

**Official - Sensitive**

**Digital Economy Act 2017 - Formal Submission for  
Local Authority and HMRC Business Case v 1.0**

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, s 48
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.	Cornwall Council, listed on Schedule 7
Please confirm which other public authorities are party to the proposed information arrangement, and which Schedule(s) they are listed in.	HMRC, listed in Schedule 7, paragraph 8
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	Full Submission
<b>Please provide an outline of the information share. Note: you need not detail the counter fraud operations of partners</b>	
This should include: <ul style="list-style-type: none"><li>● the objective of the information sharing agreement;</li><li>● an overview of the activity under the arrangement and how the data will be used;</li><li>● The period of duration for the arrangement, when the data share will be live and</li><li>● how retention periods will be managed; and</li><li>● an outline of what types of data will be shared and the data security arrangements to be put in place.</li></ul>	
At 31 March 2018, the total amount of council tax outstanding in England amounted to £3 billion (cumulative from the introduction of council tax in 1993).  For 2017/18, Local authorities in England collected £27.5 billion, with arrears of £818 million,	

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approximately 3% uncollected.

This business case is specifically for Cornwall Council LA and is part of a submission for a total of 28 other Local Authorities.

Cornwall Council is based in the south west of England and has over 270,000 properties. It is a unitary authority, formed in 2009 joining 6 former districts with the county council. It is an extremely large authority, by number of households, but also geographically, making costs of collection for taxpayers who refuse to engage with us costly.

Cornwall Council has a strategic objective to improve the council tax collection rate, but this is becoming more challenging each year, due to reductions in central government funding, resulting in rising bills, and also the additional social care precept in the most recent two years adding a further increase. Please see below the in-year targets and achieved for recent years.

Instance	Target	Estimate	Period	Actual	Notes	Status
2008-2009				97.43%	0	No Target
2009-2010	97.00%			97.45%	8	Better than target
2010-2011	97.50%			97.68%	12	Better than target
2011-2012	97.60%			97.71%	12	Better than target
2012-2013	97.60%			97.80%	12	Better than target
FY 2013-2014	97.77%			97.13%	12	Worse than target
FY 2014-2015	97.77%			97.31%	12	Worse than target
FY 2015-2016	97.31%	97.31%		97.23%	11	On Target
FY 2016-2017	97.31%			97.45%	11	Better than target
FY 2017-2018				97.48%	12	On Target
FY 2018-2019	97.50%		(8/12)	73.99%	7	Worse than tar

For 2017/18, Cornwall Council issued approx. 270,000 bills to resident households demanding £350M council tax, with an average collection rate of 97.48% (national average is 97.1%), leaving a shortfall of Liability Order debt of £8M, before any recovery action.

Cornwall Council obtained 21,000 Liability Orders at the Magistrates Court, of which over 50% of these liability orders were eventually passed to Enforcement Agents and only 4% resulting in Attachment of Earnings (AoE) – a process where direct deductions are made from salary at a percentage set by Local Government Finance Act 1992 (LGFA 1992).

The Liability Order and eventual enforcement action adds significant costs to the customers debts. The issuance of a liability order adds

- Liability order adds approximately £77.50
- Enforcement Action adds approximately £310.00

Arrears that remain outstanding, following recovery action from previous financial years 2010 to

