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Statutory guidance

# National Fraud Initiative privacy notice

Updated 24 August 2018

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This publication is available at <https://www.gov.uk/government/publications/fair-processing-national-fraud-initiative/fair-processing-level-3-full-text>

This notice sets out how we will use your personal data, and your rights. It is made under Article 14 of the General Data Protection Regulation (GDPR).

## Your data

### The data

We process information that you provide when making a claim or applying for:

- personal budget/social care
- pension
- taxi driver licence
- market trader license
- personal alcohol licence
- social housing (current tenants and individuals on a housing waiting list)
- right to buy (completed and in progress)
- transport pass and permit
- council tax reduction scheme
- universal credit
- housing benefit
- other state benefits

We process information that you provide when seeking payment of an invoice from an organisation that takes part in the NFI. This is referred to as trade creditor standing and payment history data.

We process information that you provide when seeking payment for employment from an organisation that takes part in the NFI. This is referred to as payroll data.

We process information that you provide when registering to vote. This is referred to as Electoral Register data.

We process information that you provide in relation to your council tax.

We process information that you provide in relation to your business rates.

We process information that you provide in relation to residents in a private care home supported by an organisation that takes part in the NFI.

Data specifications setting out exactly what data we process in the above areas can be accessed [here](#).

## **Criminal convictions**

Should data matching through the NFI result in a prosecution, then this may also be recorded by participating organisations.

## **Special categories of personal information (Article 9 of GDPR & Chapter 2 Section 10 of the DPA 2018).**

Included in the above are certain special categories of personal information:

Housing benefit and student loan data includes an indicator of physical or mental health or condition. This disability flag, which does not identify the specific condition, is required as disability has an impact upon a student's entitlement to claim housing benefit.

The personal budget (direct payment) match uses data relating to individuals who have a specified range of social care needs because they have a particular disability.

We collect information on blue badge holders (and applicants). While we do not hold information on the medical condition that entitles the individual to a badge we do know who has a badge.

## **Purpose**

The purpose(s) for which we are processing your personal data is:

The Cabinet Office conducts data matching exercises to assist in the prevention and detection of fraud. This is one of the ways in which the Minister for the Cabinet Office takes responsibility within government for public sector efficiency and reform.

## **Automated profiling**

Your personal data will be subject to the following automated profiling (as defined in Article 4, paragraph 4 GDPR):

Data matching involves comparing sets of data, such as the payroll or benefits records of a body, against other records held by the same or another body to see how far they match. The data is usually personal information. The data matching allows potentially fraudulent claims and payments

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

The processing of data by the Cabinet Office in a data matching exercise is carried out with statutory authority under its powers in Part 6 of the Local Audit and Accountability Act 2014. It does not require the consent of the individuals concerned under data protection legislation or the GDPR.

All bodies participating in the Cabinet Office's data matching exercises receive a report of matches that they should investigate, so as to detect instances of fraud, over- or under-payments and other errors, to take remedial action and update their records accordingly.

## **Legal basis of processing**

The legal basis for processing your personal data is that processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller.

The National Fraud Initiative is conducted using the data matching powers bestowed on the Minister for the Cabinet Office by Part 6 of the Local Audit and Accountability Act 2014 (LAAA).

## **Under the LAAA legislation**

1. The Cabinet Office may carry out data matching exercises for the purpose of assisting in the prevention and detection of fraud.
2. The Cabinet Office may require certain bodies (as set out in the Act) to provide data for data matching exercises
3. Bodies may participate in its data matching exercises on a voluntary basis where the Cabinet Office considers it appropriate. Where they do so, the Act states that there is no breach of confidentiality and generally removes other restrictions in providing the data to the Cabinet Office. The requirements of the data protection legislation, however, continue to apply, so data cannot be voluntarily provided if to do so would be a breach of data protection legislation. In addition sharing of patient data on a voluntary basis is prohibited.
4. The Cabinet Office may disclose the results of data matching exercises where this assists in the prevention and detection of fraud, including disclosure to bodies that have provided the data and to auditors that it appoints as well as in pursuance of a duty under an enactment.
5. The Cabinet Office may disclose both data provided for data matching and the results of data matching to the Auditor General for Wales, the Comptroller and Auditor General for Northern Ireland, the Auditor General for Scotland, the Accounts Commission for Scotland and Audit Scotland, for the purposes of preventing and detecting fraud.
6. Wrongful disclosure of data obtained for the purposes of data matching by any person is a criminal offence. A person found guilty of the offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
7. The Cabinet Office may charge a fee to a body participating in a data matching exercise and must set a scale of fees for bodies required to participate.

8. The Cabinet Office must prepare and publish a Code of Practice. All bodies conducting or participating in its data matching exercises, including the Cabinet Office itself, must have regard to the Code.
9. The Cabinet Office may report publicly on its data matching activities.

