

**Digital Economy Act 2017 - Formal Submission for
Local Authority Council Tax - Debt Recovery and Vulnerable Support pilot**

Name of pilot	Data share between Local Authorities and Government Departments to manage and reduce debt
Is this information sharing arrangement for the purposes of managing/reducing debt, combating fraud or both?	Debt
List the specific clause in the DEA Act (2017)	For the purposes of the taking of action in connection with debt owed to a public authority or to the Crown, the Digital Economy Act (2017), Part 5, Chapter 4, Paragraph 48
Lead organisation - Please confirm which public authority or service provider you represent and which Schedule your organisation is listed in for the purposes of the proposed data share.	Manchester City Council, as listed in Schedule 7, Paragraph 10 – 14
Please confirm which other public authorities are party to the proposed data sharing arrangement, and which Schedule they are listed in.	DWP, as listed in Schedule 7 Paragraph 6 HMRC, as listed in Schedule 7 Paragraph 8 Cabinet Office, as listed in Schedule 7 Paragraph 9
If applicable, please confirm which organisation(s) is considered to meet the definitions in para 41 of Schedules 7 (debt) or 8 (fraud)	N/A
Legal basis	Digital Economy Act (2017), Part 5, Chapter 4, Paragraph 48
Review Board region	England and non-devolved
If your information sharing arrangement includes a service provider, please refer to paragraphs 42 and 43 of the Code of Practice	
Please confirm if this is a submission for an informal review or the fully completed submission for Ministerial consideration	Formal review

Please provide an outline of the information share. Note: you need not detail the counter fraud operations of partners.

This should include:

- the legal basis for the pilot and that no other legal gateways are available or can be used
- the objective of the information sharing agreement, including:
- a description of how the fraud or debt has occurred
- the financial implications
- a user case example
- an overview of the activity under the arrangement and how the data will be used;
- an outline of what types of data will be shared and the data security arrangements to be put in place
- the period of duration for the arrangement, when the data share will be live
- how retention periods will be managed
- the potential benefits the pilot

the success measures of the pilot

1. Legal basis

The legal basis for this pilot is the Digital Economy Act (2017). This has been determined with discussion with our legal team.

2. The objective of the information sharing agreement

This is a follow-up pilot to the Council Tax Pilot (DEA/D/1-29) that was in operation from March 2019 to March 2020.

This new pilot involves 30 local authorities, DWP and HMRC.

Both this new pilot and the first are were aimed at:

- Increasing the management and recovery of debt by utilising HMRC PAYE and Self Assessment (SA) data,
- Identifying and supporting vulnerable debtors.

As the country begins to recover from Covid-19, debt recovery action will recommence. Thus, the aims of this pilot are to support public authorities in enacting fair debt recovery programmes, supporting those who can't pay whilst managing and recovering debt from those who can pay.

The first pilot involved 29 local authorities supplying a sample of their Council Tax debtors to HMRC, whereupon HMRC returned the associated PAYE and Self Assessment data to the local authorities for them to use in managing and recovering debt (via communication with the debtors and by using Attachments of Earnings (AoE) where appropriate).

The first pilot has now ended, and the results are being analysed. Early indications suggest it has successfully achieved a Council Tax debt recovery rate of approximately 20%. This new pilot is again limited to Council Tax debtors.

In building upon the first pilot, there are two areas that can be improved upon in launching this second pilot:

- the identification of vulnerability, and,
- the matching rate.

3. Identification of vulnerability

In the first pilot, we anticipated that the PAYE and SA information of debtors could indicate their vulnerability. This proved to be erroneous and no determination could be made from either data set.

4. Matching rate

The first pilot's matching success rate was 54%. Although this was better than expected, the introduction of additional identification information can increase the match rate significantly, thus increasing the debt recovery rate.

This second pilot aims to include the following:

Local Authorities, comprising

- a core from the first pilot, and
- a small selection of those who have expressed a new interest.

DWP - Included as the source for:

- increasing the vulnerability identification, by returning matched debtors in receipt of income-based benefits,
- increasing the matching rate with HMRC, by adding additional identification data (including NINO to debtors it matches).