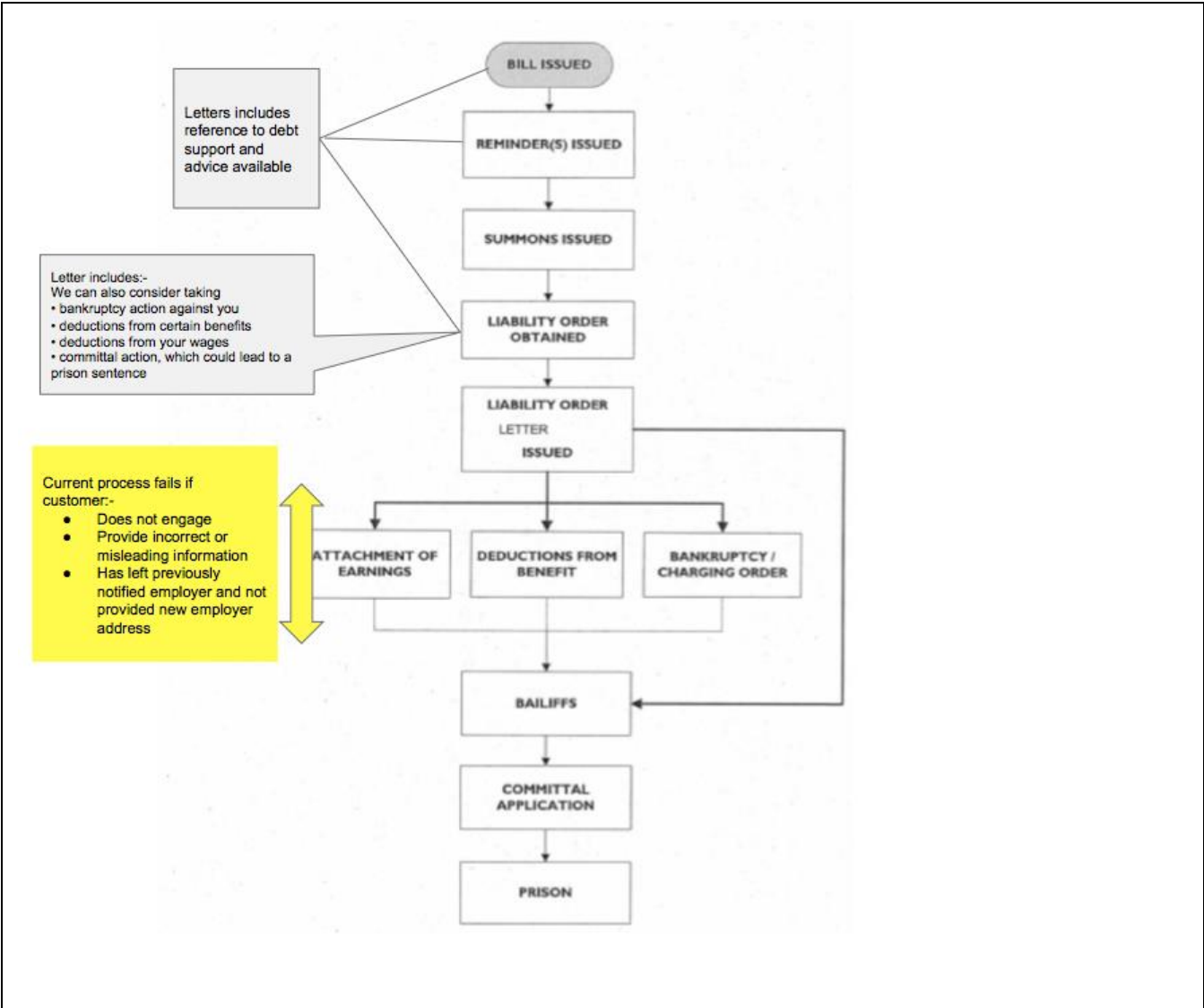
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2016 are shown in the table below:-

<b>Year</b>	<b>Count</b>	<b>Value</b>
2010	650	£264,866.00
2011	600	£358,692.00
2012	1100	£499,624.00
2013	2250	£912,945.00
2014	3500	£1,270,629.00
2015	5500	£1,951,289.00
2016	7600	£2,851,100.00
<b>Arrears total</b>	<b>21200</b>	<b>£8.1m</b>

The current process for payment of Council Tax is shown below.

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This process is dependent on customer engagement – by making prompt payments, responding to reminder letters, providing employer information, court summons etc.

When a customer is unresponsive to communications, the Local Authority will eventually issue a liability order. They will be informed at the summons stage and after granting of a liability order that the following recovery actions that may be taken:-

- Use of enforcement agents (bailiffs)
- Bankruptcy action
- Deductions from certain benefits
- Deductions from wages
- Committal action, which could lead to a prison sentence

If customers continue to not respond and without any further information, the Local Authorities have little alternative but to refer the case to Enforcement Agents (Bailiffs), a significantly intrusive and costly process.

Cornwall Council have identified that Her Majesty's Revenues and Customs (HMRC) PAYE, Self-Assessment and tax credit data as potentially useful and could support:-

