

DWP Department for
Work and Pensions



Home Office

**SUPPLEMENTARY MEMORANDUM OF
UNDERSTANDING:**

**Biometric Residence Permit (BRP) / NATIONAL
INSURANCE NUMBER (NINo) Alignment - Allocation
IN RESPECT OF: PHASE 2 OUT-OF-COUNTRY
allocation PROCESS**

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1. Introduction

1.1 This Supplementary Memorandum of Understanding (SMoU) sets out the Out-of-Country Allocation process for introducing National Insurance Number (NINo) annotation onto Biometric Residence Permits (BRP).

1.2. This SMoU is between the following two parties:

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT of [2 Marsham Street, London SW1P 4DF] referred to as '**Home Office**' throughout this document

And

THE SECRETARY OF STATE FOR THE DEPARTMENT FOR WORK AND PENSIONS of [Caxton House, Tothill Street, London SW1H 9NA] referred to as '**DWP**' throughout this document.

1.3. This SMoU also sets out the data sharing commitments agreed between the aforementioned parties in relation to the implementation and management of the **Out-of-Country Allocation BRP–NINo initiative**.

1.4 This SMoU is intended to be read alongside and not replace the current Umbrella MoU between DWP and Home Office.

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2. National Insurance Numbers

2.1 For a Third Country National to be issued with a NINo an individual has to be aged over 16 years and must have the right to work in the UK. It is expected that only those aged over 16 years issued with a BRP, as part of a successful immigration application, will have a verified NINo.

3. Biometric Residence Permits (BRP)

3.1 The BRP is proof of the holder's right to stay, work or study in the UK. It can also be used as a form of identification (for example, if they wish to open a bank account in the United Kingdom). The holder is not required to carry their permit at all times, but they must show it at the border, together with their passport, when travelling outside of, and when returning to the UK.

4. Purpose of SMoU

4.1 Home Office already issue BRP's with NINos printed on the BRP cards for In-Country applicants. The purpose of this exchange is for DWP and Home Office to work in partnership to trace and allocate if necessary NINos for **Out-of-Country applicants** who require a NINo in order to allow them to work in the UK.

4.2 Home Office and DWP have collaborated to develop a process to 'Trace' and 'Allocate' a NINo before it is printed on a BRP card for Out-of-Country applicants. This SMoU sets out the arrangements to facilitate the trace and allocate process between the two parties.

5. Benefits of the exchange

5.1 Home Office will obtain a verified NINo that can be recorded as such, against the applicants' name on their permanent Home Office record and used in any future communications with OGD partners, including being physically recorded on the applicant's BRP.

5.2 The alignment of the issue of BRPs and NINos will make sharing information with OGDs more effective; improve customer service in terms of making their future interactions with OGD's swifter and easier and will assist in establishing a common form of identification across government.

6. Legal Basis for Sharing Information

6.1 **Home Office to DWP:** The legal basis permitting disclosure of information from Home Office to DWP is Home Office Common Law powers.

6.2 **DWP to Home Office:** The information is requested under section 20 of the Immigration & Asylum Act 1999 (includes amendments included in section 131 of the NIA 2002.): Immigration purposes as defined by section 20(3): (a) the administration of immigration control under the Immigration Acts.

7. Process and method of Out-of-Country NINo Allocation

7.1 The Out-of-Country Allocation process will be applied to all relevant Tier 2 Third Country Nationals (TCN: an individual from outside the EU/EEA) – see 7.2 below - who has successfully applied for leave to enter the UK for more than 6 months.

7.2 Tier 2 includes the following categories of applicants:

- Tier 2 General Migrant,
- Tier 2 Minister of Religion,
- Tier 2 Sportsperson.

