis for using your information

Purpose of processing

To protect public funds, the Council is under a legal duty to provide personal information in an electronic format to the UK Cabinet Office on behalf of the Auditor General for Wales to carry out matching of several public sector data sources aimed at detecting fraudulent claims and payments or errors.

Where a match is found it may indicate that there is an inconsistency which requires further investigation, but no assumption is made as to whether there is fraud, error or other explanation until an investigation is carried out.

The National Fraud Initiative has operated since 1996, and complies with a strict statutory Code of Practice that can be found here:

<https://www.gov.uk/government/publications/code-of-data-matching-practice-for-national-fraud-initiative>

Legal basis for processing

Information submitted to National Fraud Initiative

There is a statutory obligation to process your information under Part 3A of the Public Audit (Wales) Act 2004.

In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Regulations must be identified, which is outlined below:

Article 6(1)(c) processing is necessary for compliance with a legal obligation to which the controller is subject.

Data protection legislation provides extra protection for certain classes of information called 'special category personal data'. If any information falls within the definition of special category personal data then an additional condition from Article 9 of the Regulations must be identified, as outlined below:

Article 9(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 suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The appropriate Member State law is the Data Protection Act 2018, and the appropriate conditions are Schedule 1(6) 'statutory etc. and government purposes' and Schedule 1(12) 'regulatory requirements relating to unlawful acts and dishonesty etc.'.

Information received from National Fraud Initiative

There is a statutory obligation to process your information under Part 3A of the Public Audit (Wales) Act 2004 and S151 of the Local Government Act 1972.

In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Regulations must be identified, which is outlined below:

Article 6(1)(c) processing is necessary for compliance with a legal obligation to which the controller is subject.

Data protection legislation provides extra protection for certain classes of information called 'special category personal data' and also for personal data in relation to criminal convictions and offences that may be received from NFI or implied as a result of data matches. If any information falls within these definitions, additional conditions from Article 9 (for special category personal data) and article 10 (for criminal convictions and offences) must be identified, as outlined below.

Article 9(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 suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Article 10 processing of personal data relating to criminal convictions and offences or related security measures based on Article 6(1) shall be carried out only under the control of official authority or when the processing is authorised by Union or Member State law providing for appropriate safeguards for the rights and freedoms of data subjects. Any comprehensive register of criminal convictions shall be kept only under the control of official authority.

For both Articles 9(g) and 10 the appropriate Member State law is the Data Protection Act 2018, and the appropriate conditions are Schedule 1(6) 'statutory etc.

and government purposes' and Schedule 1(12) 'regulatory requirements relating to unlawful acts and dishonesty etc.'

Who will have access to your information

Identity of Data Controller and Data Protection Officer

The Data Controller for your information is Caerphilly County Borough Council. The Data Protection Officer is:

Ms Joanne Jones
Corporate Information Governance Manager / Data Protection Officer
Email: dataprotection@caerphilly.gov.uk
Tel: 01443 864322

Details of main users of your information

For National Fraud Initiative data collection purposes various Council service areas, supported by IT section and under the direction of Internal Audit, will collect personal data in the categories listed above, and submit it via a secure web portal to the NFI, which is administered by the UK Cabinet Office on behalf of the Auditor General for Wales.

If matches are submitted to the Council that require further investigation, Internal Audit will allocate secure permissions to the online web portal for nominated Council officers to read the information that they need for investigation purposes. Those relevant Council officers can also update the portal accordingly, so that any other organisation in possession of data that has been matched with the Council's data can see progress and outcome of the investigation.

Details of any sharing of your information within Caerphilly County Borough Council

If matches are returned from NFI that require investigation, Internal Audit may need to share information with relevant officers for the purposes of the investigation, depending on what category of personal data led to the data match.

Details of any sharing of your information with other organisations

The categories of personal data listed above are shared securely with UK Cabinet Office to undertake NFI data matching on behalf of the Auditor General for Wales. For further information on how the NFI will process personal information, please see the NFI privacy notice here: <https://www.gov.uk/government/publications/fair-processing-national-fraud-initiative>

If a match warrants further investigation, the Council will work with any other organisation in possession of data that has been matched with the Council's data to investigate potential fraud, error or misstatement.

Requests for information

All recorded information held by Caerphilly County Borough Council may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Data Protection legislation.

If the information you provide is subject to such a request, where possible Caerphilly County Borough Council will consult with you on its release. If you object to the release of your information we will withhold your information if the relevant legislation allows.

How long will we retain your information

Details of retention period

Caerphilly County Borough Council retains information according to statutory requirements or best practice. Retention periods for the information listed above are outlined in the specific privacy notices for each type of information.

Information uploaded to the NFI portal is not retained as a 'local' copy, as Council and NFI partners can continue to access it via the portal for two years and for a short period of time afterwards if an investigation is not yet concluded.

If any matches result that require further investigation, NFI provides details via the secure web portal. The investigation is recorded via the web portal, and results are uploaded to the web portal, so no 'local' information is retained. Further information on retention of information in the NFI secure web portal can be found here:

<https://www.gov.uk/government/publications/fair-processing-national-fraud-initiative>

Automated decision making / profiling

The data matching process is automatic and is described in the NFI privacy notice here: <https://www.gov.uk/government/publications/fair-processing-national-fraud-initiative>

Any NFI results will lead to an investigation by officers prior to any further decisions/action being taken, so there is no automatic decision/making or profiling at this stage. Matches arising may not always be investigated; it would depend on the circumstances.

Your Rights (Inc Complaints Procedure)

Your rights under the Data Protection

Data Protection gives data subjects (those who the information is about) a number of rights:

- The right of subject access – Application forms for this process are available on our website: [SAR Form](#)
- The right to be informed
- The right of rectification
- The right to erasure
- The right to restrict processing
- The right to object
- The right to data portability
- Rights in relation to automated decision making and profiling.

Further information on your rights is available from: www.ico.org.uk.

To enact your rights please contact the service area detailed on the top of this form.

Complaints Procedure

If you are unhappy with the way that Caerphilly County Borough Council has handled your request / information, you have the right of complaint. Please contact the Service Area detailed at the top of this document outlining your issues.

If you remain unhappy you also have a right of complaint to the Information Commissioner's Office. Please follow this link for further information on the complaints process.

www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Questions-and-complaints

Summary Privacy Notice

How we will use your information

The National Fraud Initiative (NFI) involves securely comparing sets of electronic personal data held by one organisation against data held by the same or another public sector organisation to see how far they match, and to identify errors or potentially fraudulent claims and payments.

Where a match is found it may indicate that there is an inconsistency which requires further investigation, but no assumption is made as to whether there is fraud, error or other explanation until an investigation is carried out.

The Council is under a legal duty to take part in order to protect public funds, and will provide certain categories of personal information to the NFI. The UK Cabinet Office administers the NFI on behalf of the Auditor General for Wales.

NFI has operated since 1996, and complies with a strict statutory Code of Practice that can be found here: <https://www.gov.uk/government/publications/code-of-data-matching-practice-for-national-fraud-initiative>

Wales Audit Office also publishes information which can be found at <http://www.audit.wales/about-us/national-fraud-initiative>

You have a number of rights in relation to the information including the right of access to information we hold about you and the right of complaint if you are unhappy with the way your information is being processed.

For further information on how we process your information and your rights please click the following link:

[{Hyperlink to Full Privacy Notice on our website}](#)