The data requested from HMRC is:

- Address data to aid communication
- PAYE data to aid segmentation of recovery action
- Self Assessment data to aid segmentation of recovery action
- Furlough data to aid in the identification of vulnerable debtors

Neither HMRC or DWP is to retain the data beyond its matching operations. Cabinet Office is not to retain the data beyond its collation of the Local Authorities' spreadsheets, its passing of this to DWP and its return of disaggregated information to respective Local Authorities. An MOU will be drawn up between all parties (including Manchester City Council, Cabinet Office, DWP and HMRC) prior to the data share under Article 28 of the UK GDPR. Here, the process of transferring the data shall be detailed.

5. Background of the Authority

Manchester City Council is a large Metropolitan Authority in the North West providing the full range of Local Government services to a domestic population of over 500,000. The debt that this information will be used to recover is Council Tax debt, potentially built up over many years.

The Council was not able to collect over £14 million of Council Tax during 2019/20 and has a total of outstanding arrears of £67.3 million. The Councils Debt Recovery Policy for Council Tax is here: https://www.manchester.gov.uk/directory_record/133363/debt_recovery_policy/category/1018/council_tax

The Council's approach to recovery up to and including the obtaining of a Liability Order follows the statutory model. We do issue a second reminder after obtaining a liability order to encourage debtors to contact us and avoid enforcement costs. We use the full range of recovery options available including, where necessary, insolvency and committal proceedings.

Manchester City Council has identified that customer income-based benefit information from DWP and PAYE and Self-Assessment customer information from HMRC is useful and able to support the managing of overall arrears and further developing of recovery procedures by:

- identifying customers whose circumstances make them vulnerable and providing appropriate support and appropriate recovery action whereupon they engage with the Local Authority;
- identifying those in employment and allowing the recovering of individual debts by Attachment to Earnings Orders, where appropriate;

- identifying forwarding addresses for customers who have moved leaving arrears outstanding;
- identifying those receiving benefits and allowing the recovering of individual debts by Attachment to Benefits Orders, where appropriate.

This is a significant change from the current process and allows us to take positive action to identify and support vulnerable customers and recover debt from those customers who are not engaging in the process and who have already been informed of the action the Local Authority may take.

6. An overview of activity under the arrangement and how the data will be used

Manchester City Council will undertake a one-off data share as to a reasonable sample of debtors.

This sample is to be of an appropriate size in relation to Manchester City Council (as may include all debtors contained within our Liability Order dataset). There is no limit to this sample size.

This sample is to be shared with Cabinet Office, who will then collate all the submitted samples from the pilot's Local Authorities into a single document.

This collated document will then be passed by Cabinet Office to DWP who will match against their benefits records. For those records matched, DWP will add income-based benefits data and add corroborative customer information (e.g., NINO and/or DoB) and then forward these records to CO.

CO will then store the matched DWP data securely and produce a minimised version of the spreadsheet showing only the LA identifiers and personal information and matched DWP personal information. This minimised spreadsheet will then be password protected, and sent to HMRC.

HMRC will then match these customer records against their systems and return the records to Cabinet Office with the associated address, PAYE and/or Self Assessment information. Cabinet Office will then disaggregate this information and provide the respective samples to each local authority, whereupon Manchester City Council shall receive its sample back.

The sample will exclude debtors who are:

- in receipt of debt support - full or partial
- deceased
- subject to committal and bankruptcy cases
- companies
- subject to a current Attachment of Earnings.

A snapshot of data will be taken before being issued to DWP/HMRC for evaluation during and post-action.

Once the data has been returned, Manchester City Council will analyse the results from DWP and HMRC and:

For those in receipt of DWP Income-based benefits:

- Pass to debt support team for action
- Communicate with the debtor
- If debtor contacted and vulnerability discussed, support offered (where appropriate) and/or payment plan agreed
- If no contact, Manchester City Council shall continue recovery action.