Sensitive personal data is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation. The legal basis for processing your sensitive personal data is:

- processing is necessary for reasons of substantial public interest for the exercise of a function of the Crown, a Minister of the Crown, or a government department

The Cabinet Office conducts data matching exercises to assist in the prevention and detection of fraud. The processing of data by the Cabinet Office in a data matching exercise is carried out with statutory authority under its powers in Part 6 of the Local Audit and Accountability Act 2014.

Our legal basis for processing your criminal convictions data is paragraphs 6 and 10 of schedule 1 to the Data Protection Act 2018.

## **Recipients**

Your personal data will be shared by us as necessary for the purposes of preventing and detecting fraud with:

- the Auditor General for Wales
- the Comptroller and Auditor General for Northern Ireland
- the Auditor General for Scotland
- the Accounts Commission for Scotland and Audit Scotland

And with mandatory participants who include:

- District and county councils
- London and metropolitan boroughs
- Unitary authorities
- Police authorities
- Fire and rescue authorities
- Pension authorities
- NHS Trusts and strategic health authorities
- Foundation Trusts
- Clinical Commissioning Groups
- Passenger transport authorities
- Passenger transport executives
- Waste authorities
- Greater London Authority and its functional bodies

In addition, the following bodies provide data to the NFI for matching on avoluntary basis:

- Private sector pension schemes (various)
- Home Office
- Metropolitan Police – Operation Amberhill
- Special health authorities
- Housing associations
- Probation authorities
- National park authorities
- Central government pensions schemes
- Insurance Fraud Bureau
- Central government departments
- Other private organisations/companies/credit reference agencies

We will share records containing personal data with HMRC. These will be matched against HMRC records and additional HMRC information appended and fed back to the NFI. The HMRC matching will seek to identify persons at the address provided and relevant income related information.

Data matching services are then provided to the NFI by the Department for Work and Pensions, and our IT Supplier.

**The data that is matched and the reasons for matching it for fraud prevention and detection:**

For information summarising the various match types for each particular type of participating organisation and the purpose of the matching please refer to the document NFI match types per participating body (<https://www.gov.uk/government/publications/code-of-data-matching-practice-for-national-fraud-initiative>).

We also provide the following services:

**ReCheck**

ReCheck is a flexible data matching service which complements the national exercise. This service allows NFI participant bodies to re-perform existing data matching, at a time that suits them, by uploading their organisation’s datasets for internal matching.

**AppCheck**

NFI participants can use this service at the point of application to check against NFI data to help verify people’s identity or if they have left out relevant information that might affect their entitlement to a benefit, service or employment.

**FraudHub**

Allows NFI participant bodies, who want to work together, to regularly and effectively screen their collective data in order to prevent errors in processing payments and to reduce fraud.

**Retention**

Your personal data will be kept by us for the periods set out in our Data Deletion Schedule (pending

release following consultation).

## **Where personal data have not been obtained from you**

Your personal data were obtained by us from:

Mandatory participants:

- District and county councils
- London and metropolitan boroughs
- Unitary authorities
- Police authorities
- Fire and rescue authorities
- Pension authorities
- NHS Trusts and strategic health authorities
- Foundation Trusts
- Clinical Commissioning Groups
- Passenger transport authorities
- Passenger transport executives
- Waste authorities
- Greater London Authority and its functional bodies
- Voluntary participants may include:
  - Private sector pension schemes (various)
  - Home Office
  - Metropolitan Police – Operation Amberhill
  - Special health authorities
  - Housing associations
  - Probation authorities
  - National park authorities
  - Central government pensions schemes
  - Insurance Fraud Bureau
  - Other central government departments
  - Other private organisations/companies/credit reference agencies

## **Your rights**

You have the right to request information about how your personal data are processed, and to request a copy of that personal data. You have the right to request that any inaccuracies in your personal data are rectified without delay. You have the right to request that any incomplete personal data are completed, including by means of a supplementary statement. You have the right to request that your personal data are erased if there is no longer a justification for them to be processed. You have the right in certain circumstances (for example, where accuracy is contested) to request that the processing of your personal data is restricted.

Where the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller, such as the exercise of a function of the Crown, a Minister of the Crown, or a government department; the exercise of a function conferred on a person by an enactment; the exercise of a function of either House of Parliament; or the administration of justice: You have the right to object to the processing of your personal data.

## **Complaints**

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone: 0303 123 1113

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

## **Contact details**

The data controller for your personal data is the Cabinet Office. The contact details for the data controller are:

Head of the NFI  
First Floor  
10 Great George Street  
London  
SW1P 3AE

Email: [nfiqueries@cabinetoffice.gov.uk](mailto:nfiqueries@cabinetoffice.gov.uk)

The contact details for the data controller's Data Protection Officer (DPO) are:

Stephen Jones  
DPO  
Cabinet Office  
70 Whitehall  
London  
SW1A 2AS

Email: [dpo@cabinetoffice.gov.uk](mailto:dpo@cabinetoffice.gov.uk)



