



Department
for Work &
Pensions

Housing Delivery Division

Memorandum of Understanding between the Department for Work and Pensions and Local Authorities

2017 - 2018

**Access, handling, exchange and
protection of Department for Work
and Pensions' and Her Majesty's
Revenue and Customs' data**

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Abbreviations

ASCFA	Adult Social Care Financial Assessments
ATLAS	Automated Transfer to Local Authority Systems
BPSS	Baseline Personnel Security Standard
CIS	Customer Information System
CoCo	Code of Connection
CSP	Contracted Service Provider
DHP	Discretionary Housing Payment
DPA	Data Protection Act 1998
DWP	Department for Work and Pensions
EAS	Employee Authentication Service
HB	Housing Benefit
HDD	Housing Delivery Division
HMG	Her Majesty's Government
HMRC	Her Majesty's Revenue and Customs
IA	Information Assurance
ICO	Information Commissioners Office
ICT	Information and Communication Technology
LA	Local Authority
LACI	Local Authority Claim Information
LAID	Local Authority Input Document
LASST	Local Authority Security and Support Team
LCTR	Local Council Tax Reduction
LWP	Local Welfare Provision
MoU	Memorandum of Understanding
NI	Northern Ireland
PSN	Public Services Network
RTI	Real Time Information
SSAA	Social Security Administration Act 1992
UC	Universal Credit

WRA

Welfare Reform Act 2012

1. Purpose of the Memorandum of Understanding

Introduction

- 1.1 This Memorandum of Understanding (MoU) is between the Department for Work and Pensions (DWP) and your local authority (LA). The term local authority includes all tiers of local government, including county, borough, unitary and district
- 1.2 Although this MoU is not legally binding in terms of the exchange of information, it sets out the framework and operating policy through which your organisation will access, exchange and share DWP, Her Majesty's Revenue and Customs (HMRC) and appropriate customer data.
- 1.3 The MoU should not be interpreted as removing or reducing existing statutory obligations or responsibilities on each organisation, in their role as Data Controllers under the Data Protection Act (DPA) 1998.
- 1.4 The organisations that are party to this MoU are committed to the exchange of annexed data where it is appropriate and legal, to meet the primary objectives of:
 - making best use of DWP, HMRC and LA resources,
 - reducing fraud and error,
 - creating the right incentives to get more people into work,
 - protecting the most vulnerable in our society; *and*
 - delivering fairness to those claiming benefit and to the taxpayer.
- 1.5 To support this MoU, all parties must meet mandatory information assurance (IA) standards that are required by any organisation to connect to and consume services on approved Information and Communication Technology (ICT) infrastructure across the Public Sector, including the Public Services Network (PSN) and other email services that comply with Government email policy.
- 1.6 Separate local agreements may exist to support local agreed pilots and trials.

Review and termination

- 1.7 This MoU has been approved by the Head of Housing Delivery Division (HDD) on behalf of DWP, HMRC and by the Local Authority Associations.
- 1.8 DWP reserve the right to review the MoU to ensure its factual accuracy and to assure the LA continued commitment to data security. A statement or supporting evidence of robust information governance may be requested from LAs.

The Memorandum of Understanding is an accountable document. Any changes within your LA which may have an impact on the MoU must be notified to DWP immediately.

- 1.9 DWP may revoke this MoU in the event of your local authority breaching its obligations.

Compliance with MoU

- 1.10** As part of our on-going assurance of compliance with the MoU, DWP may seek confirmation that your local authority still complies with this MoU.
- 1.11** In order for us to satisfy this requirement DWP will carry out a validation exercise throughout the year to seek assurance that the information transferred is being managed in accordance with the requirements outlined within the MoU. The Local Authority Security and Support Team (LASST) will continue to work with LAs to ensure compliance is understood and provide any help as required. During 2017/2018 LASST will undertake additional exercises including alternative approaches such as telephone calls and written questionnaires to demonstrate compliance.

Signatories

- 1.12** The MoU must be signed on behalf of your LA, by the operational manager with responsibility for each of the services covered by the annexes. Your Chief Executive Officer is asked to read this MoU and understand their obligations on behalf of their organisation.
- 1.13** It must be countersigned by the Section 151 Officer for LAs in England and Wales, the Section 95 Officer for LAs in Scotland or officer accountable for the proper administration of financial affairs in Northern Ireland and County Councils
- 1.14** By signing this MoU, the signatories acknowledge they understand and agree to the conditions for accessing DWP and HMRC data, and specific measures that must be in place to meet the terms of this MoU and possible consequences of breaking the terms of this MoU.
- 1.15** Although it's not appropriate for a Contracted Service Provider (CSP) to 'sign' this MoU, if a CSP is engaged, your LA is responsible for ensuring that any part of its service sub-contracted to another 3rd party organisation is also compliant with the required standards.

2. Scope

Data sharing initiatives

- 2.1** DWP and HMRC information in the context of this MoU is information, which LAs may access and only make use of for the limited purposes of administering the following:
- [Housing Benefit](#) (HB) and any associated counter fraud & error and overpayment recovery activity
 - [Local Council Tax Reduction](#) (LCTR) schemes and any associated recovery of LCTR errors
 - [Local Welfare Provision](#) (LWP)
 - [Adult Social Care Financial Assessments](#) (ASCFA), *and*
 - [Discretionary Housing Payment](#) (DHP).

Welfare Reform data sharing

- 2.2 The DWP provides data to LAs for use in the administration of certain welfare services as prescribed in legislation covered by the **Welfare Reform Act 2012** and **The Social Security (Information sharing in relation to Welfare Services etc.) Regulations 2012** which introduced wider data sharing gateways.
- 2.3 LAs will need to consider the scope and restrictions of these provisions in relation to any specific data sharing proposals.
- 2.4 Until such time as IT processes are put in place for the transfer of data from DWP to LAs and others, provision to share data for welfare reform purposes will be on a 'business as usual' basis.
- 2.5 This means that where LAs have arrangements in place locally to access DWP data, including any joint teams still in operation, they may continue to operate these arrangements. Otherwise LAs must submit requests to the relevant DWP office in order to seek customer data.
- 2.6 Further guidance is held in the 'Guidance for local authorities on the user of Social Security data', 'DWP Circular A5/2012' and 'A9/2013'.