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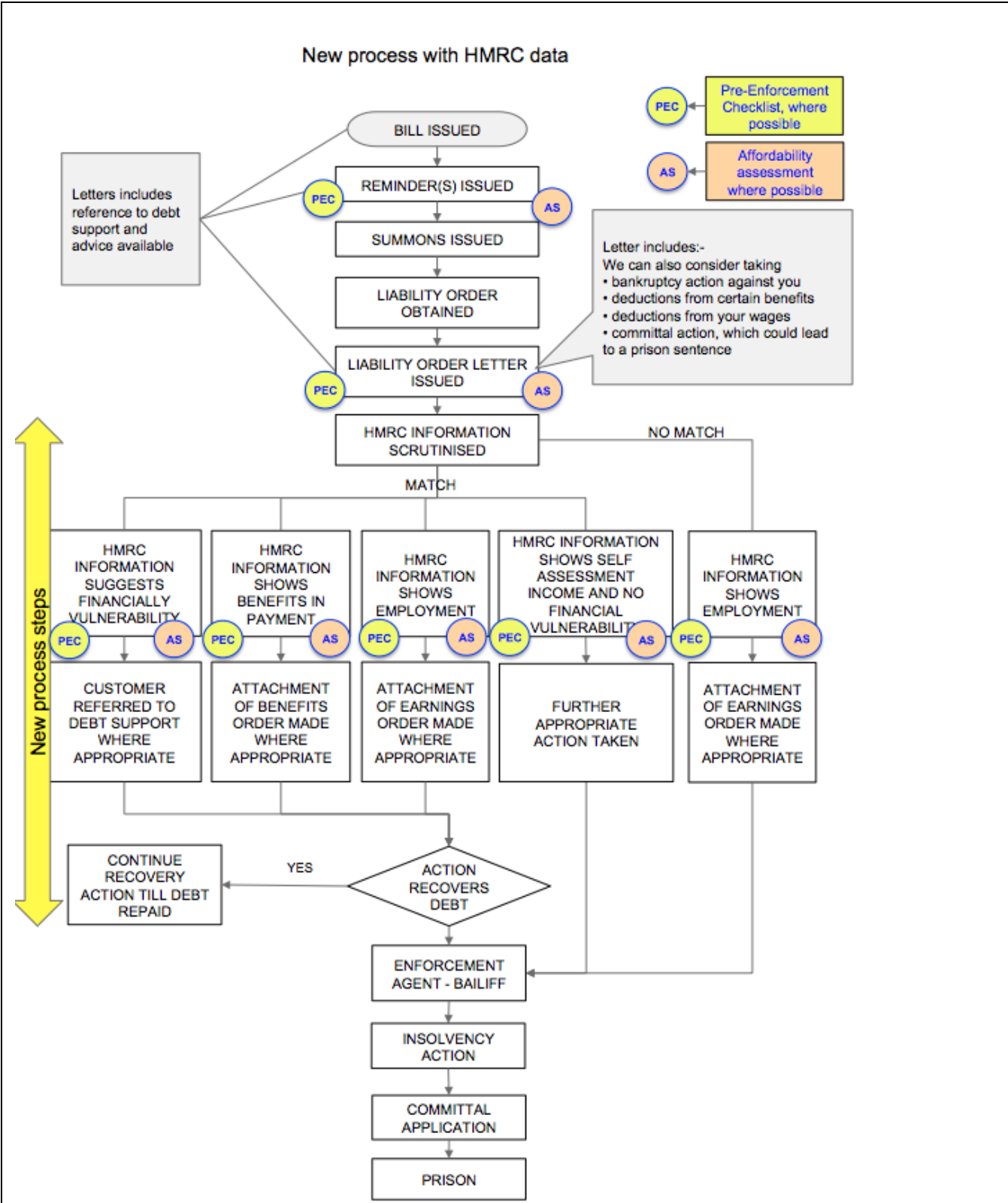
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- managing overall council tax arrears and further developing its recovery procedures, by analysing the data provided by HMRC to:-
  - identify customers whose circumstances make them vulnerable and providing appropriate support and appropriate recovery action, where they engage with the Local Authority;
  - for those in employment, recovering individual council tax debts by Attachment to Earnings Orders, where appropriate;
  - for those receiving benefits, recovering individual council tax debts by Attachment to benefits Orders, where appropriate;
  - for those are not identified as vulnerable, undertaking other recovery action, including the use of enforcement Agents and other legal avenues.
  - overall reducing use of Enforcement Agents and associated costs to customer

This is a significant change from the current process and allows the LA's to take positive action to recover the debt from those customers who are not engaging in the process and have already been informed of the action the LA may take.

A proposed process map is shown below:-

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Cornwall Council will share a sample of up to 4,000 council tax debts with HMRC, who will then match customer records against their systems and return to Cornwall Council.

