

**Memorandum of Understanding (Process)  
Between  
HMRC (Risk & Intelligence Data Analytics Team), DWP (Data  
Analytics Teams and Operation Directorates) and Home Office  
(Removals Casework)**

For Data Matching 'No Contact' records held in the Home Office  
Migrant Refusal Pool.

The reference number of the related Umbrella MoU between:

- HMRC and DWP is MOU-U-A
- HMRC and HO is MOU-U-D
- HO and DWP – No reference number

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## **1. Introduction**

The parties to this exchange are: Home Office Removals Casework, HMRC and DWP. This exchange will take place under the terms of the existing data sharing umbrella MoU. For ease of reference a copy of the Umbrella MoU is attached as Appendix 1 to this document

This agreement is not legally binding, nor is it a contract, but is intended to formalise the operation of a monthly exchange between Home Office Removals Casework, HMRC and DWP.

### Background

Home Office Removals Casework is committed to reduce the number of records in the Migrant Refusal Pool (MRP) The MRP holds records of individuals whose evidence of departure does not exist and who no longer have the right to remain in the UK; therefore have no right to access public funds and no lawful right to work in the UK.

Removals Casework has responsibility to maintain a contact management and tracing regime with the individuals in the MRP. Where it is not possible to maintain contact Removals Casework will seek to identify potential sources of information where up to date contact details of individuals can be made available.

This data sharing proposal is for HMRC and DWP to assist with checking irregular migrant records held in the MRP 'no contact' pool against their systems for enriched and up to date contact detail information specifically Home Office are seeking the following information from HMRC and DWP :

- Contact details held by HMRC and/or DWP that differ to those held by the HO have the potential to put the HO back in contact with individuals who do not have permission to be in the UK, to encourage compliance with immigration law.
- Having new contact details that the HO can verify as up-to-date will also allow better targeted enforcement activity against those who do respond to contact.
- Where there is evidence of interaction by an individual with HMRC and/or DWP even where there are no new personal contact details available, this will help the HO to target other tracing activity.

These checks will enable the Home Office Removals Casework to:

- Shrink the number of records in the MRP where the individual cannot be contacted, eventually closing records where extensive tracing does not result in any contact.
- Where up to date contacts are made available to allow for better targeted enforcement activity against those who have not responded to contact management.

This data exchange is being carried out to check whether HMRC and/or DWP hold any new information on those cases that have remained in the no contact status for six months or more. Due to the constraints of exchanging a large volume of records, Home Office will send the records through to HMRC on a monthly basis. HMRC will attempt to trace NINO's for these records. The overall aim is to check 100% of these records with HMRC and DWP through a regular monthly exchange and rewashed every 6 months for a period of 2 years before a decision will be made on the cases by HO to close the cases as 'not located'.

There will be a one off data exchange exercise which will contain cases whose status ended prior to 2008.

## **2. Legal Basis**

### **From HMRC to Home Office**

#### **Legal Gateway**

Section 18 Commissioners of Revenue and Customs Act 2005 (CRCA) (to be read in conjunction with sections 17 and 20 of that Act and section 19 Anti-Terrorism, Crime & Security Act 2001)

Section 36 Immigration, Asylum & Nationality Act 2006

Section 40 UK Borders Act 2007

Section 41A UK Borders Act 2007

### **From Home Office to HMRC & DWP**

#### **Legal Gateway**

Section 21 Borders, Citizenship & Immigration Act 2009

Section 36 Immigration, Asylum & Nationality Act 2006

Common law power of the Secretary of State to transfer information (where the above do not apply)

### **From Home Office to DWP**

#### **Legal Gateway**

Section 122b of the Social Security Administration Act 1992 allows Home Office to supply data they hold for purposes relating to immigration to DWP to use for Counter Fraud and checking purposes

### **From DWP to Home Office**

#### **Legal Gateway**

Section 20 of the Immigration and Asylum Act 1999 together with Immigration (supply of information to the Secretary of State for Immigration Purposes) Order 2008 allows DWP to supply information we hold for Social Security purposes to Home Office to use for specified immigration purposes

### **From HMRC to DWP**

#### **Legal Gateway**

Section 122 Social Security Administration Act 1992 for England, Wales and Scotland

### **3. Purpose of the agreement**

This MoU sets out the arrangements for a data exchange between HMRC, DWP and the Home Office Removals Casework of MRP cases that fall into the 'no contact' pool for the primary purpose of establishing up-to-date contact information.