For those in receipt of PAYE:

- 14-day letter (as per the first pilot) to be issued to the debtor.
- If debtor contacted, payment plan or vulnerability discussed.
- If no contact, Manchester City Council shall progress Attachment of Earnings action.

For those in receipt of S/A:

- Communicate with the customer noting they are in receipt of S/A.

- If debtor contacted, payment plan or vulnerability discussed.
- If no contact, Manchester City Council shall continue recovery action.

7. An outline of what types of data will be shared and the data security arrangements to be put in place.

Manchester City Council will send a password protected Excel spreadsheet to the CO contact, by forced Transport Layer Security (TLS) government-secure email relating to a sample of their Council Tax Debtors. The password will be sent via a separate means to CO on confirmation of receipt of file(s).

The sample will exclude debtors who are:

- in receipt of debt support - full or partial
- deceased
- subject to committal and bankruptcy cases
- companies
- subject to a current Attachment of Earnings.

The data items sent from LA's to CO are as follows:

- Full name, including -title, first name, middle name or initial and surname
- Current address and postcode
- Forwarding address and dates
- Date of commencement of Liability Order (if applicable)
- Unique identifier (Future proof)
- Telephone numbers (where available)
- Email addresses (where available)

In addition, either date of birth or NINO will be provided as a minimum (where available) to assist DWP data matching.

Cabinet Office will collate our sample with the other samples from the Local Authorities involved in this pilot for onward transmission to DWP.

DWP will match against their benefits records and, for those matched customers, will add additional corroborative data and income-based benefits information as follow:

- Match successful – Yes or no
- Customer name as recorded on DWP records
- NINO as recorded by DWP (where available)
- DoB as recorded by DWP (where available)
- Telephone numbers (where available)
- Email addresses (where available)
- Income-based benefit in payment – Yes or no
- Payment frequency – weekly or monthly
- Benefit amount

The file(s) will then be downloaded as an Excel document. The file(s) will be password-protected, and sent to the CO contact, at the mailbox via forced TLS email over a government secure network. In line with DWP policy, the password will be relayed to by the DWP DST individual to the CO Contact by telephone once CO have confirmed receipt of the file(s).

CO will then store the matched DWP data securely and produce a minimised version of the spreadsheet showing only the LA identifiers and personal information and matched DWP personal information, this minimised spreadsheet will then be password protected, and sent to HMRC, split into 10MB files, via forced TLS email over a government secure network. The password will be sent in a separate email once HMRC contact have confirmed receipt of the file(s).

HMRC will match against their records and, for those matched customers, will add the following data and return to local authorities via Cabinet Office:

- Match successful - yes or no
- Address as recorded by HMRC
- If person is in current employment - PAYE data, including:
 - Employer Name
 - Employer Address
 - Employer Contact Details (e.g., name and phone number)
 - Currently employed (as of last PAYE update) - Y/N
 - Employment End Date
 - Employment Pay Frequency
 - Taxable Pay in Period
 - Taxable Pay Year to Date
 - Payroll ID in this Employment
 - Individual Address
- Self-Assessment data, including:
 - Tax Year
 - SA Total Income
 - SA Correspondence Address
- Furlough payments data, including:
 - Furlough payment or average
 - Payment frequency
 - Period of furlough payments
 - Total furlough amount paid

HMRC RIS DAT will produce a single spreadsheet with the matched data. This spreadsheet shall be password-protected and split into 10MB file(s) and returned via forced TLS Government-secure email to the CO contact at the mailbox. The password will be emailed from HMRC RIS DAT to CO on confirmation of receipt of files(s).

On receipt of the final data product from HMRC RIS DAT, CO will merge the data with the additional DWP benefits data and then disaggregate the final data set and create separate spreadsheets of the data relevant to each Local Authority. The spreadsheet for each Local Authority shall be password-protected and sent to that LA by TLS Government-secure email by CO.

Each LA will extract the data from the spreadsheet they receive from CO. The data will be used solely for the purpose of this project and will not be retained for the purpose of any other use. LA's will delete the data on completion of the pilot and its analysis, and this will be confirmed via email to CO, DWP and HMRC contacts.