3. Terms and conditions

- 3.1 All signatories of this MoU must comply with the following terms and conditions.

Contracted Service Provider (CSP)

- 3.2 If a CSP is engaged, the LA must obtain assurance and confirm that any part of its service sub-contracted to another 3rd party organisation is also compliant with the required standards.

Information Assurance (IA) compliance

- 3.3 All LAs must ensure access is carried out using government-approved ICT infrastructure and meet mandatory information assurance standards that are required by any organisation to connect to and consume services on that infrastructure.
- 3.4 The current government-approved infrastructure is the Public Services Network (PSN) or other email services that comply with Government email policy. All obligations against PSN compliance IA standards or the Cloud-based email service assessment must be met and a valid PSN Code of Connection (CoCo) compliance certificate or Cloud-based email assessment pass **must** be held. Compliance is defined as ongoing adherence to the rules, conditions and obligations of these standards.
- 3.5 If an LA were to opt out of using an approved ICT infrastructure or be considered as non-compliant with the mandatory standards, e.g. not having a valid PSN CoCo certificate, DWP may revoke this MoU and the sharing of DWP/HMRC information. This would mean access to DWP/HMRC data and secure communication channels would be at risk. Please liaise with your local IT Team/Systems Administrations to ensure you are compliant with the requirements outlined in the CoCo compliance Certificate.

- 3.6 The LA must ensure that there are processes in place to notify DWP HDD Local Authority Security and Support Team (LASST) when their PSN CoCo certificate expires or at any time they become non-compliant. They should provide details of their proposed actions to regain compliance.

Public Services Network standards

- 3.7 PSN standards are identified in the Cabinet Office guidance – **PSN IA Conditions Supporting Guidance**. More information can be found [here](#) on the GOV.UK website.
- 3.8 The PSN CoCo template annex B document outlines a framework of controls that must be applied by any organisation wishing to connect to or consume PSN services.

Government email policy

- 3.9 Secure email over the internet standards are identified in Cabinet Office guidance – **Secure Email Blueprint**. More information can be found on GOV.UK [here](#).
- 3.10 Local Authorities are required to [pass an assessment](#) to get their domain added to the whitelist of secure government domains.
- 3.11 In addition, LAs are required to confirm compliance with the DWP's Code of Connection. This details DWP specific security requirements in addition to those within the Cabinet office Secure Email Blueprint.

Her Majesty's Government Security Policy Framework

- 3.12 This [Security Policy Framework](#) describes the Cabinet Secretary and the Official Committee on Security expectations of how HMG organisations and third parties handling HMG information and other assets will apply protective security to ensure HMG can function effectively, efficiently and securely.

Government Security Classifications (GSC) scheme

- 3.13 The GSC scheme is designed to help individuals determine and indicate to others, the levels of protection required to prevent the compromise of valuable or sensitive assets (includes data). Although we are aware that the Security Policy Framework (SPF) was not mandated for local Government, DWP requires LAs to align with the GSC scheme and protect information accordingly.
- 3.14 This system replaced the Government Protective Marking System and was introduced from April 2014. More information can be found [here](#).

Baseline Personnel Security Standard (BPSS)

- 3.15 DWP is aware that the current PSN Code of Connection (CoCo) criteria only requires IT systems administration staff to be BPSS checked, however DWP has additional requirements as follows.
- 3.16 The LA must implement pre-employment checks which include identity, unspent criminal convictions and right to work as a minimum. Personnel vetting standards shall be based on the BPSS. Users must be trained to understand their obligations with regards to system security and data handling before having access to DWP data.

3.17 Agency and CSP staff must be subject to the same pre and post-appointment checks as permanent staff. LAs must not assume employment agencies or CSPs have carried out the prerequisite BPSS checks on staff or any recent or preceding periods of employment with DWP or other LAs guarantees the integrity of an individual.

3.18 The LA is responsible for confirming any CSPs providing all or part of a service covered by this MoU have carried out BPSS screening. The LA must have processes in place for confirming these checks have been completed before granting access to DWP/HMRC data. For PSN CoCo purposes Cabinet Office require all Systems Administration and Network staff (only) to have undertaken BPSS Checking. This requirement applies to all Systems and Administration Network staff, irrespective of when they joined your LA.

3.19 DWP does not require the verification of checks for BPSS to be applied retrospectively for existing staff where pre-employment checks have been carried out. However, any existing employee who is newly assigned and any employee recruited in the future to a post where access to government assets is necessary will need to be subject to BPSS verification checks.

Access control policy

3.20 LAs must maintain a robust access control policy, with user authentication and control of administration rights, for all DWP and HMRC information held. The policy will ensure that appropriate security mechanisms are in place and specify:

- access rights as defined within Employee Authentication Service (EAS) guidance; including hierarchy, for individual users or groups of users, with considerations on restrictions to access information that users do not have a business requirement for accessing and take into account where a segregation of duties needs to be applied
- the frequency with which reviews of access rights must take place for users
- action to be taken to remove access when there is no longer a business need. This includes changing jobs or roles
- the period after which inactive accounts must be suspended, *and*
- a process ensuring all users and contractors who terminate their employment or relationship with the LA are aware of their obligation not to divulge information gained during their employment.

Home and remote working

3.21 This MoU applies equally to LA staff accessing DWP and HMRC data from outside of the office environment. Home and remote working is permitted as long as any solution complies with HMG Information Assurance Policy Guidance and compliance standards as referenced in this MoU (see section 3 onwards) and PSN or Cloud-based email service assessment IA standards. Personal Devices are not normally compatible with these requirements.

3.22 The LA should recognise these users represent an additional risk. Any remote working solution must be supported by a formal remote working policy ensuring additional security training is given to staff working outside the office environment who handle DWP/HMRC information.