The data sharing will take place as a one-off exchange of records in February 2016, followed by an exchange per month to HMRC and DWP, this is due to start in April 2016.

All 'no hits' returns will be rehashed every 6 months for a period of 24 months.

#### Key objectives of the exchange

- To shrink the number of records in the MRP where the individual cannot be contacted, eventually closing records where extensive tracing does not result in any contact.
- Where up to date contacts are made available to allow for better targeted enforcement activity against those who not respond to contact.

#### Strategic Objectives of the exchange

The work enabled by this data sharing will contribute to the following Immigration Enforcement objectives:

- Stop people staying in the UK illegally or supporting immigration abuse
- Taking action against immigration offenders
- Identify those that wish to remain in the UK and avoid detection
- Specifically it would enable direct contact with individuals and the opportunity to communicate the contract of stay and achieve voluntary departures by individuals.

#### Benefits of the exchange

- The opportunity to stop benefit payments to those not entitled, resulting in financial savings;
- The opportunity to cleanse, update and refine data sets and customer records, and improve the data matching process;
- The reputational benefits of protecting the public purse and contributing towards tackling illegal immigration (in line with the agenda set by the inter-ministerial group on migrant's access to benefits and public services).
- The removal of incentive to remain in the UK potentially leading to an increase in voluntary departures for those that ARE in the UK.
- Up to date contact information on immigration offenders with whom we've lost contact, enabling us to take enforcement action with those not compliant;
- The opportunity to cleanse, update and refine data sets and customer records, and improve the data matching process;
- Management information to demonstrate the benefits of this type of work, which will encourage other government departments to sign up.
- The opportunity to stop illegal working in the UK.
- Reputational benefits and financial savings incurred by ensuring only those entitled are accessing public benefits.

## **4. Procedure**

### **Home Office:**

A one-off set of records from the Pre 2008 No Contact Pool.  
This will be followed with a regular monthly flow of cases extracted from the Post 2008 No Contact Pool.  
A rewash of all the 'no hits' returns for the monthly records will be required every 6 months.

The data will be extracted from Home Office Casework Information Database (CID)

The data set supplied to HMRC will consist of the following:

- CID Person ID number
- Port Reference No.
- HO Reference No.
- Full Name
- Date of Birth
- Title
- Nationality
- Address where held including post code (all addresses held in the last 5 years for the individual or last known address if all that is held)
- Address start date and end date (for all addresses)
- Primary email address (if held)
- Other email address (if held)
- Primary Mobile No.
- National Insurance Number (where recorded)

The monthly data sets will be sent using the Dash tool in Microsoft Excel spreadsheet format.

Home Office Interventions and Sanctions Directorate (ISD) will facilitate the exchange and send the data via the approved secure transfer method via Home Office secure GSI email network to HMRC secure GSI email network .....

HMRC have the right to reject the inbound data file if it does not meet specification.

### **HMRC – RIS DAT**

In response HMRC will provide Home Office and DWP with confirmation that the individual matches a record held by HMRC and supply:

- (Where appropriate) extract data from records taken from the previous and current tax years only.
- The first 5 agreed fields of HO data for linking the data back to HO records namely:
  - Dash reference (taken from the ISD Hub)
  - Dash source (taken from the ISD Hub)
  - CID per ID
  - Full Name
  - DOB

### **DWP Data and Analytics**

#### **DWP will take data from HMRC flagged cases**

DWP will receive all matched personal details data from HMRC namely;

- Up to 5 addresses from HO
- Up to 4 email addresses from HO
- Up to 4 mobile numbers from HO

### **DWP Data and Analytics**

DWP will receive records from HMRC (RIS) in CSV format where a NINO has been identified

- DWP will check Customer Information System (CIS) to establish if any State Benefits are in payment.

