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Date:

5 January 2015

John Slater  
Sent via email

Dear Mr Slater

**Freedom of Information Act - Request for Information**  
**Our Reference: FOI 5244**

Thank you for your Freedom of Information request received on 3 December 2014. You asked:

*I understand that benefits paid into the claimant's bank are done so with an accompanying reference that appears on bank statements. I further understand that this reference is made up of the claimant's national insurance number and the initials of the benefit being paid (e.g. for Employment Support Allowance this would be "esa").*

*Continuing with the example of ESA, this in effect means that the DWP is disclosing to the claimant's bank that they are in receipt of Employment Support Allowance.*

*Please confirm how the DWP obtains consent (implied or explicit) from benefit claimants that it may disclose this highly sensitive information to the claimant's bank?*

*If the DWP does not obtain implied or explicit consent please provide any information held that proves or suggests that the DWP disclosure is not a breach of the Data Protection Act?*

DWP makes payments of benefits through its banking partners into a claimant's bank, or building society, account. DWP uses the claimant's name, National Insurance Number and the initials of the benefit being paid as identifiers when communicating with its own bank. These identifiers allow banks and building societies to apply payments to the correct accounts. It also makes it easier for the banks to resolve problems such as a possible incorrect payment because the claimant and the banks are able to refer to the range of identifiers.

Under the Data Protection Act 1998 DWP is a Data Controller. That means DWP is responsible for processing personal data and sensitive personal data that it holds on claimants.

You asked DWP "Please confirm how the DWP obtains consent (implied or explicit) from benefit claimants that it may disclose this highly sensitive information to the claimant's bank". Your reference to "highly sensitive information" is to DWP disclosing to the

claimant's bank that [the claimant] is in receipt of Employment Support Allowance. The full name of the benefit is not disclosed, but only the initials. Those initials are used as identifiers to help DWP, the banks and the claimant if there may be a query about the amount paid.

The Data Protection Act 1998 divides information a Data Controller holds about a living individual into a broader category called Personal Data and a narrower category called Sensitive Personal Data. You have not mentioned the term Sensitive Personal Data. DWP does not accept that what you called "highly sensitive information" is the same thing as Sensitive Personal Data. Sensitive Personal Data is defined in the Data Protection Act at section 2. There is nothing in the definition which suggests that receipt of a benefit is Sensitive Personal Data. Information a Data Controller holds about an individual's physical or mental health or condition is Sensitive Personal Data. Information about an individual receiving a benefit is not Sensitive Personal Data.

DWP as Data Controller does not need the consent of the individual under the Data Protection Act to make payment of benefit to that individual who has made a successful claim for benefit. DWP makes that payment from its own bank to the claimant's bank and provides evidence with the payment of what the benefit is for. That evidence is the initials of the benefit.

DWP as Data Controller passes to its own bank - which acts as DWP's Data Processor - the claimant's personal data such as the name, National Insurance Number and benefit initials and the amount of benefit due to the claimant. DWP's bank then pays the benefit into the claimant's bank account. DWP does not need to obtain consent from the claimant to send personal data to DWP's own bank because that bank is DWP's Data Processor.

Once the claimant's bank has received the benefit it is then up to the claimant's bank to hold the money for the claimant and to issue such bank statements as it agrees with the claimant. It is the claimant's bank that subsequently decides whether or not to include the benefit initials on the claimant's bank statement. This is because the claimant's own bank at that point is the Data Controller. The claimant is able at any time to request that his or her own bank removes the references to the initials of the benefit from future bank statements.

If you have any queries about this letter please contact us quoting the reference number above.

Yours sincerely

**Official Correspondence Team  
Business Management and Improvement**

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**Your right to complain under the Freedom of Information Act**

If you are not happy with this response you may request an internal review by e-mailing [freedom-of-information-requexx@xxx.xxx.xxx.uk](mailto:freedom-of-information-requexx@xxx.xxx.xxx.uk) or by writing to DWP, Central FoI Team, Caxton House, 6-12 Tothill Street, London. SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF  
[www.ico.gov.uk](http://www.ico.gov.uk)