3.23 All parties should be aware that access to DWP data made available to LAs will only take place from within the United Kingdom – **no** solution allowing individuals or contracted service providers (CSPs) access from outside of England, Wales, Scotland or Northern Ireland will be permitted.

3.24 All parties should be aware that DWP data should not be processed outside of the EEA. Those LAs currently off shoring DWP data should report this immediately to
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4. Legal basis

4.1 The supply of data by DWP to LAs, as described in the annexes to this MoU, is permitted by specific provisions of primary and secondary legislation. These 'gateways' are set out in the annexes.

Data – customer consent

4.2 DWP data **can** be reused for another purpose where the customer has given explicit consent and where LAs have statutory powers for the further use.

Data – onward disclosure

4.3 LAs **will not** onwardly disclose any HMRC data without specific approval from HMRC. HMRC will immediately suspend access to its data if any LA fails to meet security requirements. Data is being provided for specific purposes. Onward disclosure or sharing should take place only when required or permitted by law, or with the informed consent of the data subjects and only with the explicit approval of HMRC.

4.4 Parliament has attached special importance to the confidentiality of data and has made it a criminal offence for a person employed in social security administration to disclose information relating to a particular individual without lawful authority.

4.5 This offence provision and other restrictions in social security legislation mean LAs must not consider sharing or reusing social security data in the same way they would share or reuse other data they hold unless permitted to do so by this MoU.

4.6 This MoU is not intended to be a substitute for specific legal advice from LA lawyers on particular data sharing proposals that relate to the data that LAs hold.

4.7 Further guidance on data sharing gateways, customer consent and locally held data can be found in the '*DWP guidance for local authorities on the use of Social Security data*', which can be found [here](#). This MoU should be read in conjunction with this guide.¹

Lawful means of disclosure of HMRC information

4.8 HMRC information is bound by statutory legislation under the Commissioners for Revenue and Customs Act 2005 (CRCA). S18 of the CRCA makes it clear that any HMRC information should not be disclosed unless there is a lawful authority to do so. If any disclosures are made they also have to meet the requirements of the Data Protection Act and the Human Rights Act.

¹ It has been requested that the DWP guidance for local authorities on the use of Social Security data is updated to reflect guidance contained within this MoU.

- 4.9** Para 7, Schedule 5 Tax Credits Act 2002 allows HMRC to disclose information, which is held for the purposes of functions relating to Tax Credits, Child Benefits or Guardians Allowance to be supplied to an authority administering housing benefit or local council tax reduction, or to a person authorised to exercise any function of such an authority relating to such a benefit, for use in the administration of such a benefit.
- 4.10** Where an LA has been supplied with data for a particular purpose pursuant to this MoU, it may not be reused for another purpose unless the law allows it, e.g. where the customer has given explicit consent or LAs have statutory powers for the further use.

5. Data sources

5.1 DWP currently provides LAs with data from the following sources, which this MoU covers:

- Access to Customer Information System (CIS)
- Local Authority Claim Information (LACI) documents sent via the DWP Data Hub
- Local Authority Input Documents (LAID) sent via the DWP Data Hub
- Automated Transfer to Local Authority Systems (ATLAS) sent via the DWP Data Hub
- Universal Credit (UC) documentation provided via email exchange from DWP Service Centres in respect of Discretionary Housing Benefit
- LCTR Universal Credit (UC) data share sent via the DWP Data Hub
- Access to DWP RTI Services

5.2 DWP will share data with LAs via DWP Data Hub, which will provide a platform for bulk transfer. Other sources of data may be provided by DWP teams to LAs that are covered by other MoUs, local partnership data sharing agreements or business operational guidance, e.g. Troubled Families data.

Access to DWP Customer Information System (CIS)

- 5.3** LAs are only permitted to access CIS for purposes supported by a legal gateway. For more information on use of CIS, please see the annexes.
- 5.4** LAs must ensure that before prospective users are granted access to DWP information they successfully complete appropriate data protection training. It is also a CIS specific requirement that any person accessing CIS successfully completes the CIS training pack. Copies of the training packs are available by xxxxx from DWP HDD LASST or via Glasscubes.
- 5.5** When the training has been completed and before access is granted each prospective user must complete and electronically sign the Confidentiality Agreement. A copy of this document will be retained as a requirement of the Employee Authentication Service (EAS) registration process. For further information on EAS contact the National Registration Authority hub at the following email address
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Monitoring Customer Information System access

- 5.6** The LA must carry out the predetermined level of management checks (sometimes referred to as test checks). This provides DWP with some assurance that access to DWP and HMRC data is appropriate and that information obtained has been used correctly.
- 5.7** Further details are in the LA CIS Guide, which can be requested from DWP HDD LASST.
- 5.8** Please note DWP HDD LASST and HMRC conduct additional risk-based checks as appropriate to confirm accesses to CIS have been performed in line with guidance
- 5.9** The Section 151 Officer for LAs in England and Wales, the Section 95 Officer for LAs in Scotland or officer accountable for the proper administration of financial affairs in Northern Ireland and County Councils will ensure clear and auditable processes are in place to independently carry out management checks.

Accuracy and quality of data

- 5.10** Each organisation is responsible for the quality and accuracy of the personal information it obtains, uses and shares. If it is discovered that information held is inaccurate, partner organisations must ensure that their records are updated accordingly. The organisations will take reasonable steps to advise any other party known to have received or to be holding that information about any change which it is necessary to make.

Access to DWP Real Time Information Services

- 5.11** LAs are only permitted to access RTI (Real Time Information) for purposes supported by a legal gateway. For more information on use of RTI, please see the annexes.
- 5.12** LAs must ensure that before prospective users are granted access to RTI information they successfully complete appropriate data protection training. It is also an RTI requirement that any person accessing RTI undertakes the RTI Learning and Development (L&D). Copies of the training packs have been provided to users and are also available via Glasscubes.
- 5.13** When the L&D has been completed and when accessing RTI, each user must electronically sign the Security Agreement on the first page of RTI, about accessing the service for legitimate reasons.

