

CITY OF
WOLVERHAMPTON
C O U N C I L

Response to Request for Information

Reference FOI 1015153
Date 29 October 2015

Council Tax – Single Person Occupancy

Request:

1/ By what statute legislation are you relying on to pass my personnel data without my consent to an outside commercial agency. (NORTHGATE)

THE REQUEST ABOVE IS THE ACTUAL STATUTE LEGISLATION AND NOT CODES OF PRACTICE OR GUIDANCE

[This exercise is undertaken in accordance with the provisions of the Local Authorities \(Contracting Out of Tax Billing, Collection and Enforcement Functions\) Order 1996 – SI1996/1880, Section 12 – Ascertaining entitlement to discounts.](#)

2/ By what statute legislation allows Wolverhampton Council or its agents access to my personnel Credit Reference Files without my consent.

[The Council exercises the lawful functions permitted by the legislation cited in response to your first question. To advise and assist you further the enclosed document “Northgate SPD Review FAQ’s” which has been produced by Northgate Public Services further explains the process.](#)

3/ By passing out my personnel data to outside agencies, does Wolverhampton Council receive any payment or remuneration by the recipient

[The Council receives no payment for passing the information to Northgate Public Services. This exercise is undertaken solely in order to review single person discounts as outlined above.](#)

4/ In section 1 of your letter, council tax single person discount review, am i obliged under statute legislation, and if so, what statute legislation, to divulge my contact telephone number or email address to Wolverhampton Council or its agents NORTHGATE.

[Individuals are under no legal obligation to divulge their contact telephone number or email address. There may be circumstances however where it is requested in the case of a query arising.](#)

5/ By what statute legislation are Wolverhampton Council in the above practices, are not in contravention of

Article 8 of the Human Rights Act

RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE

The right to a private life means that you have the right to carry on your life privately, without government interference, as long as you also respect the rights of other people.

That personal information about you (including official records, photographs, letters, diaries and medical records), should be kept securely and not shared without your permission, except in certain circumstances.”

Article 8 of the Human Rights Act 1998 does not provide an absolute right to privacy in all circumstances. This means for example that an individual’s consent to process their personal data is not required in situations where a lawful duty is being exercised.

In this instance the Council is exercising lawful duties under a defined piece of legislation, referenced in response to your first two questions.

In addition, all personal data is processed securely & in compliance with the principles of the Data Protection Act 1998 (“DPA”).

Specifically personal data is used lawfully in line with the exemption provided at Section 29 (1) (a) of the DPA – the prevention and detection of crime and (1)(c) - the assessment or collection of any tax or duty or of any imposition of a similar nature, Data Protection Act 1998.

The provisions of Section 35 (1) also apply, where processing is carried out in line with an enactment, in this case the legislation cited in response to your first two questions.

Northgate Public Services do not retain personal data processed for any longer than is legally required. All data, be it paper or electronic, is shredded to destroy it.