DWP and HMRC will conduct their own quality matching policy to the data to ensure match quality and data returned meet their standards.

Data will be securely transferred by encrypted email from a secure email address, will be stored in a secure folder and deleted after the completion of the pilot and analysis.

Persons at Manchester City Council receiving and disclosing data are limited to debt analysts and debt recovery officers. All such users sign data disclosure agreements before system access is granted. All staff have had DPA and lately GDPR training.

Persons at DWP and HMRC receiving, analysing and disclosing data are limited to data analysts and processors, within the Centre for Data Exploitation, data management team. These staff have been security trained.

For any third-party entity or body which provides services to Manchester City Council and which has access to its software suppliers and is able to extract data to be used in a search tool available for other

councils - Manchester City Council shall ensure no data supplied to them under this pilot is available for any other council to obtain.

8. The period of duration for the arrangement when the data share will be live

The duration period for the pilot shall be 12 months from when the data is shared by Manchester City Council to Cabinet Office, with this period enabling the analysis of the success or otherwise of the data share. An initial report will be compiled and submitted to the DEA Review Board via the DEA Secretariat after the end of the operational activity, as shall outline the progress made against the success criteria and any issues found.

A provisional timetable is outlined below:

- Feb 21 – Formal Business Case submitted to the DEA Review Board
- Feb 21 – Ministerial Approval
- March 21 - Data shared from Manchester City Council to Cabinet Office and this collated data (comprising all pilot Local Authorities data) is shared with DWP,
- April 21 - HMRC to conduct matching and return data to Cabinet Office, who will then disaggregate and share related data back to Manchester City Council.
- April/May 21 - Pilot authorities begin analysis and operational activity on returned data
- April/May 21 - Initial review of the pilot against the success criteria
- Sept 21 - Mid pilot review and report and BAU considered
- March 22 - Pilot ends and pilot evaluation report produced

9. How retention periods will be managed

The retention period for the pilot shall be 12 months from when the data is shared with Manchester City Council to Cabinet Office.

Personal data that has been part of the DEA legal gateway process will be retained in accordance with the authorities' data retention policy. Shared data will be kept separate and recognisable to enable deletion at the end of the pilot.

Cabinet Office will destroy the collated data once:

- Manchester City Council has received the match results
- Anomalies in the data are resolved

Neither HMRC or DWP is to retain the data beyond its matching operations. Cabinet Office is not to retain the data beyond its collation of the Local Authorities' spreadsheets, its passing of this to DWP and its return of disaggregated information to respective Local Authorities.

The aggregated report produced will not be subject to a retention period as it will not contain personal data, only aggregated results.

For Local Authorities and HMRC, the pilot data will be deleted one year after the data has been shared with Cabinet Office, except where the data is being used operationally and will be deleted once recovery action has been completed.

From the information supplied by HMRC, if Manchester City Council subsequently has this information confirmed by either the employer or the individual, then that information can be classed as having been supplied via another source (i.e. other than HMRC), then Manchester City Council shall be able to retain this data on its systems. However, the data received from HMRC in its raw format shall be deleted at the end of the pilot.

10. The potential benefits the information share could bring

- Increased debt recovered

- Increased in-year collection rate
- Increased identification of vulnerable debtors, as can be signposted for assistance within or externally of the Manchester City Council, where they engage;
- Increase in debt recovery due to knowledge of PAYE and Self-Assessment information
- Increase in take-up of reliable Attachment of Earnings
- Reduced failure rate of Attachment of Earnings
- Reduced need for using enforcement agents as a first port-of-call and the increasing of debt with fees.
- A fair approach to reducing debt with an ability to pay over a regular period.
- Improved effectiveness in debt recovery and thus reduced pressure on budgets
- Those in regular employment will avoid expensive and stressful enforcement agent visits.
- Customers knowing that we have access to HMRC data will encourage earlier take-up in contacting Manchester City Council and making arrangements to pay.
- Efficiency savings by reducing time/court hearings on committal or insolvency cases.
- Efficiency savings on not transferring cases to enforcement agents.
- Swifter repayment of debt
- Identification of individuals with a propensity to pay and take appropriate recovery action
- Reduced or mitigated problem debt