Apollo Register

- 5.14** LAs are reminded that LA staff who require access to DWP information should have access to CIS and should be using this facility as the first port of call for DWP information. LA staff recorded on the Apollo Register should only be contacting Pension Centres or Benefit Centres if they dispute the CIS information or if the information they require is not available on CIS. LAs are reminded to review their staff

members who have access to the Apollo Register regularly, informing their Pension Centre Liaison Officer (PCLO) of any changes which require updating.

6. Security

Action required for security incidents and disciplinary action

- 6.1 The LA **must** ensure that there are procedures in place to notify DWP HDD LASST **immediately** of any actual or suspected security incidents. These include:
- actual or suspected security incidents involving DWP/HMRC data
 - suspected misuse of DWP/HMRC data (clerical and electronic), *and*
 - actual or suspected security incident involving LA or CSP IT Networks that could put DWP/HMRC data at risk.
- 6.2 Failure to notify DWP of any of the above could result in the MoU being rescinded for your individual LA. This would mean access to DWP/HMRC data and secure communication channels would be at risk.
- 6.3 A security incident is defined as accidental or deliberate attempts, whether successful or not, to make unauthorised access to or compromise DWP/HMRC data (clerical or electronic). It takes into account breaches of confidentiality of information through the accidental or deliberate disclosure, or loss of data to someone not authorised to receive it. It covers any case of unauthorised access or the suspected dishonest use of the data by any person acting for, or on behalf of the signatory organisations, while carrying out duties in connection with their position.
- 6.4 The LA will ensure its formal disciplinary process and any relevant outsourcing arrangements provide for the investigation of individuals, who have allegedly committed or attempted a breach of the security framework as set out in this MoU.
- 6.5 If a security incident relates to the IT Network, the LA IT Network supplier will provide details of the technical issues and any proposed resolution so that DWP can make a risk based decision on any continued data share arrangements.
- 6.6 Where an investigation is being carried out the LA is required to provide DWP HDD LASST with regular progress updates. When completed DWP HDD LASST will require details of the investigation and the final outcome.

Reporting security breaches to the Information Commissioners Office (ICO)

- 6.7 Although there is no legal obligation on data controllers to report breaches of security which result in loss, release or corruption of personal data, serious breaches should be brought to the attention of the ICO.
- 6.8 The nature of the breach or loss can then be considered together with whether the data controller is properly meeting their responsibilities under the Data Protection Act (DPA) . More information can be found [here](#).
- 6.9 If any organisation is considering notifying the ICO of a breach involving data that originated with DWP, they must consult with DWP before doing so.

Unauthorised CIS access

6.10 LA staff have an obligation to handle all data in accordance with this MoU and the Data Protection Act 1998. Access to any customer data must be for a legitimate business reason. Any person working directly for or on behalf of the LA must **not**:

- attempt to trace or access, their own account or the accounts of friends, relatives, partners, colleagues or acquaintances or any other account for which there is no legitimate business reason for doing so
- make enquiries on behalf of colleagues in respect of friends, relatives, partners or acquaintances or anyone else who is not permitted to receive information
- share EAS tokens, Personal Identification Numbers (PIN) or other identity credentials with colleagues.

Investigative support from HDD LASST

6.11 LAs should appoint a single point of contact to conduct any security investigations and liaise with DWP HDD LASST.

6.12 DWP HDD LASST will support LAs in conducting investigations and may, on request, arrange for the provision of system audit trails, which can show CIS access history of any user.

6.13 DWP HDD LASST will remain independent and will not influence the LA investigation in any way. HDD LASST role is one of fact-finding and to supply the LA with information to support their investigation.

6.14 DWP HDD LASST will also provide support to ensure appropriate disciplinary or prosecution action is taken in all cases, liaising with HMRC colleagues as appropriate. On more serious cases, DWP and HMRC may consider taking their own prosecution action against individuals. DWP will also liaise with HMRC colleagues on any suspected customer fraud relating to tax credits using existing and agreed referrals processes.

Withdrawing access to DWP data

6.15 In circumstances where it has been alleged an individual has made unauthorised access or misused DWP or HMRC data, and it is found there is a case to answer, DWP retain the right to exclude that person from accessing or handling data sourced from DWP data streams.

6.16 DWP and HMRC reserve the right to withdraw access to the data supplied on any data stream. This situation may apply if it is considered a LA as a whole is not complying with the conditions set out in this MoU. Access to data may also need to be withdrawn for operational reasons.

Annexes - Introduction

General information

1. The following annexes:
 - Identify the legal basis which permits DWP to share annexed data with LAs pursuant to this MoU
 - Explain the purposes for which DWP may share annexed data with LAs pursuant to this MoU.
2. Due to the broad scope of legislation around data sharing it is not the aim to give detailed advice in these annexes. More information is held in the [Guidance for local authorities on the use of Social Security data](#), and this guide should be read in conjunction with this MoU.
3. The annexes cover the specific legal gateways and aspects of data sharing for the purpose of the administration of the following:
 - Housing Benefit (HB and any associated counter fraud & error and overpayment recovery activity)
 - Local Council Tax Reduction (LCTR) schemes and any associated recovery of LCTR errors
 - Local Welfare Provision (LWP)
 - Adult Social Care Financial Assessments (ASCFA), *and*
 - Discretionary Housing Payment (DHP).
4. All the conditions and considerations set out in the main MoU apply to any data shared for the above purposes.

Data

5. Data can include information about the customer; partner; children; other people in the household. Due to the high volume of data we share with LAs it is not practical to include references to every individual data item covered by this MoU, however further information on the types of data shared by the various data transfer methods is provided in Annex F – Data.

HMRC data

6. Any reference in this MoU to the security of customers' personal data incorporates any information supplied by HMRC. All current or proposed data transfers, or sharing of customers' personal data from HMRC, whether relating to individual customers or bulk transfers, must meet the security requirements of both DWP and HMRC. All data supplied is to be held within a secure environment, including all places where the data may flow, be stored or processed. This reference includes data shared as part of Real Time Information (RTI).