7.3 The NINo Allocation process will be established through a 'Tracing' and 'Allocation' process.

7.4 The Tracing and Allocation process will be undertaken by DWP NINo Provision.

Process for collating the required personal data on the Tier 2 applicant

7.5 Prior to the Tracing and Allocation process, all TCN Tier 2 applicants, in the categories mentioned in 7.2 that have successfully applied for a Visa to enter the UK will be issued with a BRP letter and a 30-day travel vignette from the overseas caseworker. The BRP letter will inform the applicant that they have been granted with leave to enter the UK and that they are required to collect their BRP when they arrive in the UK. The applicant will be informed through the BRP "General information for overseas applicants" leaflet that their NINo will appear on the BRP card and that there will be no need for the applicant or applicant's employer to make a separate application to the Department for Work and Pensions to obtain a NINo when they arrive in the UK

7.6 Details of all Tier 2 applicants' personal data who have successfully applied for a visa to enter the UK will be captured on the Home Office Immigration Platform Technology System (IPT) from the Visa4 UK system.

7.7 Home Office Management Information and Data Analysis Service (MIDAS) will download the personal data on the successful Tier 2 applicants from IPT Management Information (MI) user interface on a daily basis from Monday to Friday.

7.8 The specific data set that will be extracted by MIDAS from IPT is detailed in **Annex A** of this document.

Tracing and Allocation Process

7.9 Home Office will send DWP NINo Provision a data file containing personal details of the Tier 2 applicants (as specified in Annex A) who have successfully applied for a Visa and the Home Office have confirmed that the applicant should be allocated a NINo by DWP NINo Provision.

7.10 The data file will be named "NINo Overseas Trace _DDMMYYYY_NNN" and will be sent in .CSV format to email account from email account.

7.11 Upon receipt of the data file, DWP NINo Provision authorised staff will carry out an initial trace action against DWP Customer Information System (CIS) records to establish if a NINo exists for the applicant.

7.12 If a NINo is identified through the trace action process, the record for the applicant will be returned to Home Office with details of the traced NINo.

7.13 If there is no record of a NINo then NINo provision will allocate a NINo.

7.14 An output data file will be returned to the Home Office by DWP NINo Provision to email account which will include all data columns sent by the Home Office (as specified in Annex A) with the addition of the following data item:

- their NINo

7.15 It is anticipated that the exported data file from Home Office to DWP Provision will contain in the region of 55 a day in total (any significant fluctuations in volumes will be discussed and agreed with DWP in advance).

7.16 The .CSV data file will be supplied to DWP Provision by 10.00 am on a daily basis.

7.17 DWP will return the results within 5 working days of receipt to Home Office.

Weekend Workflow Arrangements

7.18 The Home Office extract will continue to be sent on a daily basis from Monday to Friday. The Monday data file will contain the data transactions for Saturday and Sunday. In the region of 160 records will be sent in the Monday data file.

Partial Trace Process

7.19 In order for DWP to successfully establish if a NINo exists for the applicant through the trace action process the following three data sets must match a record on CIS to be a confirmed match:

1. Name,
2. Date of Birth,
3. Address.

7.20 Where the first two elements (i.e. Name and Date of Birth) match what is held on DWP CIS records, but the 3rd element (i.e. the Address field) does not match what is held on CIS, this would be termed a 'Partial Trace' result.

7.21 A partial trace result is insufficiently conclusive to enable DWP NINo Provision to confirm that a NINo has been traced, therefore further manual trace action is required which allows the DWP NINo Provision to check it's data directly against the Central Reference System (CRS). CRS is a Web -based system that contains entry clearance data from diplomatic missions overseas and is owned by the Foreign Commonwealth Office (FCO). Designated staff at DWP NINo Provision will be granted **read-only** access to the Central Reference System (CRS) to enable DWP NINo Provision to carry out further manual trace action on cases where Home Office have returned a partial trace result.

7.22 Where the partial trace process against CRS records is successful, DWP NINo Provision will update the same CSV data file received.

7.23 Where the manual trace action against CRS does not trace an address that matches the address held on the DWP CIS system, DWP NINo Provision will contact Home Office Biometric Immigration Document Management Unit (BIDMU) by email at to carry out an address verification check with the applicant. Details of these applicants will be sent to Home Office on the .CSV input file received by NINo Provision.

7.24 DWP will provide Home Office BIDMU with the exact address that DWP hold on CIS for the applicant and the year that they believe the applicant was living at the address. Home Office BIDMU will then arrange to contact the applicant by email with a specific set of questions adapted to the individual to ensure that DWP can obtain the correct address information they require from the applicant.

