

Housing Benefit Information
Flows Programme

**Memorandum of Understanding
between the Department for
Work and Pensions and Local
Authorities
2008.**

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Housing Benefit Information Flows Programme Memorandum of Understanding

Document Control

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Author	Malcolm Mattack
Approver	David Wright
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References

Doc reference	Document title
Training Pack	CIS Learning Pack for Local Authorities
GCSx CoCo	Government Connect Secure extranet Code of Connection
LA CIS Guide	Local Authority Customer Information System Guide
Baseline Personnel Security Standard	Her Majesty's Government's Baseline Personnel Security Standard
Pre-employment Screening	A Good Practice Guide on Pre-employment Screening
Data Handling Procedures in Government	Data Handling Procedures in Government: Final Report
DWP Data Access Policy	Revised Data Access Policy for DWP RESTRICTED data

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Abbreviations

CIS	Customer Information System
CTB	Council Tax Benefit
DWP	Department for Work and Pensions
GCSx	Government Connect Secure Extranet
GCSx CoCo	Government Connect Secure Extranet Code of Connection
GSX	Government Secure Extranet
HB	Housing Benefit
LA	Local Authority
LA CIS Guide	Local Authority Customer Information System Guide
LAST	Local Authority Support Team
MoU	Memorandum of Understanding

1. Purpose of Memorandum of Understanding

1.1 This Memorandum of Understanding (MoU) between the Department for Work and Pensions (DWP) and your local authority (LA) sets out the framework and operating policy through which your LA will access benefits data for the administration of Housing Benefit and Council Tax Benefit (HB/CTB). This data will be available via DWP's Customer Information System (CIS). It will include access to DWP benefits data and Her Majesty's Revenue and Customs' (HMRC) tax credit data. Any reference in the MoU to CIS and the security of personal customer information incorporates tax credit data supplied by HMRC.

1.2 DWP shares information from CIS with LAs to ensure HB/CTB is paid to the right people at the right time.

1.3 However, data sharing arrangements to improve customer service must ensure that customers' personal details are protected. By signing this MoU, the signatories for your LA acknowledge they understand and agree the:

- conditions for accessing CIS data
- specific measures they must have in place to meet the terms of the agreement
- possible consequences of breaking the terms of this agreement.

1.4 This MoU must be read in conjunction with the revised Local Authority CIS Guide (LA CIS Guide) and the '[Revised Data Access Policy for DWP RESTRICTED data](#)', which was announced through the Government Connect Programme by a letter to all LAs on 7 July 2008. The Revised Data Access Policy is as follows:

'On 31 March 2009 DWP will cease the provision of RESTRICTED data to local authorities and the receipt of sensitive personal data from local authorities through means other than government approved secure communications channels. This policy applies to all authorities in England, Wales and Scotland where a government approved secure communications channel can be or has been made available.'

1.5 The letter also contains further information detailing the process through which DWP will provide 'RESTRICTED' data to LAs from 31 March 2009. The major implication of the revised policy to your LA is that unless an exemption has been agreed, access to CIS will not be possible after 31 March 2009 and in any event will not be possible after 30 September 2009. Continued access to DWP secure (and CIS) data will be dependent on your meeting at minimum the standard of the Government Connect Secure Extranet Code of Connection (GCSx CoCo). To ensure continued access to CIS from this date you will need to implement a plan, which provides a secure government approved IT channel.

1.6 The GSCx CoCo is consistent with well established standards for the management of information security and is:

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- HM Government's IT infrastructure security standard and regarded by government as best commercial practice
- required for connectivity to the following:
 - Government Connect Secure Extranet (GCSx) in England and Wales
 - Government Secure Extranet (GSx) in Scotland.

1.7 The recently published report '[Data Handling Procedures in Government](#)' clarifies the context within which DWP, as a central government department, is approaching the sharing and transfer of data.

1.8 This MoU will remain in place until 31 March 2009. To maintain its significance it will be subject to review on a yearly basis.

1.9 The MoU has been approved by the Head of Housing Benefit Strategy Division on behalf of DWP and by the Local Authority Associations. The MoU is to be signed by the operational manager with responsibility for HB/CTB in your LA. It will be countersigned by your Section 151 Officer in England and Wales (or the Officer accountable for the proper administration of financial affairs in Scotland or Northern Ireland). The counter signatory will be responsible for the compliance regime ensuring and safeguarding the security of personal customer information held on CIS in your LA.