Data transfer

7. DWP share data with LAs via a number of methods. The main ones which are covered by this MoU include permission of authorised users to access DWP data held on CIS; and those files sent electronically to the DWP Data Hub.

8. The files sent via the DWP Data Hub include:
 - LA input document (LAID)
 - LA claim information (LACI) document
 - Automated transfer to local authority systems (ATLAS) files
 - LCTR Universal Credit (UC) data share

CIS access / CIS checks

9. DWP provides access to CIS data in order to support the administration of data share in annexes A, B, C, D and E only. Whilst legal gateways exist for sharing data to support welfare services, direct access to CIS is not permitted in some circumstances e.g. to support the administration of Troubled Families.
10. DWP HDD LASST will conduct additional risk-based checks to confirm accesses to CIS are performed in line with guidance.
11. DWP carries out a range of risk-based checks which will provide assurance that accesses to CIS for the above administration are proportionate. Users must only access CIS system screens data appropriate to the assessment. In cases where the access to CIS exceeds what is necessary, the activity on CIS will be regarded as unauthorised.

RTI Services access

12. DWP provides access to Real Time Information (RTI) data in order to support the administration of data share in annexes A, and B only. It is permitted to support deliver of Council Tax Support where the claim is received on the same form as the claim for HB. It is not permitted for example for the recovery of Council Tax debt. Whilst legal gateways exist for sharing data to support welfare services C, D and E, direct access to RTI is only permitted to support the delivery of HB.
13. DWP carries out a range of risk-based checks which will provide assurance that accesses to RTI for the above administration are proportionate. Users must only access the RTI system when it is appropriate to the assessment.
14. Further details on RTI access can be found in Glasscubes.

Data sharing/re-use

15. DWP provides data to meet the primary objectives of making the best use of DWP, HMRC and LA resources; reducing fraud and error; creating the right incentives to get more people into work; protecting the most vulnerable in our society; and delivering fairness to those claiming benefit and to the taxpayer.
16. DWP works in partnership as a data processor with HMRC to provide LAs with direct access to tax credit data.
17. Whilst further details on data sharing/re-use are included within the annexes, they are not intended to be a substitute for specific legal advice on data sharing.

18. DWP data **can** be reused for another purpose where the customer has given explicit written consent and where LAs have statutory powers for the further use.
19. Where LAs are considering how best to use and share data they hold they should continue to take account the provisions of the DPA, in addition to the **Social Security Administration Action (SSAA) 1992** and the **Welfare Reform Act (WRA) 2012**.

Signatories

20. The operational manager with responsibility for the administration of the above in the LA must sign this MoU and it must be countersigned by the Section 151 Officer for LAs in England and Wales or the Section 95 Officer for LAs in Scotland or officer accountable for the proper administration of financial affairs in Northern Ireland and County Councils.

Annex A – Housing Benefit (HB)

What is it?

1. HB can be provided to help people pay for rent when they are on a low income.
2. **HB administration** – the term includes, any contact with customers relating to a HB claim or award (or potential claim or award); the handling of appeals; the recovery of HB overpayments or the investigation of suspected HB fraud (including fraud relating to DWP benefits).
3. **Real Time Information (RTI)** – Pay As You Earn (PAYE) data is shared with LAs for the purpose of checking claims to Housing Benefit for undeclared and underdeclared earnings and/or non state pension.

Legal Gateway

4. **Section 122C of the Social Security Administration Act 1992 (SSAA)** allows DWP to share “**information relating to social security, child support or war pensions with “an authority administering housing benefit” “for use in the administration of” housing benefit**”.
5. **Section 127 of the Welfare Reform Act 2012** allows HMRC to provide **PAYE data for the purpose of checking claims to HB for undeclared or under declared earnings or non state pension.**

The purpose for which data is shared

6. DWP provides data² to LAs for use in the administration of HB.
7. DWP provides data to LAs for use in checking the accuracy of information relating to HB and where appropriate, amending or supplementing such information.
8. DWP provides data to LAs in order to support the prevention, detection, investigation or prosecution of benefit offences. Data sharing is intended to ensure that the right amount of HB is paid to the right people at the right time.
9. This data sharing will reduce the burden on LAs by not having to gather information, which DWP already holds.

Data

10. The DWP integrated claims process facilitates electronic information gathering for new and repeat claims to Income Support, Jobseeker’s Allowance, Employment & Support Allowance and Pension Credit, as well as any associated claims to HB.
11. When the initial claim information is gathered by DWP, where a customer indicates they wish to claim HB, relevant data in the form of the LA input document (LAID) and LA claim information (LACI) document will be transferred to the LA.
12. The LAID or LACI information will include data on the primary social security benefits claimed plus information gathered that is appropriate to the HB claim.

² Section 131(1) WRA permits DWP to share “*relevant information*.” Information will be relevant if *inter alia* it relates to welfare services or to a relevant social security benefit (as defined in section 121DA (7) of the Social Security Administration Act 1992).

13. Data can include information about the customer; partner; children; other people in the household; earnings; private pensions; other income; capital details; property or land details and housing details including landlord and rent liability.
14. When a customer has a change to their award and/or circumstances, relevant data extracted from CIS will be transferred to the LA in the form of an automated transfer to local authority systems (ATLAS) file.
15. When a Universal Credit (UC) claimant has changed their address and it is identified that the claimant is in specified accommodation, relevant data will be shared with the LA. The data will be gathered on a Specified Accommodation Data Share form (UC321) and sent to the LA via secure email. The data can include information about the claimant, partner, children, other people in the household, property and housing details including landlord and rent liability. The LA should complete part B of the form and return via secure email.
16. More information on what types of data are shared is held in Annex F.

Use of CIS

17. DWP CIS access is permitted for the purposes of administration of HB, as per guidance above. Further details on CIS access can be found in the DWP LA CIS guide.

Use of RTI Services

18. RTI access is permitted for the purposes of administration of HB, as per guidance above.
19. Further details on RTI access can be found on Glasscubes.

