

## **National Fraud Initiative 2018/19 – Data Privacy & Fair Processing Notification**

### **Purpose**

The Cabinet Office conducts data matching exercises to assist in the prevention and detection of fraud. This is one of the ways in which the Minister for the Cabinet Office takes responsibility within government for public sector efficiency and reform.

Data matching involves comparing sets of data, such as the payroll or benefits records of a body, against other records held by the same or another body to see how far they match. The data is usually personal information. The data matching allows potentially fraudulent claims and payments to be identified. Where a match is found it may indicate that there is an inconsistency that requires further investigation. No assumption can be made as to whether there is fraud, error or other explanation until an investigation is carried out.

The processing of data by the Cabinet Office in a data matching exercise is carried out with statutory authority under its powers in Part 6 of the Local Audit and Accountability Act 2014. It does not require the consent of the individuals concerned under data protection legislation or the GDPR.

All bodies participating in the Cabinet Office's data matching exercises receive a report of matches that they should investigate, so as to detect instances of fraud, over- or under-payments and other errors, to take remedial action and update their records accordingly.

### **Legal basis of processing**

The legal basis for processing your personal data is that processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller.

The National Fraud Initiative is conducted using the data matching powers bestowed on the Minister for the Cabinet Office by Part 6 of the Local Audit and Accountability Act 2014 (LAAA).

### **Under the LAAA legislation**

The Cabinet Office may carry out data matching exercises for the purpose of assisting in the prevention and detection of fraud.

The Cabinet Office may require certain bodies (as set out in the Act) to provide data for data matching exercises

Bodies may participate in its data matching exercises on a voluntary basis where the Cabinet Office considers it appropriate. Where they do so, the Act states that there is no breach of confidentiality and generally removes other restrictions in providing the data to the Cabinet Office. The requirements of the data protection legislation, however, continue to apply, so data cannot be voluntarily provided if to do so would be a breach of data protection legislation. In addition sharing of patient data on a voluntary basis is prohibited.

The Cabinet Office may disclose the results of data matching exercises where this assists in the prevention and detection of fraud, including disclosure to bodies that have provided the data and to auditors that it appoints as well as in pursuance of a duty under an enactment.

The Cabinet Office may disclose both data provided for data matching and the results of data matching to the Auditor General for Wales, the Comptroller and Auditor General for Northern Ireland, the

Auditor General for Scotland, the Accounts Commission for Scotland and Audit Scotland, for the purposes of preventing and detecting fraud.

Wrongful disclosure of data obtained for the purposes of data matching by any person is a criminal offence. A person found guilty of the offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

The Cabinet Office may charge a fee to a body participating in a data matching exercise and must set a scale of fees for bodies required to participate.

The Cabinet Office must prepare and publish a Code of Practice. All bodies conducting or participating in its data matching exercises, including the Cabinet Office itself, must have regard to the Code.

The Cabinet Office may report publicly on its data matching activities.

Sensitive personal data is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

The legal basis for processing your sensitive personal data is that it is necessary for reasons of substantial public interest for the exercise of a function of the Crown, a Minister of the Crown, or a government department.

The Cabinet Office conducts data matching exercises to assist in the prevention and detection of fraud. The processing of data by the Cabinet Office in a data matching exercise is carried out with statutory authority under its powers in Part 6 of the Local Audit and Accountability Act 2014.

The Cabinet Office's legal basis for processing your criminal convictions data is paragraphs 6 and 10 of schedule 1 to the Data Protection Act 2018.

#### **Bodies required to provide or which volunteer data for matching**

- district and county councils
- London and metropolitan boroughs
- unitary authorities
- police authorities
- fire and rescue authorities
- pension authorities
- NHS Trusts and strategic health authorities
- Foundation Trusts
- Clinical Commissioning Groups
- passenger transport authorities
- passenger transport executives
- waste authorities
- Greater London Authority and its functional bodies

In addition, the following bodies provide data to the Cabinet Office for matching on a voluntary basis:

- Private sector pension schemes (various)
- Home Office
- Metropolitan Police – Operation Amberhill
- Special health authorities

- Housing associations
- Probation authorities
- National park authorities
- Central government pensions schemes
- Insurance Fraud Bureau
- Central government departments
- Other private organisations/companies/credit reference agencies

### **The data that is matched and the reasons for matching it**

For information summarising the various match types for each particular type of participating organisation and the purpose of the matching please refer to the document [NFI match types per participating body](#).

### **Code of data matching practice**

Data matching by the Cabinet Office is subject to a [code of practice](#).

### **Further information**

View more information about the [Cabinet Office data matching exercises](#). You can also read [national reports on the NFI](#) published by the Cabinet Office.

### **Contact details**

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

Head of the NFI  
First Floor  
10 Great George Street  
London  
SW1P 3AE

Email: [nfiqueries@cabinetoffice.gov.uk](mailto:nfiqueries@cabinetoffice.gov.uk)

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

Stephen Jones  
DPO  
Cabinet Office  
70 Whitehall  
London  
SW1A 2AS

Email: [dpo@cabinetoffice.gov.uk](mailto:dpo@cabinetoffice.gov.uk)