

Privacy Notice (How we use your information)

Internal Audit and Fraud Investigation

Internal Audit is an independent function whose primary objective is to provide assurance to the Council on its risk management, control, fraud and governance processes. We have a legal duty to protect public funds. To this end we can make enquiries with both internal and external agencies in order to establish the correct entitlement to the services we provide and to any financial awards that may be granted. A programme of local data matching/analytical exercises are undertaken to proactively seek out fraud and error in areas we identify as being at risk of fraud.

The following privacy notice applies to investigations or audits that are carried out by corporate internal audit and fraud.

The categories of information that we collect, process, hold and share include:

- Personal information:
 - name
 - date of birth
 - address
 - contact numbers
 - email address
 - family details

- Characteristics:
 - Gender
 - Ethnicity
 - Religious
 - Sexual orientation or philosophical beliefs
 - Political opinions
 - Health/Medical and Disability information

- Other:
 - Employment and education information (such as national insurance number, details of employer, salary details, employment dates, sickness records)
 - Private vehicle details (registration number, make, model, insurer)
 - Records arising out of any relevant Kirklees Council process or policy
 - Medical records and reports
 - Written statements of interviews conducted
 - Lifestyle and social circumstances
 - Goods and services used
 - Financial details
 - Housing needs
 - Visual images, personal appearance and behaviours

- Licenses and permits held
- Business activities
- Case file information held
- Criminal convictions and offences
- Immigration status
- Trade union membership
- Other information gathered during the course of an investigation

Why we collect and hold this information

We use this personal data in order to:

- Enable us to carry out specific statutory Internal Audits for which we are responsible;
- Assess the quality of our services;
- Evaluate and improve our performance;
- Derive statistics which inform decisions about future delivery of services.
- This authority has a legal duty to protect the public funds it administers and may use information held about you for all lawful purposes, including but not limited to the prevention and detection of crime including fraud and money laundering.
- One of the primary objectives of the councils Anti-Fraud & Corruption Strategy is to ensure the prevention of fraud and corrupt acts and ensure that any instances or allegations of these are investigated and dealt with effectively. As part of this we may conduct investigations into transactions and records held across different business areas.
- The Council actively participates in the National Fraud Initiative (NFI), a national data matching exercise currently run by the Cabinet Office under its statutory powers and uses data for this purpose.

The lawful basis on which we use this information

Under Article 6 of the UK General Data Protection Regulation (UK GDPR), the lawful bases we rely on for processing this information are:

6(1)(c) We have a legal obligation.

6(1)(e) We need it to perform a public task.

These legal bases are underpinned by acts of legislation that dictate what actions can and should be taken by local authorities. This includes, but may not be limited to:

- Fraud Act 2006
- The Local Government Act 1993, 2009, 2022
- Local Government Regulation 2005
- The Local Government Amendment (Governance and Planning) 2016
- Local Audit and Accountability Act 2014
- The Accounts and Audit Regulations 2015

- Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013
- Prevention of Social Housing Fraud Act (Power to Require Information) (England) Regulations 2014
- Forgery and Counterfeiting Act 1987
- Computer Misuse Act 1990
- Identity Card Act 2006
- The Bribery Act 2010
- Welfare Reform Act 2012
- Housing Act 1996
- Road Traffic Regulation Act 1984
- Proceeds of Crime Act 2002

In order to do this work, we also need to collect some special category data. This is personal data that needs more protection because it is sensitive. Under Article 9 of the UK General Data Protection Regulation (UK GDPR), the lawful bases we rely on for processing special category information are:

9(2)(b) Employment, social security and social protection (if authorised by law)

9(2)(f) Legal claims or judicial acts

9(2)(g) Reasons of substantial public interest (with a basis in law)

9(2)(j) Archiving, research and statistics (with a basis in law)

We collect and process criminal conviction information under Article 10 of the UK GDPR and the Data Protection Act 2018 Schedule 1, Part 2 – Criminal convictions and offences, where processing is necessary for reasons of substantial public interest.

How we store your personal information

Your information is safely stored secure network Drives or within a fraud investigation designed database.

For internal audits we keep the information until the completion of the audit. All personal details are then deleted so that individuals cannot be identified and will not be stored on any system used by the service or referenced in the final report.

For investigations information is held for 6 years unless the person in question is prosecuted for an offence. A small number of files may be retained for a longer period if it is determined by the Head of Service there is a defined public interest to do so. We will then dispose of your information by deletion from the systems used.

Who we may share your information with

We may sometimes share the information we have collected about you where it is necessary, lawful and fair to do so. In each case we will only share the minimum amount of information, only when required, for the following reasons:

- To safeguard vulnerable children and young people;
- To develop national policies;
- To manage local authority performance;
- To administer and allocate funding;
- To identify and encourage good practice; and
- To inform further investigation or prevent unlawful acts

We may share this information with:

- Other departments within Kirklees Council
- National government departments e.g. Department for Education and Department of Work and Pensions
- Her Majesty's Revenue and Customs (HMRC)
- Service providers (including third party providers), professional advisors and auditors
- Other partners such as health and the police
- Debt collection and tracing agencies
- Law enforcement and fraud prevention agencies and prosecuting authorities

We do not share personal information about you with anyone else without consent unless the law and our policies allow us to do so.

Your data protection rights

Under data protection law, you have a number of rights, including the right to have your records rectified and the right to ask for access to all the information the Council holds about you. These rights are listed in more detail on [Kirklees Council's data protection rights page](#).

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact us at Data.protection@kirklees.gov.uk if you wish to make a request.

Further information

If you would like further information about how we manage your data, please see the [Kirklees Council privacy notice](#).

If you would like further information about this privacy notice, please contact: Investigation.Team@kirklees.gov.uk

If you have any worries or questions about how your personal data is handled, please contact the Data Protection Officer at DPO@kirklees.gov.uk or by ringing 01484 221000.

You can also complain to the ICO if you are unhappy with how we have used your data. You can contact the ICO via the ['Contact us' page on their website](#), or by ringing 0303 123 1113.