Annex B – Local Council Tax Reduction

What it is?

1. Local council tax reduction (LCTR) replaced council tax benefit. People may get a reduction in their council tax if they claim benefits or are on a low income.
2. **LCTR administration** – the term includes, any contact with customers relating to a LCTR claim or award (or potential claim or award); the handling of appeals; the recovery of LCTR payment errors or the investigation of suspected LCTR fraud (including fraud relating to DWP benefits).

Legal Gateway

3. **Section 131(1) of the Welfare Reform Act 2012**

Regulation 12 of the Social Security (Information-sharing in relation to Welfare Services etc) Regulations 2012

Data for LCTR purposes can be used for other purposes, but only where legislation permits it. See **Regulation 14(e) of the Social Security (Information-sharing in relation to Welfare Services etc) Regulations 2012**.

The purpose for which data is shared

4. DWP provides data³ to LAs for use in the making of LCTR schemes.
5. DWP provides data to LAs in order to determine a person's entitlement or continued entitlement to a reduction under a LCTR scheme.
6. DWP provides data to LAs for the purpose of preventing, detecting, securing evidence of, or prosecuting the commission of, an offence relating to a LCTR. Under this provision it is limited specifically to offences relating to LCTR schemes.
7. This data sharing will reduce the burden on LAs by not having to gather information which DWP already holds.
8. Except where specific provision is made in legislation or this MoU, data provided under this annex must **not be** used for other purposes.

Data

9. The DWP integrated claims process facilitates electronic information gathering for new and repeat claims to Income Support (IS), Jobseeker's Allowance (JSA), Employment and Support Allowance (ESA) and Pension Credit (PC).
10. When the initial claim information is gathered by DWP, the customer will be asked if they are already in receipt of a LCTR. If they are, DWP will continue to share DWP data. However if the customer indicates they are not receiving help DWP will ask them if they 'Have an intent to apply for a reduction in their council tax?' Where they indicate an interest, DWP will continue to send through the data we have collected for the DWP benefit on the LAID and LACI documents.

³ Section 131(1) WRA permits DWP to share "relevant information." Information will be relevant if *inter alia* it relates to welfare services or to a relevant social security benefit (as defined in section 121DA (7) of the Social Security Administration Act 1992).

11. Due to the fact that DWP cannot take claims for LCTR schemes, amendments have been made to the initial DWP data gather. There will be areas where information will no longer be available, details of these changes and more information on this is included in the following housing benefit '*circular A4/2013*' which can be found [here](#).
12. When a customer has a change to their benefit award (as per above) and/or circumstances, relevant data extracted from CIS will be transferred to the LA in the form of an automated transfer to local authority systems (ATLAS) file.
13. The Universal Credit (UC) claims process facilitates electronic information gathering for claimant information. Where the claimant indicates that they are liable for Council Tax further questions are asked to establish if they are claiming or intend to claim LCTR. If they are liable for Council Tax and they are claiming or intend to claim relevant claim and payment data will be shared with the LA. The data will be extracted from UC systems and made available to download via the DWP Data Hub. The data can include information about the claimant, partner, children, non-dependants, property, housing details including landlord and rent liability, income, other benefits, savings, capital, UC award and payment. UC claimants will be signposted to the LA to make a claim for LCTR.
14. When a UC claimant has a change to their benefit award and/or circumstances relevant claim and payment data including terminations will be shared with the LA.
15. More information on what types of data are shared is held in Annex F.

Data Transfer between Nations

16. HMRC data provided by DWP under this annex to an English, Welsh or Scottish LA (or a relevant Northern Ireland (NI) department) relating to LCTR schemes, must not be shared with a local authority in another nation.
17. Since the legal purposes for which HMRC data may be shared can be varied by each nation, data provided to a LA in one nation may not be legally allowed in another.
18. As an example, HMRC data provided by DWP to a NI department will have been provided for a purpose relating to rates. That data could not be provided by the NI department to an English LA, since the English LA would not be using the data for the same purpose. In the unlikely circumstance that two LAs in two different nations needed to share HMRC data provided for LCTR administration, each LA would instead need to seek the information direct from DWP.

Use of CIS

19. DWP CIS access is permitted for the purposes of administration of LCTR, as per information above. Further details on CIS access can be found in the DWP LA CIS guide.

Use of RTI Services

20. DWP RTI access is only permitted for the purposes of administration of Council Tax only when the claim is received on the same form as the claim for HB.
21. Further details on HB access can be found on Glasscubes.

Annex C – Local Welfare Provision

What it is?

1. **Local welfare provision replaced parts of the DWP discretionary social fund (community care grants and crisis loans) from April 2013.** Any reference to LWP should be taken to include the LWP scheme in England, the Scottish Welfare Fund and Discretionary Assistance Fund (DAF) in Wales, where the Welsh Assembly are administering DAF.

Legal Gateway

2. **Section 131(1) of the Welfare Reform Act 2012**
3. **Regulation 5(1)(a)(iii) of the Social Security (Information sharing in relation to Welfare Services etc) Regs 2012**

The purpose for which data is shared

4. DWP provides data⁴ to LAs in order to determine a person's eligibility or continued eligibility for LWP.
5. DWP provides data to LAs in order to support prevention, detecting, securing evidence of, or prosecuting the commission of, an offence relating to a LWP.
6. This data sharing will reduce the burden on LAs by not having to gather information from claimants, which DWP already holds.
7. Except where specific provision is made in legislation or this MoU, data provided under this annex must **not be** used for other purposes.
8. Where an LA has been supplied with data for a particular purpose pursuant to this MoU, it may not be reused for another purpose unless the law allows it, e.g. where the customer has given explicit consent or LAs have statutory powers for the further use.

Data

9. LAs are able to access DWP CIS to support administration of LWP, however for these purposes restrictions are in place - see below.

Use of CIS

10. Users responsible for LWP administration must **only** obtain and process **sufficient** CIS data for that specified and lawful purpose.
11. Further details on CIS access can be found in the DWP LA CIS guide.

