

## Camden Business Rates service

### How we use and how we look after the information you give us.

This notice explains your rights under the UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA18) and explains why we are collecting personal information from you and what we will do with it. For more information see [www.camden.gov.uk/privacy](http://www.camden.gov.uk/privacy) or scan this QR code:



### Why we are asking you for information (the purpose of processing )

We are asking for information which is necessary to enable the Council to meet its statutory requirement to bill and recovery Business Rates (National Non-Domestic Rates or NNDR as its also referred to) owed, in a timely fashion, under:

- The Local Government Finance Acts of 1988 and 1992
- The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989
- The Fraud Act 2006 in relation to the prevention and detection of crime, including false reporting.

You must notify us immediately if there are any change in your circumstances and personal details so we can maintain and accurate and up to date record of your information

### Why we ask the questions we do (categories of personal data)

We only collect and use the minimum amount of personal information required to deliver services.

The information that we collect may include some or all of the following personal information:

- Information about you (sole traders) – this could include your name, address, contact details (email address, phone number, etc. which may be used to send you SMS or emails regarding your account)
- Information about your company – company name, address, companies house registration number, contact details (email address, phone number, etc.), charitable status.
- Details relating to your tenure at the property - i.e. freehold owner, lease, license to occupy, etc. (we may require evidence of this from you)
- Type of business

- Financial details – bank details for direct debits or refunds. Also financial accounts / bank statements may be required for some reliefs and rent receipts requested to evidence occupation in some cases.
- Changes you have made to the physical property (extensions, splits, etc.)
- Documentation received (including all written / emailed correspondence) is held in our document imaging system and notes from telephone calls are held in the Council's line of business system for the billing and collection of council tax and may be shared, where appropriate, with other Council departments
- Our online forms may also capture the IP address that you accessed our online services from

Whilst we will obtain most of this information from you, we may also get some of this data from:

- Central Government agencies
- Other council departments such as licensing
- Other local authorities
- Owners, landlords or managing agents of properties
- Solicitors
- Internet and social media searches
- Council property inspectors and other departments such as planning and housing
- Enforcement Agents
- Valuation Office Agency (VOA)

The things we consider when we make decisions around liability for Business Rates, recovery action to be taken, etc. are often set out in legislation, so we ask for information about the things that the law says we must consider. Information around income and expenditure, such as financial accounts / bank statements, to assess affordable repayment plans are from best practice approaches to support businesses and form a fundamental element of the decision making approach to our local discount (hardship relief) as it is funded by taxpayers and therefore we have a duty to ensure it is spent wisely.

We also invite you to let us know if there is anything you would like us to know about when we are making decisions in relation to your business rates liability.

**Your information might be used to:**

- Bill, collect and administer Business Rates (National Non-Domestic Rates)
- Determine who is liable to pay business rates and for what period(s)
- Identify and allocate payments received and to issue refunds for overpayments
- Recover unpaid Business Rates due
- Assess and apply relevant reliefs or exemptions
- Comply with legal obligations such as the prevention and/or detection of crime including fraud
- Protect public funds and
- Maintain public safety, mitigating risk of harm and assisting in emergencies
- Identify liability for a Business Improvement District (BID) levy if the property you are liable for falls into the boundaries of a BID area within Camden

## **Lawful Basis for processing personal data**

Under the UK General Data Protection Regulation (GDPR), the lawful basis we rely on for using your personal information are:

- We have a legal obligation - GDPR Article 6 (1) (c)
- We need it to perform a public task – GDPR Article 6 (1) (e)

Where we may collect special category (sensitive) data about your race, health, ethnic origin, etc., we rely on the following lawful basis:

- We need collect it for Substantial Public Interest in order to comply with UK Legislation – GDPR Article 9 (2) (g). When we use this legal basis we also have to comply with a Data Protection Act 2018 Schedule 1 Part 2 condition, and we apply the following:
  - Para 6. Statutory and government purposes
  - Para 10. Preventing or detecting unlawful acts
  - Para 14. Preventing fraud
  - para 15. Suspicion of terrorist financing or money laundering
- We need to analyse your information – GDPR Article 9 (2) (j) Archiving, research and statistics When we use this legal basis we also have to comply with a Data Protection Act 2018 Schedule 1 Part 1 condition, and we apply the following:
  - Para 1 Employment, social security and social protection
  - Para 4 Research

The legislation we rely on when using your personal information to meet our legal obligations or public tasks includes (but is not limited to):

- The Local Government Finance Acts of 1988 and 1992
- The Council Tax (administration and enforcement) regulations 1992 and subsequent amendments
- Local Government Act 2000
- Localism Act 2011
- The Fraud Act 2006 in relation to the prevention or detection of crime, including false representation
- Human Rights Act 1998
- Statistics and Registration Service Act 2007 and substantive amendments made to it under the Digital Economy Act (DEA) 2017

**When providing us with personal information is a legal or contractual requirement.**

If we need personal information from you for legal or contractual reasons and you don't provide it this, it may affect your ability to claim a relief or exemption you may be entitled to. If it causes a delay in correctly billing you for Business Rates purposes, it could result in you incurring a large backdated bill rather than a more manageable bill had you supplied us with the information as soon as you became liable for Business Rates. This also applies to notifying us if you are no longer entitled to a relief or exemption as should the information come to light retrospectively, through reviews we conduct, you would receive a backdated bill to the point you were no longer entitled which may be harder to pay than had you informed us at the time to be able to pay in instalments.