Local Authority criteria for the sample is:-

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Category	Sample Numbers
• Debt from £500 to £1500	300
• Debt £1500 to £5000	3000
• Debt above £5000	700

The sample will exclude debtors who are;

- in receipt of council tax support - full or partial;
- deceased;
- subject to committal and bankruptcy cases
- companies
- current Attachment of Earnings

A snapshot of the sample data will be taken before issue to HMRC for use for evaluation during and post action.

The data fields to be supplied to HMRC are selected according to the provisions of the Local Government Finance Act 1992. They are the minimum required to identify the customer, property and debt. They are:-

- Full name:-
  - Title;
  - First name;
  - Middle name or initials;
  - Surname.
- Current address and Post Code
- Forwarding address and dates;
- Date of commencement of Liability Order.
- Unique identifier (Future proof)

The returning HMRC data will consist of customer and financial income details including;

- Match successful - yes or no
  - If no, reason for non-match
  - If yes:-
- Date of Birth
- PAYE data, including:-
  - Employer Name
  - Employer Address
  - Employment End Date
  - Employment Pay Frequency
  - Taxable Pay in Period
  - Payroll ID in this employment
  - Individual Address
- Self-Assessment data, including:-
  - Tax Year
  - SA Total Income
  - SA Correspondence Address
- Reason for non-match

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HMRC have provided the customers Date of Birth in the returning data to support LA's in identification of the correct citizen.

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

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

HMRC will delete the file immediately after receipt of data has been confirmed by Cornwall Council.

Persons at Cornwall 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 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.

Persons at Cornwall council who will manage and recover debt are limited to the enforcement team. All enforcement staff have been trained and qualified by exam on enforcement law, in addition to DPA and GDPR training. All staff have had DBS checks. All Cornwall Council enforcement agents are certificated which means passing an exam on enforcement legislation, have two references and court appearance in front of a District Judge. All of them have had DBS checks carried out.

The period of the duration will be for one year from receiving Ministerial approval to enable analysis of the success or otherwise of the data share. An initial report will be compiled and submitted to the Review Board via the DEA secretariat after the end of four months of operational activity, outlining progress against success criteria and any issues found.

Data will be retained in accordance with the council's data retention policy or as specified in the Code of Practice. Shared data will be kept separate and recognizable to enable deletion at end of pilot and will be password protected.

The pilot data will be deleted one year after the pilot starts, except where the data is being used operationally and will be deleted once recovery action has been completed.

A provisional timetable is outlined below.

- March 19 - Ministerial approval
- March 19 - Data shared from LA to HMRC, HMRC conduct matching and return data to LA's
- April 19 - LA's begin analysis and operational activity on returned data
- August/September 19 - 1st evaluation report produced and submitted to the DEA Review Board
- April 20 - Pilot evaluation report produced

The data for AoE's processing will be held on the councils' existing document management and data processing systems, supplied by [REDACTED], which has the following security standards



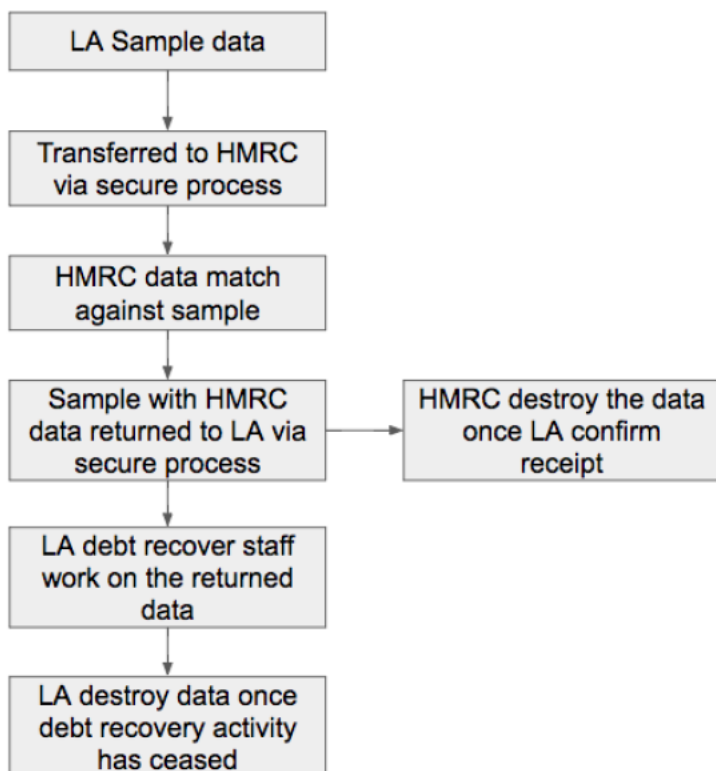
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accreditations:

- Cyber Essentials (secure against cyber hacking)
- ISO 27001 (Info Security Management)
- ISO 20000-1 (IT Service Management)
- ISO 22301 (Business Continuity Management)

This software is supplied by [REDACTED] accredited to ISO and accessible by only specified persons

A simple process map is shown below.