Use of RTI Services

12. RTI must not be used for LWP administration.
13. Further details on RTI access can be found on Glasscubes.

⁴ Section 131(1) WRA permits DWP to share "relevant information." Information will be relevant if *inter alia* it relates to welfare services or to a relevant social security benefit (as defined in section 121DA (7) of the Social Security Administration Act 1992).

Annex D – Adult Social Care Financial Assessments

What is it?

1. The policy which governs the way LAs operate means tested financial assistance to help pay for services for people in their own homes and in residential care.

Legal Gateway

2. **Section 131(1) of the Welfare Reform Act 2012**
3. **Regulation 5(1)(ci) of the Social Security (Information sharing in relation to Welfare Services etc) Regulations 2012**

The purpose for which data is shared

4. DWP provides data⁵ to LAs for use in the administration of adult social care financial assessment (ASCFA).
5. DWP provides data to LAs in order to determine whether a person applying for or receiving the provision of domiciliary care or residential care is liable to contribute towards the cost of that service and if so, the amount of that contribution.
6. This data sharing will reduce the burden on LAs by not having to gather information from claimants, which DWP already holds.
7. For the purposes of this annex the following additional definitions apply:
 - **Adult social care financial assessments**
 - **Adult social care financial assessment administration** – includes, any contact with customers or their nominated financial representative relating to the calculation of the financial assessment to work out how much individuals can afford to pay towards the cost of care.

NB. Local authorities may have differing terms for those teams undertaking the above financial assessments.

Data

8. LAs are able to access DWP CIS to support administration of ASCFA, however for these purposes restrictions are in place - see below.

Use of CIS

9. Users responsible the above administration must **only** obtain and process **sufficient** CIS data for that specified and lawful purpose.
10. Further details on CIS access can be found in the DWP LA CIS guide.

Use of RTI Services

11. RTI must not be used for ASCFA.
12. Further details on RTI access can be found on Glasscubes.

⁵ Section 131(1) WRA permits DWP to share “*relevant information*.” Information will be relevant if *inter alia* it relates to welfare services or to a relevant social security benefit (as defined in section 121DA (7) of the Social Security Administration Act 1992).

Annex E – Discretionary Housing Payment

What is it?

1. Discretionary Housing Payments (DHPs) are delivered by LAs using funds provided by central government which they can supplement with their own funding or funding from a devolved administration. They provide financial help to people receiving HB or a UC award which includes housing costs, to meet their housing costs when they have no other way of meeting them. LAs can undertake a means-test to determine whether a person is entitled to a DHP.

Legal Gateway

2. **Section 131(1) of the Welfare Reform Act 2012.**
3. **Regulation 5(1) (b) of the Social Security (Information sharing in relation to Welfare Services etc) Regulation 2012.**

The purpose for which data is shared

4. DWP provides data⁶ to LAs for use in the administration of discretionary housing payments.
5. This data sharing will reduce the burden on LAs by not having to contact DWP teams, by a number of means, to gather this information.

Data

6. LAs are able to access CIS to support administration of DHP, however for these purposes restrictions are in place.

Use of CIS

7. Users responsible for the above administration must **only** obtain and process **sufficient** CIS data for that specified and lawful purpose.
8. Further details on CIS access can be found in the DWP LA CIS guide.
9. When it is identified that a UC claimant has made a request for a DHP the LA should complete a DHP Request for Information template (UC 306) and send it via secure email. Relevant data will be gathered on a Discretionary Housing Payment proforma (UC 395) and sent to the LA via secure email. The data can include information about the claimant, partner, children, property, housing details including landlord and rent liability, income, other benefits, savings and capital.

Use of RTI Services

10. RTI must not be used for DHP.

⁶ Section 131(1) WRA permits DWP to share “*relevant information*.” Information will be relevant if *inter alia* it relates to welfare services or to a relevant social security benefit (as defined in section 121DA (7) of the Social Security Administration Act 1992).

Annex F – Data

1. Due to the high volume of data sent from DWP systems to local authorities and the level of data available to view in CIS, this MoU does not include a definitive list of individual data items.
2. If an LA requires more information on the data sent from DWP systems they should contact DWP Housing Delivery Division by xxxxx.
3. This Annex includes the main areas of data shared to support the data share covered by this MoU, for the following methods of data transfer:
 - ATLAS notifications transferred via the DWP Data Hub,
 - LAID and LACI notifications transferred via the DWP Data Hub
 - CIS access; and
 - Universal Credit claimant information transferred via the DWP Data Hub to facilitate LCTR data share.

ATLAS Notifications

HMRC Data

4. ATLAS notifications include data on **new awards, change of awards and terminations** of HMRC New Tax Credits (Working Tax Credit and Child Tax Credit).

DWP benefit Data

5. ATLAS notifications include data on **new awards, change of awards and terminations** for the following DWP benefits:
 - Income Support
 - Jobseeker's Allowance (Income & Contribution Based)
 - Pension Credit – (Savings & Guaranteed Credit)
 - Employment and Support Allowance (Income & Contribution based)
 - Carer's Allowance
 - Attendance Allowance
 - Disability Living Allowance (Care Component)
 - Disability Living Allowance (Mobility Component)
 - State Pension
 - Incapacity Benefit
 - Maternity Allowance
 - Widow's Benefit
 - Bereavement Benefit
 - Personal Independence Payment
6. The ATLAS notifications also include additional information extracted from legacy systems, such as:
 - Non-dependant details
 - Customer partner information
 - Pension Credit data, including:
 - Occupational Pensions

- Other Income
- Other Benefits
- Earnings

7. ATLAS notifications are **not** produced for changes to awards for where the change occurs to a passporting benefit, as the customer will be in receipt of full HB/LCTR and any changes would not affect the customers claim.
8. ATLAS notifications include new or amended personal details data including the **name, address, contact details, date of death**, for DWP benefits only.
9. ATLAS will also provide the benefit cap notifications, which include **personal details, benefit award information and HB information** and is gathered from a variety of sources.