2. Definitions

Local Authority

2.1 For the purposes of this MoU, in addition to LAs who directly administer their HB/CTB service, 'Local Authority' includes any contracted service provider administering all or part of the service on behalf of your LA from any location.

2.2 This will be particularly important in any circumstances where your LA uses a contracted service provider. Post 31 March 2009 unless an exemption has been agreed continued access to DWP secure (and CIS) data will be dependent on your LA and any contracted service provider meeting at minimum the standard of the Government Connect Secure Extranet Code of Connection (GCSx CoCo). To ensure continued access to CIS from this date a secure government approved IT channel will be required.

2.3 Your LA will ensure that the contracted service provider agrees to comply with the [Revised Data Access Policy for DWP RESTRICTED data](#) by 31 March 2009.

2.4 Should your LA engage with or move to a different contracted service provider during the period of this MoU, that change must immediately be notified to DWP's Local Authority Support Team (LAST). The new contracted service provider must also sign the MoU.

DWP information

2.5 Whilst this MoU primarily refers to DWP and HMRC information held on CIS, which your LA accesses through desktop terminals, it also includes all

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DWP restricted data provided to your LA through whatever medium and for whatever purpose including electronically transmitted DWP information and hard copy.

Protective Marking

2.6 CIS holds customers' personal details and is therefore defined as 'RESTRICTED' under the Protective Markings regime of HM Government. This MoU defines the agreed framework for handling access to and subsequent use of 'RESTRICTED' information. Further explanation of the Protective Marking scheme is given at [Appendix C](#).

HB/CTB administration

2.7 In this context HB/CTB administration includes any action including face-to-face contact with customers, appeals, recovery of overpayments, the investigation of suspected benefit fraud and administration of the anti-social behaviour sanction pilot.

3. Legal Requirements

3.1 DWP has strict rules on the confidentiality of information. It is legally obliged to keep customers' affairs completely confidential. Information can only be disclosed where:

- legislation permits it to be disclosed, or
- the customer involved has fully consented to the disclosure.

3.2 This MoU is underpinned by legislation, which binds DWP and your LA to handle customers' personal information in confidence. The LA CIS Guide sets out in more detail the legislation that applies to the MoU and includes the:

- Data Protection Act 1998
- Social Security Administration Act 1992
- Computer Misuse Act 1990.

3.3 Through the exercise of its statutory responsibilities, your LA accesses CIS to collect and securely hold information required to administer HB/CTB. Your LA has an explicit responsibility for security of the information and is accountable for the actions of users with access to CIS. Your LA will discharge these responsibilities by ensuring users of CIS comply with relevant legislation and recognised employment standards. It is essential your LA recognises that in serious cases, breach of the legislation can result in criminal charges and imprisonment.

4. Before access is granted

Security of environment

4.1 Before DWP grants access to its information on CIS, your LA will secure its environment as follows:

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- physical access to servers hosting the information is restricted to those IT personnel with a right to access server rooms
- the network over which data from CIS will be accessed is secure
- electronic access to PCs is:
 - password protected and appropriate access levels are determined, controlled and monitored
 - restricted to those with responsibility for the administration of HB/CTB
- measures have been introduced to prevent copying information from CIS onto portable media such as, CDs, external hard drives and USB memory sticks
- material printed off is treated as confidential and will be disposed of in a secure manner
- there are processes in place to identify and report information and system faults immediately to LAST.

4.2 Your LA will instigate a process that ensures all users and contractors who terminate their employment or relationship with your LA are aware of their obligation not to divulge information gained during their employment.

Baseline Personnel Security Standard

4.3 In July 2006 the Cabinet office introduced HM Government's Baseline Personnel Security Standard (the Baseline Standard), which is a good practice guide to the pre-employment screening of government staff and contracted service providers. It is equally relevant to your staff who access CIS. The document, [A Good Practice Guide on Pre-employment Screening](#), provides a detailed reference point for LAs, although it is assumed the principles of the Baseline Standard are already being applied.

