

Clive Betts MP
Chair
Levelling Up, Housing and Communities Committee

Our reference: ICO/O/JE/L/RTL/0697
By email to: luhccom@parliament.uk

02 May 2024

Dear Clive,

The Committee's Report on Council Tax Collection

Thank you for your letter of 15 April in relation to the Levelling Up, Housing and Communities Committee's Report on Council Tax Collection and the recommendations arising from it. I am aware of your report and the Government's response. My office has been in discussion with officials at the Department for Levelling Up, Housing and Communities (DLUHC), as well as the Local Government Association (LGA) on the best way to address your recommendations.

Report recommendation: an application for Universal Credit should automatically trigger an application for local council tax support.

You refer to the Government's view that your recommendation above risks creating additional bureaucracy and cost for councils and confusion for council taxpayers. You ask if we could confirm what work the ICO has undertaken which would either support or challenge this view.

From reading the Government's response, it appears that this is a matter of policy and process rather than data protection law compliance. Under UK GDPR a controller is responsible for the decisions it makes around processing personal data. The ICO can provide guidance and support, but the ultimate decision as to the purpose and means of processing personal data is for the controller.

It is worth stating, however, that it is a matter of high importance to me that data protection law is not seen as a blocker to responsible data sharing. Our statutory Data Sharing Code (the Code) is central to achieving that end, supported by ancillary workstreams across my office. The Code sits within our Data Sharing¹ Hub, a substantial and growing collection of guidance and resources for all controllers carrying out both routine and one-off data shares for a variety of purposes. The Code and supporting hub exist to help give organisations the confidence to share data in a fair, safe and transparent way, whilst also dispelling misunderstandings and demonstrating that data protection law is an enabler to responsible data sharing.

Report recommendation: for the ICO to clarify or raise awareness of the provisions of its data-sharing code of practice.

You ask that I provide you with an update on our reflections on the above recommendation to date.

My officials are currently in conversation with DLUHC and LGA to explore opportunities for how we might work together to best fulfil this recommendation. First, we want to reach out to local authorities to understand what the barriers are to legitimate data sharing and whether they are based on misunderstanding of the law, over caution or other more legitimate concerns. Understanding this allows us to consider how best to meet the recommendation in a way that is of most benefit to both local authorities and the people whose welfare they are responsible for.

Some potential options include: expanding our Data Sharing Hub to include more specific resources to help address any potential obstacles; developing worked case studies to help ease concerns; or holding webinars to myth bust misplaced assumptions. All options will involve engagement with the sector ensuring resources or messaging is disseminated effectively, thereby raising awareness of the Code. We plan to have identified the most appropriate solution(s) in the coming weeks with completion, meeting your recommendation in Autumn this year.

¹ <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/data-sharing/>

I hope this letter addresses your questions. Please let me know if I can be of any further assistance to your committee.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'J Edwards', written in a cursive style.

John Edwards
UK Information Commissioner