**Please provide details of how the benefits of the information share will be measured.**

This should include:

- the potential benefits the information share could bring; and
- the success criteria for the data share and the methodology you will use to measure success

Potential benefits;

- Increase in Council Tax debt recovered
- Increase of in-year collection rate
- Increase in identification of vulnerable debtors can be signposted for assistance within or without the council, where they engage with the Local Authority;
- Increase in debt recovery due to knowledge of PAYE and self-assessment information
- Increase take up of reliable Attachment of Earnings
- Reduce failure rate of Attachment of Earnings
- Reduce need for using enforcement agents as a first port of call and increasing debt with fees.

- A fair approach to reducing debt with ability to pay over a regular period.
- Improve our effectiveness in debt recovery reduces 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 us 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 to the council
- Identify individuals with a propensity to pay and take appropriate recovery action
- Reduce or mitigate problem debt

**Success criteria and associated metrics:-**

- Number of successful matches from HMRC
- Amount of debt recovered (£)
- Change in in-year collection rate
- Number of cases that were identified as vulnerable due to data from HMRC and referred to internal and external debt support, where they engage with the Local Authority
- Number of AoE Issued
- Number of Attachment of Earnings in payment (over £300 per month income)
- Number of no payment Attachment of Earnings, that the employer did not act upon (to be investigated)
- Decrease in the number of cases that go to enforcement agents
- Comparison of above with control group
- Number of cases where previously unknown income now allowed for effective customer engagement and payment commences
- Number of cases where previously unknown income now allowed for effective customer engagement and enforcement action is taken upon non-payment
- At the end of the pilot consider the impact of the action on individuals and problem debt.

**FOR DEBT INFORMATION SHARES**

Please include detail of how you have considered the Debt Fairness Principles.

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 Code.

Access to this data will allow a more segmented approach to the recovery of Council Tax. 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

All participating Local Authorities will have and 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

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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.

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 our Council Tax debt recovery policies.

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

**FOR ALL INFORMATION SHARES**

Please include a statement showing how you will comply with the Code of Practice.

I/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.

Please confirm that the following are in place:-

Senior Leader approval (Senior Responsible Officer)	Yes
Funds are available	Yes
Resources (including staffing) are available	yes
Supplier contract amendments	N/A

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are in place (if applicable)	
Please add links or embed the following documents	
Debt recovery policy/ strategy	
Fairness/vulnerability policy/strategy	
Privacy Notice	See Annex 1

Persons Involved in Data Share (Lead organisation)	
██████████	██

Persons Involved in Data Share (Organisations disclosing data)	
██████████	██ ████████████████████

Primary Point of Contact (person submitting the business case)	
Name	██████████
Contact number	██████████
E-mail address	██
Job title incl. department and organisation	██

Date of submission	28.12.2018
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## **Cornwall's privacy notice**

### **Revenues Privacy Notice**



#### **Who will control my data**

The Data Controller for all the information you provide is Cornwall Council, County Hall, Treyew Road, Truro, TR1 3AY.

#### **How we will use the information about you**

We will use the information you provide to the Revenues team for the billing and collection of Council Tax and/or Business Rates.

We have a statutory duty to administer and collect council tax in accordance with the Local Government Finance Act 1992, as amended.

We have a statutory duty to administer and collect business rates in accordance with the Local Government Finance Act 1988, as amended.

Failure to supply information to identify the liable person and the correct award of a discount or exemption may result in a civil penalty.

#### **How we will store the information about you**

Your data will be held within Cornwall Council's secure network and premises and will not be processed outside of the UK. Access to your information will only be made available to the revenues team and other authorised members of Cornwall Council's staff who are required to process it for the purposes outlined in this privacy notice.

Where your information is shared with other Council statutory services or organisations responsible for auditing or administering public funds, there are contracts which require them to keep personal information safe and which prohibits them from doing anything with your personal data other than following our instructions.

#### **How long we keep your information**

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We will only keep your information for as long as it is required following the retention period that is set in law relevant to the processing we are undertaking for you. Once your information is no longer required, it will be destroyed securely and confidentially.