LAI and LACI Data

10. LAI and LACI notifications can include the following information:

Customer details

Personal data - can include name, address, date of birth, national insurance number, contact information, preferred language, marital status, blind register status, health and disability details
Nationality, residency, immigration and sponsorship details
Current accommodation details - can include information on any custody, residential care, or hospital stays
Employment details – can include information on employer, working pattern, pay, self employment, voluntary/unpaid work, special occupations Education and Training details
Primary Benefit information
Method of payment details - can include bank account and appointee details
Other Benefit Details
Care details
Other Income Details
Capital Details
Housing details – can include information relating to property, rent, landlord/owner information, tenancy agreement
Previous HB details for customer and partner
Personal or occupational pension details
Other property details
Benefit Verification Details
About claim – information about the DWP benefits(s) claimed

Partner Details

Personal data - can include name, address, date of birth, national insurance number, contact information, preferred language, marital status, blind register status, health and disability details
Nationality, residency, immigration and sponsorship details
Current accommodation details - can include information on any custody, residential care, or hospital stays
Employment details – can include information on employer, working pattern, pay, self employment, voluntary/unpaid work, special occupations
Education and Training details
Primary Benefit information
Method of payment details - can include bank account and appointee details
Other Benefit Details
Care details
Other Income Details
Capital Details
Housing details – can include information relating to property, rent, landlord/owner information, tenancy agreement
Previous HB details for customer and partner
Personal or occupational pension details
Other property details

Children Details

Personal data - can include name, date of birth, relationship to customer and partner, blind register status
Boarding school details
Child Benefit details
Childcare details
Other Benefit details

Other people in the household

Personal data - can include name, date of birth, relationship to customer and partner, health and disability details
Current accommodation details – can include information on any custody, or hospital stays, rent information
Employment details – can include information on whether other people in household work for 16 or more hours a week, gross pay
Benefit information – includes whether other people in household are receiving Income Support, Jobseeker’s Allowance (Income Based), Pension Credit or Employment and Support Allowance (Income Related)
Other Income details – includes whether other people in household have any other money coming in, how much and what is this for

Access to Customer Information System (CIS)

CIS access includes information on:

Name History	Current and previous known names.
Address History	Current and previous known addresses.
Contact Details	Current contact details.
Relationship History	Current and historical data relationship details including payee information.
Award Details	Displays the full details about a specific benefit award plus historical information.
Breakdown of Assessed Income Figure	Displays a detailed breakdown of a customer's Assessed Income Figure. It is only accessible if the customer has (Savings Only) Pension Credit.
Corporate Organisation	The Corporate Organisation Details are displayed where applicable.
LA Data	Displays information about the customer, partner and associated non-dependants. It allows the user to view data items associated with HB. These include details of: <ul style="list-style-type: none"> • part time work • gross capital • recovery • non dependants • disregards
Notes History	Displays details of the notes made by DWP on the various legacy systems.

Universal Credit Data

Universal Credit data can include the following information:

Claim data set	Payment data set
UC Claim details	UC Payment calculation
Persons details Other income Other benefits Dependants	UC Maximum Award Unearned Income and Benefits Net Earnings Deducted After Disregard and Taper Deductions

Non-Dependents Childcare Provision Property Household Address Termination	Monthly UC Payment
	UC Payment Information
	Earned Income NI Amount Net Pay Amount Tax Amount Pension Contributed Under Net Pay Amount Pension Not Contributed Under Net Pay Amount

RTI

RTI access includes information on:

Name	First, second and surname
Date of birth	
Gender	Male or female
Employer/pension provider	Next to the name the system will indicate whether the organisation is an employer or pension provider.
Payment details	Displays the full details about a specific payment plus historical information.
Breakdown of payment figure	Displays a detailed breakdown of a customer's payment, ie date paid, tax year, frequency, period, gross, net, payment subject to tax, deductions from net pay, deductions from gross pay, benefits in kind and type of payment.
If field is highlighted in blue there is a hyperlink.	The hyperlink allows you to view a breakdown of the Tax/NI paid.
Year to Date figure	This shows when there is a discrepancy between the in year figure and the year to date figure.

Agreement and signatures: Memorandum of Understanding

This agreement for controlling access to DWP and HMRC data has been approved by the Head of Housing Delivery Division on behalf of DWP and by the Local Authority Associations. It will remain in place until **31st March 2018**. It is signed with the understanding each signatory accepts their authority will comply with all aspects of the MoU. The DWP reserve the right to review the MOU to ensure its factual accuracy and to assure the LA continued commitment to Data Security. It must be countersigned by the Section 151 Officer for LAs in England and Wales or the Section 95 Officer for LAs in Scotland or officer accountable for the proper administration of financial affairs in Northern Ireland and County Councils.

Please note - your Chief Executive Officer is asked to read this MoU and understand their Data Security and HR/Personnel obligations on behalf of their organisation.

I have responsibility for staff access to DWP and HMRC data. I am satisfied the LA complies with the terms of the agreement and understand that non-compliance, depending on the seriousness of any incident, could result in the service being withdrawn and prosecution of individuals. It may result in access being withdrawn from the LA if it does not comply with the conditions set out in this MoU.					
Details	Annex A Housing Benefit	Annex B Local Council Tax Reduction	Annex C Local Welfare Provision	Annex D Adult Social Care Financial Assessments	Annex E Discretionary Housing Payment
LA Name and address:					
Signed:					
Name (Print):					
Telephone number:					
Position in the LA					
Email Address – include both .gov.uk address and GCSX, GSE or GSX email					

Memorandum of Understanding between DWP HDD and Local Authorities 2017-2018

address:					
Date:					
Section 151 Officer (England and Wales) or the officer accountable for the proper administration of financial affairs in authorities in Scotland or Northern Ireland.					
Counter signed:					
Name:					
Address and Telephone number:					
Email Address – include both .gov.uk address and GCSX, GSE or GSX email address:					
Indicate that CEO has been informed of MoU obligations					
Date:					