### **DWP (Data Analytics) will return data on confirmed HMRC NINO Matches for the rewashed cases where a benefit is in payment and specifically supply**

- Confirmation of the benefit(s) in payment (method to be agreed)
- The first 5 agreed fields of HO data for linking the data back to HO records, namely:
  - Dash reference (taken from the ISD Hub)
  - Dash source (taken from the ISD hub)
  - CID per ID
  - Full Name
  - DOB
- DWP will then report to HO:
  - Whether the individual is in receipt of benefits either as customer or partner or both
  - Whether the address held by DWP matches any of those supplied by HO or HMRC (if so which)
  - Where DWP address does not match, supply DWP address
  - Whether any phone numbers held match those supplied (if so which)
  - Where a phone number is held and does not match, supply details of the number
  - Where a partner is identified, supply personal details of that individual
  - If our records indicate the person had died
- DWP will also provide Management Information in the form of those individuals whose benefit has been stopped and the savings made.
- **Subject to agreement between both parties**, on receipt of matched data from the DWP, I & SD will confirm to DWP that the records identified were correctly matched and will confirm the individual's current immigration status including right to work and right to access public funds. DWP will then take the required action to adjust or cease benefit as appropriate.
- On receipt, HO will transfer DWP data into a secure folder with the appropriate restricted access.
- Only allow access to that information by the team carrying out the matching.
- Ensure that staff handle this data in line with the approved secure transfer method agreed by both departments and within HO data security instructions.

### **Roles of each party to the pMoU**

#### **Home Office:**

- Identify the appropriate information required to make the search from Home Office CID and CRS records
- Provide the information to HMRC in a Microsoft Excel format transferred by secure GSI email from and to agreed contact points
- On receipt, HO will transfer HMRC data into a secure folder with the appropriate restricted access.

- Only allow access to that information by the team carrying out the matching
- Ensure that staff handle this data in line with the approved secure transfer method agreed by both departments and within Home Office data security instructions
- Only store the information for as long as it there is a business need to do so. CIS/CID will be updated with the relevant information only if there is a match
- Any queries can be raised by emailing .....

**HMRC:**

- Identify the appropriate information required to make the search from HMRC records
- On receipt, move the data received from the Home Office into a secure folder with the appropriate restricted access.
- Only allow access to that information by the team carrying out the matching.
- Ensure that staff handle this data in line with the approved secure transfer method agreed by both departments and within Home Office data security instructions
- Only retain the information for as long as it takes to complete the matching exercise.
- Only allow access to authorised staff who have the appropriate level of security clearance (minimum of CTC level)
- Match the data to 3<sup>rd</sup> party data sets obtained under HMRC powers. Where HMRC hold a statutory power or have a MoU with the 3<sup>rd</sup> party allowing disclosure to the HO, they will provide information from this data

**DWP:**

- On receipt, move the data received from the HO into a secure location with the appropriate restricted access
- Only allow access to that information by the team carrying out the matching
- Ensure that staff handle this data in line with approved secure transfer method agreed by both departments and within DWP data security instructions
- Only retain the information for as long as it takes to complete the matching exercise.
- Only allow access to authorised staff.

**Results of the exercise**

The data exchange will be facilitated through the HO I & SD who will own and record the delivery of the exchange.

The results of the exercise will allow HO to:

- Identify those individuals who are working illegally
- Identify those individuals who are claiming and receiving benefits to which they are not entitled
- Establish new address and contact details for individuals of interest to the HO

The results of the exercise will be evaluated to:



- Ensure the exercise has proven to be beneficial in terms of new and relevant information obtained by the HO
- Identify the anticipated percentage 'hit' rate to help establish which data sets used for the exercise were most effective