**Your rights**

Your personal information belongs to you and you have the right to:

- Be informed of how we will process it
- Request a copy of what we hold about you and in commonly used electronic format if you wish (if you provided this to us electronically for automated processing, we will return it in the same way)
- Have it amended if it's incorrect or incomplete
- Have it deleted (where we do not have a legal requirement to retain it)

If you think any of the information we hold about you is incorrect or incomplete please contact: Revenues, PO Box 676, Truro, TR1 9EQ; Tel: 0300 1234 171; Email: [revenues@cornwall.gov.uk](mailto:revenues@cornwall.gov.uk)

If you would like access to any of the information we hold about you or have concerns regarding the way we have processed your information, please contact:

Data Protection Officer, Cornwall Council, County Hall, Truro, TR1 3AY.

Tel: 01872 326424. Email: [dpo@cornwall.gov.uk](mailto:dpo@cornwall.gov.uk)

If you are not satisfied with our response, or believe we are not processing your personal data in accordance with the law you can complain to the Information Commissioners Office **telephone number 0303 123 1113;** <https://ico.org.uk/concerns/>

**Who else we will share your information with**

We will not use your information for any other purpose or give it to anyone else unless we are required or able to do so by law. We have a duty to protect public funds so we may need to use the information held about you for the prevention and detection of fraud which would require us to share it with other Council statutory services or organisations responsible for auditing or administering public funds.

Who we may share your data with (this is not a	What the data is used for	Reason that the data is shared
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definitive list)		
<b>Advice Agencies</b>	We will share information to enable agencies to work with you to help you improve your financial situation.	Your information is shared as a responsible creditor to resolve debt problems at the earliest opportunity. We will not share your information with an advice agency without your consent.
<b>Debt Management Agents/Data matching companies</b>	We will share information with debt management agents to proceed with the collection of revenues. We will use data matching companies to help validate discounts and to assist in fraud investigations and detection of crime	Your information is shared in accordance with the Council Tax (Administration Enforcement) Regulations 1992, as amended/Non Domestic Rating (Collection & Enforcement) (Local Lists) Regulations 1989, as amended. Data shared for these purposes is exempt from Data Protection Act 2018 under Schedule 2 Part 1 (2 (1) (c) )
<b>Government Departments e.g. Department for Work and Pensions/Valuation Officer Agency/ Cabinet Office/HMRC</b>	For example, we will share information to maintain the council tax and rating lists. We participate in the National Fraud Initiative, a data matching exercise to assist in the prevention and detection of fraud. We are required to provide particular sets of data for matching. We may also use HMRC data to assist with the recovery of council tax arrears	For example your information is shared in accordance with Local Government Finance Act 1988 & 1992 and the Digital Economy Act 2017. Data matching exercises are carried out in accordance with Part 6 of the Local Audit and Accountability Act 2014. For further information on data matching visit <a href="http://www.cornwall.gov.uk/nfi">www.cornwall.gov.uk/nfi</a>
<b>Cornwall Council Address Management Team</b>	We will share information relating to property addresses to support the maintenance of the Local Land and Property Gazetteer	Your information is shared in accordance with the Public Health Act 1925 and the Town Improvement Clauses Act 1847
<b>Cornwall Council Adults Charging Assessment Team</b>	We will share information about individuals moving in/out of hospital or residential care to enable accurate financial assessments in respect of residential/domiciliary care	Your information is shared in accordance with the Welfare Reform Act 2012 and the Social Security Regulations 2012.
<b>Cornwall Council Electoral Registration</b>	We will share information to assist in the administration of the Electoral Register.	Your information is shared in accordance with the Representation of the People Act 1983, as amended.
<b>Cornwall Council Integrated Passenger Transport Unit</b>	We will share information to assist with the administration of National Concessionary Bus Passes.	Your information is shared in accordance with the Concessionary Travel Act 2006
<b>Cornwall Council Planning and Enforcement</b>	We will share information to assist in planning and enforcement work.	Your information is shared in accordance with the Town & Country Planning Act 1990, as amended.
<b>Cornwall Council Private Sector Housing</b>	We will share information to assist with enforcing housing standards and returning long term empty properties back into use.	Your information is shared in accordance with the Housing Act 2004.
<b>Cornwall Council Public Protection</b>	We will share information to assist with the identification and	Your information is shared in accordance with The Fraud Act; Consumer Protection

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	protection of fraud and other illegal trading.	from Unfair Trading Regulations; Tobacco and Related Products Regulations and Consumer Rights Act 2015
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