7.25 Home Office BIDMU will not disclose the exact address provided by DWP NINo Provision to the applicant, but will ask the applicant if they have ever lived in the geographical area of the address that DWP hold on CIS records and the time period that DWP believe the applicant lived in the area. Depending on their response this will confirm if the applicant has ever lived at the address held on DWP CIS records.

7.26 Home Office BIDMU will contact the applicant by email giving the applicant 3 working days to respond. The email will also inform the applicant that a NINo will not be allocated and that a BRP will not be produced until they reply.

7.27 Once the applicant has responded, Home Office BIDMU will send the response from the nominated Home Office BIDMU email account to the nominated DWP NINo Provision email account at

7.28 From the information provided by the applicant DWP NINo Provision will confirm if it's a 'trace' or 'no trace' case. If it's a 'trace' case the traced NINo will be entered on the .CSV output file for return to the HO. Where it's a 'no trace' case DWP NINo Provision will allocate a NINo for the applicant and enter it on the .CSV output file for return to the HO.

7.29 Where the Home Office BIDMU address verification process does not confirm a traced NINo, DWP will allocate a NINo to the applicant. DWP NINo Provision will update the next available excel output file with the allocated NINo against the record for the relevant applicant and return the following to the Home Office:

- Actual NINo allocated for that record

8. Access to CRS

8.1 CRS is a Web -based system that contains entry clearance data from diplomatic missions overseas and is owned by the Foreign Commonwealth Office (FCO). Access will be arranged through Local DWP CRS Supervisors who will liaise with the FCO to provide a link to the FCO website.

8.2 All new DWP users of CRS must read the Security Operating Procedures (SOPS) before they start using CRS to acknowledge that they have read and understood their responsibilities. Link to SOPS for CRS provided below:

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8.3 DWP NINo Provision designated users that are granted CRS read only access will be responsible for their User ID and must protect their CRS passwords.

8.4 The use of CRS data must not breach the requirements of the Data Protection Act 1998 and confidentiality must be maintained at all times.

8.5 The Computer misuse Act 1990 makes unauthorised and inappropriate access to a computer systems and information unlawful. This includes instances of staff accessing the CRS system for any purpose which is:

- outside of the scope of their employment,
- Would breach the employer's duty of confidentiality,
- Would involve accessing CRS outside agreed working hours without prior obtained authority,
- Specifically includes accessing CRS for personal convenience and reasons other than for strictly genuine business purposes.

8.6 Inappropriate access or misuse of CRS data is classed as gross misconduct. The Home Office retains the right to log and audit CRS activity. Audits and Spot checks will be conducted by CRS administrators or local management to ensure the legitimacy of all users and their actions and appropriate action will be taken against those found to be in breach of the above.

8.7 Appropriate action may include immediate withdrawal and suspension of access to CRS data and the instigation of, disciplinary procedures which may ultimately lead to dismissal and referral to the police.

8.8 Home Office will monitor and accept responsibility for reviewing arrangements with DWP and notifying or applying to Home Office Corporate Security for any changes of access to CRS data.

9.9 DWP will only have access to the relevant data until such time as process changes make this provision obsolete and this function is no longer required. In the event that this process becomes obsolete this SMOU will automatically lapse and a new one will be required.

9. Roles of each party to the SMOU

9.1 The Role of the Home Office

- To ensure all aspects of the current Umbrella MoU and SMOU are adhered to,
- To provide a daily spreadsheet of the successful Out-of-Country visa applicant's details as described in Section 7 and set out in Annex A of this document to DWP NINo Provision department by 10 am each day to allow DWP to trace or allocate the NINo where appropriate,
- Ensure that wherever reasonably possible all data provided to DWP is both accurate and up to date,
- Any results to be sent via secure GSI email network to DWP secure GSI email network with the subject line marked as OFFICIAL –SENSITIVE,
- Ensure all traced and allocated NINos are bulk uploaded on to Home Office IPT system for onward processing to DVLA to print the BRP with a NINo,
- For the partial trace process, when returning the response from the applicant to the specific set of questions, HO BIDMU must send the response from HO BIDMU nominated email to the nominated DWP NINo Provision email account.