## **5. Security and Assurance**

### **Home Office, HMRC and DWP agree to:**

- Only use the information for purposes that are in accordance with the legal basis under which they received it
- Only hold the data while there is a business need to keep it
- Ensure that only people who have a genuine business need to see the data will have access to it.
- Store data received securely and in accordance with the prevailing central government standards, for example in secure premises and on secure IT systems.
- Move, process and destroy data securely i.e. in line with the principles set out in HM Government [Security Policy Framework](#), issued by the Cabinet Office, when handling, transferring, storing, accessing or destroying information. **In this instance the Home Office, HMRC and DWP will only store the data until the data matching exercise is complete after which the data will be destroyed.**
- Comply with the requirements in the [Security Policy Framework](#), and in particular Section 2.10, to be prepared for and respond to Security Incidents and to report any data losses, wrongful disclosures or breaches of security relating to information. Any loss of spreadsheets or subsequent wrongful disclosure of taxpayer information will be reported within 24 hours of becoming aware to:
- For HMRC: .....
- For HO: .....
- For DWP: .....
- Apply the appropriate baseline set of personnel, physical and information security controls that offer an appropriate level of protection against a typical threat profile as set out in [Government Security Classifications](#), issued by the Cabinet Office, and as a minimum the top level controls framework provided in the Annex – Security Controls Framework to the GSC.
- Allow HMRC and DWP Internal Audit to carry out an audit to help in deciding whether HMRC/DWP should continue to provide the data, upon request
- Provide written, signed assurance that they have complied with these undertakings regularly upon request

## **6. Data Protection Act 1998 (DPA) and Human Rights Act 1998 (HRA)**

Nothing in this Memorandum of Understanding will limit the receiving department's legal obligations under the Data Protection legislation.

All the information transferred by HMRC should be relevant, necessary and proportionate to enable Home Office to carry out their task or process.

HM Revenue and Customs and Home Office will become the Data Controller (as defined in the glossary of terms) of any personal data received from the other under the terms of this MOU.

## 7. Freedom of Information (FOI) Act 2000

HMRC, DWP and Home Office are subject to the requirements of the Freedom of Information Act 2000 (FOI) and shall assist and co-operate with each other to enable each department to comply with their information disclosure obligations.

In the event of one department receiving a FOI request that involves disclosing information that has been provided by the other department, the department in question will notify the other to allow it the opportunity to make representations on the potential impact of disclosure.

All HMRC and DWP FOI requests must be notified to Central Policy FOI Team who will engage with the central FOI team in the supplying organisation.

## Direct, (or browser) Access specific expectations

Not applicable

## 9. Costs/charges

At this point in time, no charges apply. However, this MoU will be reviewed at appropriate points in its life-cycle where its value to all departments will be evaluated and its on-going viability considered including whether charging is to be introduced

## 10. Contact details

	For HMRC RIS	Home Office
Name	.....	.....
Job Title	.....	.....
Team	.....	.....
GSI email	.....	.....
Telephone	.....	.....
Deputy's name	.....	.....
Deputy's GSI email	.....	.....
Deputy's telephone	.....	.....
	For HMRC B&C	For DWP
Name	.....	.....
Job Title	.....	.....
Team	.....	.....
GSI email	.....	.....
Telephone	.....	.....
Deputy's name	.....	.....
Deputy's GSI email	.....	.....
Deputy's telephone	.....	.....

## **11. Reporting and review arrangements**

This agreement will continue for a period of 24 months and will be reviewed annually. Any changes deemed to be necessary in the interim may be agreed in writing by the organisations and appended to this document for inclusion at the following review. Reviews outside of the schedule can be called by representatives of any of the organisations.

External changes affecting the operational delivery responsibilities of the organisations will also necessitate the review and potential amendment of this agreement.

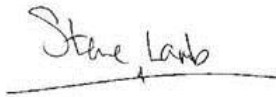
Amendments to this memorandum may only be made upon written agreement between the organisations.

## **12. Resolving issues**

Any complaints, problems, issues etc. that are specific to the information exchanges covered by this MoU should immediately be referred to the contacts named in section 10. If these cannot be resolved they should be reported, in writing to:

	For HMRC	For DWP	For HO
Name	.....	.....	.....
Job Title	.....	.....	.....
Team	.....	.....	.....
GSI email	.....	.....	.....
Telephone	.....	.....	.....