### **What information must you provide and the consequences of not providing information**

It is mandatory for you to provide your name, company name (if applicable), address, date of liability (date you took ownership of a property or started renting a property) relating to a non-domestic (commercial) property in Camden. Failure to supply this information in a timely fashion, or upon request, may delay the issuing of an accurate bill to you which results in a shorter space of time to pay your balance owed within the relevant financial year which may result in a budgetary issue for you / your company.

### **When we share your information**

We will only share your information where the law or a court order compels or allows us to do so, and we will share only the minimum information for each circumstance. We may share your information with other council departments or third parties. Camden's policy is that all information will only be shared among council services and other agencies, where we have a legal power or duty to do this. We also do general data matching or data sharing in certain areas for the prevention or detection of crime. More information on council services and information sharing can be found on the council's privacy statement linked above.

The council has a number of Data Sharing Agreements with organisations such as the Police or the NHS to cover sharing that is regular or routine. Ones from 2021 can be accessed here [Data Sharing Agreements \(DSAs\) | Open Data Portal \(camden.gov.uk\)](#)

We may sometimes need to share some of your information with:

- Cabinet Office – National Fraud Initiative (NFI)
- HM Courts and Tribunals service
- Other Council departments and the relevant Business Improvement District (BID) company where the property you are liable for falls into the boundaries of a BID area
- Other Camden Council departments to enable them to provide their statutory duties or to meet Council objectives for the betterment of our residents and businesses
- The Department for Levelling Up, Housing and Communities (DLUHC) – provision of anonymised data for the administration of Business Rates
- The Department for Business and Trade (DBT) – provision of anonymised data for the administration of Business Rates plus information mandated by them in relation to

various Covid related Business Grant schemes from March 2020 onwards that we administered payments on their behalf.

- Other Local Government departments, bodies and services where there is a statutory obligation
- Policing Authorities for the prevention and detection of crime
- Corporate fraud officers
- Corporate debt officers
- HM Revenue and Customs (HMRC)
- Office of National Statistics (ONS)
- Valuation Office Agency (VOA)
- FDM PLC – our printing and mailing company
- The Local Government Ombudsmen
- The High Court in respect for petitions for the bankruptcy of individuals and winding up of companies
- The Insolvency Service
- Enforcement Agents authorised by Camden Council to recover unpaid Business Rates – currently Marston (Holdings) Ltd and Newlyn PLC
- Authorised third party representatives acting on behalf of the person / company whose personal data we are processing such as a relative, solicitor, accountant, managing agent or insolvency practitioner
- Your Councillor or MP where you have made a complaint to them about the Council for them to investigate on your behalf

As part of the councils transparency commitments and frequent Freedom of Information requests relating to business rates, we publish details relating to business rates accounts / liabilities (excluding data relating to individuals) on our open data portal (<https://opendata.camden.gov.uk/>), namely the following datasets:

- Charges and Reliefs
- Rateable Values

### **How long will we keep your personal information?**

As the Valuation Office Agency VOA can still action appeals outstanding on the 2010 rating list (enabling rateable value reductions as far back as 1 April 2010, we are required to keep information back to that date to facilitate issuing refunds for overpayments created as a result. Information within our document imaging system, that would not impact on our ability to refund you any overpayments in the event of the VOA reducing the band of the property you were liable for, are kept in line with our corporate retention schedule [LBC Retention Schedule and Disposal Policy \(camden.gov.uk\)](#) . There are also legal reasons why we have to keep information regarding financial transactions, such as payments you have made, or refunds issued to you, for six (plus one) years from the date of the transaction.

### **Your information rights**

The law gives you a number of rights to control what and how we use your personal and special category information. There are some exemptions to these rights. If you would like more information on your rights and the exemptions, please see these websites:

- Camden Council <https://www.camden.gov.uk/your-rights>
- The Information Commissioner's Office [Individual rights - guidance and resources | ICO](#)

To exercise your rights please use [Data Subject Rights form - Camden Council](#)

**Automated decision making:** We do not use automated decision making or profiling to process your personal data.

### **Transferring your personal information out of the European Union / European Economic Area (EU/EEA):**

We will not transfer your information outside the EU/EEA (the EU countries plus a few other countries like Norway and Iceland) unless the country has been certified as 'adequate'. Council Tax and Business Rates Data is processed within the EU.

### **The name and contact details of the Data Controller and the Data Protection Officer**

The data controller is the organisation responsible for using, storing and handling the personal information. The data controller is: London Borough of Camden, Judd Street, London, WC1H 9JE. Tel: 020 7974 4444

We have a Data Protection Officer who is a council staff member whose job it is to make sure we respect your rights and follow the law. Please contact Andrew Maughan, who is also the Council's Borough Solicitor, if you have any questions or concerns about how we use your information. [dpo@camden.gov.uk](mailto:dpo@camden.gov.uk).

### **Your right to make a complaint about your data**

This relates to data held about you only. *It does not relate to any queries you may have about the data used to bill and collect Business Rates due from liable parties, any comments or complaints about the service.* Those should be addressed directly to the Council Tax service itself.

If you have a data protection complaint regarding the data we hold relating to you to enable the Council to fulfil its statutory duty to bill and collect Council Tax from liable parties, it would be helpful if you contacted us first at [dpa@camden.gov.uk](mailto:dpa@camden.gov.uk) to see if we can resolve the problem. You can also make a complaint to the Information Commissioner's Office (ICO) if you are unhappy with how the council has handled your personal data. You should contact our Data Protection Officer first to see if this will resolve the problem before going to the ICO. You can contact the ICO Monday to Friday 9am to 5pm at telephone: 0303 123 1113. Live chat and other information can be found on their website: <https://ico.org.uk/global/contact-us/contact-us-public/public-advice/>

**Updating this Privacy Notice** We will update the Privacy Notice periodically. It was last updated in January 2024