9.2. The Role of DWP

- To ensure all aspects of the current Umbrella MoU and SMOU are adhered to,
- In response, analyse the results received from the Home Office data file and identify cases where a NINo can be either traced or allocated through the manual checking process,
- Once matched DWP to store results received from Home Office in a secure folder in DWP shared drive with appropriate restricted access and password protected,
- Ensure that staff handle the data in line with the approved secure transfer method agreed by both departments,
- To return the results within 5 working days of receipt for all successfully traced / allocated cases with the subject line marked as OFFICIAL- SENSITIVE, for the partial traces, return the results to Home Office on the next available output file,
- Only store the information for as long as there is a business need and to delete/destroy in accordance with DWP Records Management Policy and retention period,

- To only access the records on the CRS system for the purpose specified in the SMOU through designated officers in accordance with the provisions of this SMOU,
- For the partial trace process, when providing Home Office BIDMU with the specific set of questions to ask the applicant, DWP must send the response from DWP NINo Provision to the Home Office BIDMU nominated email accounts,
- All designated staff handling Home Office data must have the appropriate level of security clearance determined by their own department.

10. Retention and destruction

10.1 DWP will not use Home Office information for any purpose other than it was obtained for i.e. for the **Out- of- Country NINo Allocation process**, or share it with any other party without first seeking and obtaining Home Office permission.

10.2 Any information received by the Home Office from DWP will be processed in line with Home Office retention, destruction and storage policies.

10.3 Any information received by DWP from the Home Office will be processed in line with DWP retention, destruction and storage policies.

11. Physical Security

11.1 When data checking is carried out by the Home Office and transferred to a designated DWP officer in accordance with this SMOU, the result will be transferred to a DWP system whereupon the DWP becomes the data controller. The original email containing the data file received from the Home Office will then be destroyed. No further or additional data may be recorded or transferred without the specific agreement of the other party.

11.2 All Home Office data will be stored, moved and disposed of in accordance with the Government Security Classification Marking Scheme and in accordance with the Data Protection Act. Home Office records are protectively marked as OFFICIAL in line with the Government Security Classification Marking Scheme. Although individual records are not protectively marked, they must be treated as OFFICIAL.

12. Costs

12.1 No charges will be made by either party in relation directly to this SMOU.

13. Reviews

13.1 This agreement will be reviewed on a six monthly basis or at the request of either of the parties to the agreement. The contacts points for review of the SMOU for DWP and Home Office are provided at Annex B of this document.

14. Issues, Disputes and Resolution

14.1 Any issues regarding ongoing delivery aspects of the information supply, such as data integrity or quality, should be addressed through "business as usual" channels as detailed in Annex B.

14.2 Where a problem arises it should be reported as soon as possible. Should the problem be of an urgent nature, it must be reported by phone immediately to the designated business as usual contact (listed in Annex B) and followed up in writing the same day. If the problem is not of an urgent nature it can be reported in writing within 24 hours of the problem occurring. The designated contacts will endeavour to resolve the problem within 2 working days.

14.3 Where it is not possible to resolve the issue within 2 working days or the issue is of such severity that individual data subjects may be negatively affected (including financially impacted), the issue will be escalated to the senior management team for each partner. They will be notified with an explanation of why the dispute has not been resolved so that they can take appropriate action for resolution or plan contingency arrangements.

14.4 Where the “business as usual” channels fail to reach agreement, the parties will attempt to negotiate a settlement in the spirit of joint resolution within 20 working days of a formal notification being received. Contacts detailed in Annex B.

14.5 Specific strands of activity that may affect this MoU should be discussed at a “business as usual” level to consider the possible impact on the MoU; once the potential changes have been identified then a formal change notification should be sent to the ‘MoU Change Control’ contact detailed at Annex B.

15. Signatories

15.1 Signed on behalf of DWP

Name: ANDY LUCAS

Title/ Role: Deputy Director Business Transformation Group - Enable

Signed:

Date:

15.2 Signed on behalf of Home Office

Name: SIMON PEACHEY

Title/ Role: Head of Visa Operations, UK Visas & Immigration

Signed:

Date: