



## BMBC PRIVACY NOTICE

<b>Document Title</b>	Corporate Anti-Fraud Team
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**At BMBC we are committed to protecting and respecting your privacy. This Privacy Notice tells you what you can expect when the Council collects your personal information. This notice applies to information the Council collect in relation to the Corporate Anti-Fraud Team.**

### **Stage one: Who are we?**

Barnsley Metropolitan Borough Council has a responsibility to protect the public funds it administers and recognises the potentially significant risk that fraud and corruption pose to the delivery of its services. The public rightly also expects the Council to safeguard public funds and ensure they are available and used for their intended purpose, in providing services for the residents and service users of the Borough.

The Corporate Anti-Fraud Team exists to help prevent, identify and investigate any fraudulent activity.

For further information about the services available please contact the Corporate Anti-Fraud Team on: [corporatefraudinvestigations@barnsley.gov.uk](mailto:corporatefraudinvestigations@barnsley.gov.uk)

For the purposes of Data Protection, Barnsley Metropolitan Borough Council is the Data Controller.

### **Stage two: What type of information we will collect from you**

The majority of personal information collected is electronic, but the Team may receive paper documents to collect personal information to deliver the counter fraud service.

The Team may collect the following types of Personal Data:

- Name;
- Contact details (addresses, telephone numbers, email addresses etc);
- Date of birth;
- National insurance number;
- Details of family and household members;
- Financial information;
- Current employment and employment history;

- Identity information (passports, driving licenses, birth certificates);
- Vehicle information;
- Photographs and video footage.

Special category data:

The Team may also collect Health information, such as evidence of injuries for an insurance claim or evidence to assist investigations into potential blue badge fraud or direct payment fraud.

### **Stage three: Why do we need your personal information**

The Corporate Anti-Fraud Team use your personal information:

- To prevent, detect and investigate fraud and other crime;
- To prosecute, sanction and redress fraudsters;
- To protect the public purse;
- To verify that the information you have supplied is correct and accurate.

Where necessary, the Team will do this by verifying your information with other Local Authorities and Government Departments for example.

### **Stage four: How we will collect your personal information**

The Team may collect information about you in the following ways:

- Most of the personal information held by the Council is provided by you in applications and the supporting information you include with it;
- Paper and online application forms;
- Communication with yourself via telephone, in person or written;
- Information received from a third party / external organisation where required by law;
- Allegations of fraud reported direct to the Corporate Anti-Fraud Team.

### **Stage five: Our Legal Basis for processing your information**

#### Lawful Basis (Article 6)

- processing is necessary for compliance with a legal obligation to which the controller is subject;
- 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 controller.

#### Conditions from Article 9

Conditions for processing special category data are known under Article 9.

- processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law;
- processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- processing is necessary for reasons of substantial public interest.

The legislation that allows the Council to collect information in relation to the prevention and detection of fraud is:

- Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regs 2013;
- Prevention of Social Housing Fraud Act (Power to Require Information) (England) Regs 2014;
- Local Government Finance Act 1992;
- Regulation of Investigatory Powers Act 2000;
- Investigatory Powers Act 2016;
- Criminal Procedures and Investigations Act 1996;
- Police & Criminal Evidence Act 1984;
- Data Protection Act & General Data Protection Act 2018;
- Human Rights Act 2008;
- Local Government Act 2000;
- Public Interest Disclosure Act 1998.
- Freedom of Information Act 2000;
- Part 6 of the Local Audit and Accountability Act 2014;
- Digital Economy Act 2017.

The legislation that allows the Council to prosecute is:

- Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Reg 2013;
- Prevention of Social Housing Fraud Act (Power to Require Information) (England) Reg 2014;
- The Fraud Act 2006;
- Forgery and Counterfeiting Act 1987;
- Computer Misuse Act 1990;
- Identity Card Act 2006;
- The Bribery Act 2010;
- Welfare Reform Act 2012;
- Housing Act 1996;
- Road Traffic Regulation Act 1984;
- Proceeds of Crime Act 2002.

## **Stage six: Why we may need to share your information**

Your personal information can be shared if the law allows this. The Corporate Anti-Fraud Team do investigate and share information with other local authorities, other law enforcement agencies and any partners that the Team has a service level agreement with.

The Team may also enter into specific information sharing arrangements with partners such as local authorities where it would support the Council's statutory functions.

## **Stage seven: Who we may share your information with**

The Corporate Anti-Fraud Team also shares personal information with (and receives information) from a number of other organisations to prevent and detect fraud. Such organisations may include the Police, Home Office, Cabinet Office, DWP, Registered Social Landlords and Local Authorities. Any information sharing is managed in accordance with relevant privacy and data protection legislation.

Data sharing agreements are held with:

- Berneslai Homes – The Team investigates tenancy fraud and therefore could share your personal data to prevent and detect fraud;
- HMRC – The Council has a Memorandum of Understanding with HMRC to support the investigations and proceedings of the Council.

### **Stage eight: How long will your information be kept?**

The Council is required to keep your information as a business record of what service was delivered. The type of service will determine how long the Council has to keep it.

The Council's Records Management Policy and service retention schedules specify how long different types of records are held. This ranges from months for some records to decades for more sensitive records.

### **Stage nine: What will happen if you fail to provide personal information?**

The majority of personal information collected by the Corporate Anti-Fraud Team is obtained from other Council departments and third parties in accordance with legislation and authorised powers.

The Team may request an individual to provide personal information as part of an investigation. Where an individual fails, or declines, to provide the requested information then details of the request and the reason for failure to provide it will be recorded by the Team. These details will be shared with the relevant prosecuting body in the event that a criminal prosecution is pursued by the Council.

### **Stage ten: How to access and control your personal information**

The Council has a Data Protection framework in place to ensure the effective and secure processing of your information. For details on how your information is used, how we maintain the security of this and your rights to access the information we hold about you, please refer to the [Barnsley Metropolitan Borough Council privacy notice](#)

Should you need to contact the Council to discuss how we use your information, please contact our Customer Feedback and Improvement Team by email at [informationrequests@barnsley.gov.uk](mailto:informationrequests@barnsley.gov.uk) or by telephone on 01226 773555 and ask to speak with the above Team. If you are not satisfied with our response you may contact our Data Protection Officer on [DPO@barnsley.gov.uk](mailto:DPO@barnsley.gov.uk).

If you are not satisfied with the way we have handled your information, the Information Commissioners Office (ICO) is the UK's independent authority upholding information rights in the public interest and can be contacted at [www.ico.org.uk](http://www.ico.org.uk)