11. The success criteria for the data share and the methodology used to measure success

- Number of successful matches from DWP and HMRC
- Amount of debt recovered (£)
- Change in in-year collection rate
- Number of cases that were identified as potentially vulnerable due to data from DWP
- Number of cases that were referred to internal and external debt support, where they engage
- Number of AoE Issued, where applicable
- Number of no-payment Attachment of Earning, that the employer did not act upon (to be investigated), where applicable
- Decrease in the number of cases that go to enforcement agents
- Number of cases where previously unknown income now allows for effective customer engagement and payment commences
- Number of cases where previously unknown income now allows for effective customer engagement and enforcement action is taken upon non-payment
- At the end of the pilot, consideration can be given to the impact of the action on individuals and problem debt.

12. How the Debt Fairness Principle was considered for debt information shares

The fairness statement summarises the steps we will take to ensure that the way we use the data sharing power is aligned with the fairness principles in Section 3.4 of the DEA Code of Practice.

Access to this data will allow a more segmented approach to the recovery of debt. The data received will, where possible, form part of an assessment to differentiate between

- those who cannot pay their debts because of vulnerable circumstances or financial hardship;
- those who may be able to pay their debt with additional support
- those with the means to pay but have not paid

Manchester City Council has and will apply a policy which takes into account resident vulnerability and financial hardship. The policy includes taking reasonable steps to obtain a resident affordability assessment based on the Standard Financial Statement (SFS), the industry recognised standard.

Those identified as being in vulnerable circumstances or facing hardship will be treated fairly and where appropriate will be referred to internal and/or external sources of support.

This pilot also aims to reduce the use of more intrusive methods of recovery, which should only be considered as a last resort (e.g., use of enforcement agents, bankruptcy and committal to prison).

Where relevant we will contact individuals informing them of our intention to serve the AoE's, but allow them a 14-day period to engage with the authority before the AoE is served on the employer. This contact will include information that aims to encourage people to alert us to any affordability issues. We will always attempt to conduct an affordability assessment before commencing an AOE.

Where taking such action exposes the debtor to vulnerability, hardship or the possible build-up of further debt, we will look again at the Attachment of Earnings and decide if this is the best option at that time by considering varying, withdrawing the order or putting it on hold, as appropriate.

We will consider longer-term payment or other appropriate arrangements for those suffering hardship.

We will abide by Manchester City Council's debt recovery policies.

We have appended our Debt recovery and vulnerability / hardship policies to this business case.

Compliance with code of practice statement
We confirm that this business case and associated documents adheres/complies with the Digital Economy Act (2017) and Information Sharing Code of Practice.
This has been demonstrated by the process to complete the business case and associated documents, which include ethical considerations, data security and for debt pilots a statement of how the Fairness Principles have been applied.
We confirm that the following are in place: <ul style="list-style-type: none">• Senior Leader approval (Senior Responsible Officer)• Funds are available• Resources, including staffing, are available• Supplier contract amendments are in place if applicable
Links to relevant documents – none.
The person involved in the data share for the lead organisation is Charles Metcalfe, Head of Corporate Revenues.
Persons involved in the data share for other organisations - none.

Primary point of contact – the person submitting the business case
<p>Name: Charles Metcalfe</p> <p>Contact number: 07956 065843</p> <p>Email address: charles.metcalfe@manchester.gov.uk</p> <p>Job title: Head of Corporate Revenues</p>
<p>Date of submission: 8 February 2021</p>