**13. Signatories**

For HMRC RIS	For Home Office
	
.....(name)	.....Steve Lamb.....(name)
.....(role)	.....Director.....(role)
.....(date)	...18 March 2016.....(date)
<b>For HMRC B&amp;C</b>	<b>For DWP</b>
.....(name)	.....(name)
.....(role)	.....(role)
.....(date)	.....(date)

#### 14. Document Control Personnel

Key personnel	Name & role	Organisation (Team)
Author	.....	Home Office – Data Sharing and Protocols Team
Approvers	..... .....	Home Office -Data Sharing and Protocols Team  DWP
Review Control	.....	HMRC B&C Security MoU Lead  Home Office

#### 15. Version History

Version	Date	Summary of changes	Changes marked
0.1	10/12/15	Initial draft	No
1.0	?	Final version	No
1.1	07/01/16	Initial draft to include DWP input	No

#### 16. Review dates

Version	Publication date	Review date

## 17. Glossary of Terms and Abbreviations

Definition	Interpretation
<b>Ad Hoc Transfer</b>	is defined as being bulk data with a protective marking of restricted or above and the transfer is part of a pilot or project with a definitive end date
<b>Data Controller</b>	has the meaning set out in section 1 of the Data Protection Act 1998, i.e. 'a [natural or legal] person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed'
<b>Data Processor</b>	has the meaning set out in section 1 of the Data Protection Act 1998, i.e. 'in relation to personal data, any [natural or legal] person who processes the data on behalf of the data controller'
<b>Data Protection Legislation</b>	means the Data Protection Act 1998, the EU Data Protection Directive 95/46/EC, the Regulation of Investigatory Powers Act 2000, the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (SI 2000/2699), the Electronic Communications Data Protection Directive 2002/58/EC, the Privacy and Electronic Communications (EC Directive) Regulations 2003 and all applicable laws and regulations relating to processing of personal data and privacy, including where applicable the guidance and codes of practice issued by the Information Commissioner
<b>Direct Access</b>	Covers an information sharing instance where the receiving Department accesses the Information via direct, or browser, access to the source system rather than as an extracted information transfer.  This agreement will require specific terms and conditions ensuring that access is appropriate and correctly applied, managed and recorded.
<b>FoIA</b>	means the Freedom of Information Act 2000 and any subordinate legislation made under this Act together with any guidance and/or codes of practice issued by the Information Commissioner or Ministry of Justice in relation to such legislation.
<b>Granting Access</b>	The governance and authority surrounding the authorisation of a person to have access to a system.
<b>Information Asset Owner (IAO)</b>	means the individual within a directorate, normally the Director, responsible for ensuring that information is handled and managed appropriately
<b>Law</b>	means any applicable law, statute, bye-law, regulation, order, regulatory policy, guidance or industry code, rule of court or directives or requirements of any Regulatory Body, delegated or subordinate legislation or notice of any Regulatory Body
<b>Provisioning Access</b>	The technical channels through which access is made possible, including the request tools associated with this.

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<b>Public Sector Body</b>	This will generally be another government department (OGD) but could be another public sector body (e.g. Local Authority). Information sharing with a private sector body with which HMRC has a commercial relationship needs to be covered by a commercial contract, not an MoU.
<b>Regulatory Bodies</b>	means those government departments and regulatory statutory and other entities, committees and bodies which, whether under statute, rules, regulations, codes of practice or otherwise, are entitled to regulate, investigate, or influence matters dealt with in this Agreement and “Regulatory Body” shall be construed accordingly
<b>Senior Information Risk Owner (SIRO)</b>	Provides high level assurance of compliance with HMRC’s Information Asset data protection obligations. HMRC’s SIRO is Mark Dearnley, HMRC Chief Digital & Information Officer, Director of Chief Digital & Information Officer Group.

<b>Abbreviation</b>	<b>Description</b>
CRCA	The Commissioners for Revenue and Customs Act
DWP	Department for Work and Pensions
MoU	Memorandum of Understanding
FOIA	Freedom of Information Act
FOI	Freedom of Information
HMRC	Her Majesty’s Revenue and Customs
PSB	Public Sector Body
SPF	Security Policy Framework