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BELFAST CITY COUNCIL

Response

to

Review of Domestic Rating

Data Sharing

Public Consultation Document

August 2008

Introduction

Belfast City Council is pleased to have the opportunity to respond to the public consultation document on data sharing.

As the capital of Northern Ireland, Belfast is the economic, transport and political centre of the country and has a direct interest in a fair and equitable rating system and the City Council continues to support the objectives of the initial review that there should be an equitable distribution of the rate burden on households in Northern Ireland.

An important element of an equitable distribution is to ensure that those least able to meet the rate charge receive their entitlement to the various forms of assistance that are available. It is clear from the research that has been undertaken in Northern Ireland by the Department of Finance and Personnel and by the Department for Work and Pensions in GB that there is a problem with the take up of benefits.

Any measures that help to identify those entitled to benefit and other reliefs and to make the path to claiming easier is welcomed by the City Council.

The purpose of this response is to set out the City Council's position in relation to the matters identified in the public consultation document published in June 2008 and the City Council will be pleased to expand upon, or provide further information and explanation to, any of the issues raised in this response.

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Belfast City Council Response

This response follows the consultation paper and responds to each of the questions raised in the order in which they appear in the consultation document.

Section 1: Introduction

Do you agree that these new measures will make data held by Government more secure?

There has been much misunderstanding amongst Government Departments about the ability to share data between Departments and a lack of clear guidance and training. The City Council welcomes the proposals in the consultation paper to include clear rules in primary legislation as to what data can be shared.

The fact that what data can be shared will be clearly specified should, of itself, ensure that only authorized data will be disclosed and thus contribute to the security of data.

However, many of the losses of data over the past year have not been the result of individual disclosures but have been the result of the physical management of large volumes of personal data. How data is managed, disclosed and transferred is just as important as the law on disclosure of individual items of data.

The City Council assumes that disclosure and physical security will be covered by the protocols that have been produced and that these protocols will, in due course, be published.

Is there anything else you would like to see done?

Whilst it is clearly important to put the appropriate legal and administrative measures in place it is just as important to ensure that all staff are fully trained and have a clear understanding and comprehension of the law and the data protection principles and how they apply to the personal data for which they are responsible.

For years data protection training has often been treated as an afterthought by many organizations and there has been considerable misunderstanding of how and what personal data can be shared.

The City Council agrees that the citizen sees Government as a single entity and welcomes the move towards providing the citizen with a single point of contact for central Government, providing a "one and done" service and will be pleased to respond on any future consultation exercise in this area.

Section 2: Data Sharing – Rate Reliefs - Take Up Issues

Are you happy for data to be shared in this way for the purpose of targeting those most likely to qualify for lone pensioner allowance?

The City Council is of the view that the sharing of data in the context mentioned in the consultation paper is logical and appropriate providing appropriate safeguards are in place to ensure that only the data required for the specific purpose is obtained and that the data subject is fully aware of why the data has been obtained.

Are you happy for data to be shared in this way for the purpose of targeting those most likely to qualify for disabled persons allowance?

The City Council agrees and sees this as a logical use of data that is already held by a Government Department.

Are you happy for data to be shared in this way for the purpose of targeting those most likely to qualify for rate relief?

Again, the City Council sees this as a logical use of data that is already held by a Government Department.

Would you like to be able, if you so desired, to have access to the record of who accessed your data and for what purpose?

In the interests of openness and transparency the data subject should have the ability to access the record of who accessed their data and for what purpose(s). This would effectively add another layer of security as the person accessing data would know that the reasons why he / she accessed and the extent of the data obtained could be made known to the data subject. This should act as a barrier to ensure that only appropriate personal data is obtained and for no purposes other than the primary purpose.

Is there any other information you would require before you would be happy for your data to be shared between Government departments?

In addition to the various notification issues identified in the consultation paper there should be an extensive publicity campaign and all appropriate Government Offices should display posters and leaflets explaining the data sharing provisions.

Do you have any concerns about the potential misuse of the data?

Providing the appropriate protocols are put in place and training with staff is undertaken the opportunity for misuse or unlawful disclosure of personal data will be minimized.

3: Data Sharing – Other Take Up Issues

Are you happy for this data to be shared for the purpose of Land And Property Services assessing housing benefit applications for owner-occupiers?

It is clearly logical to allow Land and property Services access to the same data as is shared already under the Social Security Administration Act between the NIHE, DSD and the Social Security Agency for housing benefit purposes.

This, of course, pre-supposes that the new data security protocols will apply to this data.

Conclusion

As is clear from this response to the consultation document the City Council supports the proposals for the sharing of personal data as it will lead to more taxpayers receiving the benefits and reliefs to which they are entitled and this is important to ensure an equitable distribution of the rate burden.

However, it is important to ensure that protocols are developed and full training is given so as to ensure that the opportunities for unlawful disclosures are minimised and that all data subjects are made aware of the personal data that is disclosed and for what purpose.

It is also important to ensure that any data received by the Department from the Department for Work and Pensions is restricted to the appropriate staff and is retained and destroyed effectively.

Finally, although not strictly part of this consultation process the City Council would ask that the Government consider including in the proposed legislation an amendment to Regulation 57 of the Rates Order 1977 (the duty to supply relevant information about alterations to the valuation list) -

“57 - Duties of public bodies with respect to alterations in valuation list

- (1) If in the course of the exercise of its functions any information comes to the notice of a public body which leads it to suppose that the valuation list requires alteration as respects a hereditament (whether it is a hereditament which is already included in the valuation list or not), it shall be the duty of that body to inform the district valuer.
- (2) In this Article, “public body “means any body (including a government department and a district council) established by or under any transferred provision.”

The purpose of the amendment would be to clarify what is meant by “any information” and in particular to ensure that local authorities can supply information in relation to the name(s), where it is in their possession, of the occupier and / or the owner and / or an agent acting on behalf of the owner.

This amendment would clarify the present position and assist in the sharing of data between local authorities and Land and Property Services.