13. Register of Information sharing – a copy of the form submitting our entry, with business case, to the secretariat

Title of data field	Your entry
Name	Pilot data share between Manchester City Council, DWP and HMRC to manage and reduce customer/council debt
Purpose	To demonstrate the value of sharing local authority council tax debt data with HMRC to reduce and manage Council Tax debt. The pilot data share will help to manage and reduce Council Tax arrears; develop Manchester City Council recovery procedures; identify customers whose circumstances make them vulnerable and provide them with appropriate advice and support; and enforce appropriate recovery action.
Disclosed information - details of data items disclosed	Name, address and contact or forwarding address and supporting identification details of customers with Council Tax debt disclosed to DWP and HMRC; DWP to supply income-based benefit data to support identification of vulnerable individuals and HMRC to supply PAYE and Self Assessment data
Controller names - Names of specific Controllers within a class of specified persons within the relevant schedule, such as a specific local authority.	Manchester City Council DWP HMRC
Information sharing method	Government Secure Email
Processor names - Names of specific processors within a class of specified persons within the relevant schedule, such as a specific local authority.	Cabinet Office.

Retention period: How long the information will be held by the recipient	12 months
Start date: when the information sharing agreement comes into effect	August 2021
End date: when the information sharing agreement comes to an end	August 2022
Review date: when the information sharing agreement will be reviewed by the governance or Controllers with oversight responsibility for information sharing agreement where the data sharing is not a one-off sharing agreement	August 2022
Contact details for any subject access requests or general enquiries about the information sharing agreement; email addresses for managed mailboxes rather than specific individuals.	Manchester City Council PO Box 532 Town Hall Manchester M60 2LA. freedom-of-information-request@dwp.gov.uk foi.team@hmrc.gov.uk foi-team@cabinetoffice.gov.uk
Information sharing benefits: Short description summarising the anticipated benefits of the information sharing agreement.	Increase in Council Tax debt recovered Increase of in-year collection rate identification of vulnerable debtors who can be signposted for assistance within or without the council, where they engage with the Local Authority; Increase in Council Tax debt recovery due to knowledge of PAYE and self-assessment information

14. Privacy notice

This notice sets out how we will use your personal data, and your rights. It is made under Articles 13 and/or 14 of the General Data Protection Regulation (GDPR).

14.1 Your data

We will process your name, department, email address, telephone number and job title for the purposes of evaluating your business case in accordance with the Information Sharing Code of Practice for public authorities disclosing information under Chapters 1, 3 and 4 (Public Service Delivery, Debt and Fraud) of Part 5 of the Digital Economy Act 2018.

The legal basis for processing your personal data is because processing is necessary in the exercise of official authority vested in the data controller under Part 5 of the Digital Economy Act 2017.

Your personal data will be shared by us within Cabinet Office, and with members of the Fraud and Debt Information Sharing Review Board, and other parties to the pilot data share. As

your personal data will be stored on our IT infrastructure it will also be shared with our IT suppliers.

Your personal data will be kept by us until such time that the review of Part 5 of the Digital Economy Act 2018 is complete.

14.2 Your rights

You have the right to request information about how your personal data are processed, and to request a copy of that personal data.

You have the right to request that any inaccuracies in your personal data are rectified without delay.

You have the right to request that any incomplete personal data are completed, including by means of a supplementary statement.

You have the right to request that your personal data are erased if there is no longer a justification for them to be processed.

You have the right in certain circumstances (for example, where accuracy is contested) to request that the processing of your personal data is restricted.

You have the right to object to the processing of your personal data where it is processed for direct marketing purposes.

You have the right to object to the processing of your personal data.

15. International transfers

As your personal data is stored on our IT infrastructure, and shared with our data processors, it may be transferred and stored securely outside the European Union. Where that is the case it will be subject to equivalent legal protection through the use of Model Contract Clauses

16. Complaints

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
0303 123 1113
casework@ico.org.uk

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts

17. Contact details

The data controller for your personal data is the Cabinet Office. The contact details for the data controller are:

Cabinet Office
70 Whitehall
London
SW1A 2AS
0207 276 1234
publiccorrespondence@cabinetoffice.gov.uk

The contact details for the data controller's Data Protection Officer (DPO) are:

Stephen Jones
DPO
Cabinet Office
70 Whitehall
dpo@cabinetoffice.gov.uk