4.4 Your LA will ensure that pre-employment checks are carried out on all staff whose responsibilities include accessing DWP information on CIS. This applies equally to new and existing staff. Before a potential user can be granted access to CIS your LA will need to complete a verification record to confirm the Baseline Standard has been met.

4.5 The following list is not exhaustive but this will include verifying:

- identity
- employment history (as a minimum the preceding 3 years)
- nationality and immigration status
- unspent criminal record
- a reasonable account of any significant periods of time spent abroad.

4.6 Prior to taking up post and accessing CIS or other DWP information your LA will require each prospective user to complete and sign both the Character Declaration form ([Appendix A](#)) and the Confidentiality Agreement ([Appendix B](#)).

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4.7 Your LA will not assume as examples employment agencies or contractors have carried out the prerequisite checks, or that recent employment in DWP or other LAs guarantees the integrity of an individual. Pre-employment screening will remain the responsibility of your LA or the contracted service provider.

Training

4.8 Your LA will ensure before individuals are granted access to CIS they complete the relevant technical and security training. The training pack is on the DWP website; [CIS Learning Pack for Local Authorities](#).

Record keeping

4.9 Your LA will record and keep securely:

- a record of all CIS users registered on the Government Gateway
- signed Character Declaration forms ([Appendix A](#))
- signed Confidentiality Agreements ([Appendix B](#))
- the list of staff who have received technical and security training, including the date they completed this training.

5. Using CIS

Legal gateways for using information obtained from CIS

5.1 Currently, CIS is designed to meet the needs of legislation allowing information sharing between DWP and LAs for the purposes of administering HB/CTB. Therefore, unless there is a claim for HB/CTB or an outstanding HB/CTB overpayment, appeal, or fraud is suspected, information held on CIS must not be accessed.

5.2 Before carrying out any access to CIS, which falls outside of direct administration of HB/CTB, your LA will contact LAST to verify whether a legislative gateway to CIS exists. LAST will advise whether it will allow the proposed access to take place. As examples this will include:

- pursuing rent or Council Tax arrears
- take-up work for HB/CTB.

Monitoring access

5.3 To provide DWP with assurance access to CIS is appropriate and that information obtained is used correctly, your LA will comply with the LA CIS Guide and carry out the predetermined level of test checks. LAST and HMRC will conduct additional risk-based checks as appropriate to confirm test checks were performed in line with guidance.

5.4 The Section 151 Officer for your LA in England and Wales (or the Officer accountable for the proper administration of financial affairs for LAs in Scotland or Northern Ireland) will ensure clear and auditable processes are in place to independently carry out the test checks.

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Security Incidents

5.5 Your LA will ensure there are reliable arrangements for reporting, notification and investigation of security incidents and security breaches. Suspected misuse of CIS or breaches of security must be immediately reported to LAST and a thorough internal investigation must be conducted.

5.6 Your LA will ensure its formal disciplinary process and any relevant outsourcing arrangements provide for the investigation of individuals who have allegedly committed or attempted a breach of the security framework set out in this MoU.

5.7 LAST will on request provide those conducting investigations with audit trails showing the full access history of those under suspicion. Where an investigation is being carried out your LA will be required to provide LAST with regular progress updates.

5.8 DWP has absolute discretion to withdraw access to CIS where:

- any individual user is suspected of misusing the system
- it considers your LA is not complying with the conditions set out in this MoU
- this is required for operational reasons.

5.9 If prosecuted, a person may face a range of sanctions including imprisonment. DWP will consider prosecuting individuals for misuse of information held on CIS. DWP will support your LA to ensure appropriate disciplinary or prosecution action is taken in serious cases.

Home working

5.10 All of the rules above also relate to staff that access CIS from home. Home workers are permitted but your LA has to recognise they represent an additional risk. Additional requirements are mandatory for home workers and these are detailed at [Appendix D](#).

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Signed Memorandum of Understanding

This agreement for controlling access to DWP data has been approved by the Head of Housing Benefit Strategy Division on behalf of DWP and by the Local Authority Associations.

It is signed with the understanding that your LA signatory accepts your LA will comply with all aspects of the MoU.

It will additionally be countersigned by your LA's Section 151 Officer in England and Wales (or the Officer accountable for the proper administration of financial affairs in LAs in Scotland or Northern Ireland) and by any appropriate Contracted Service Provider.

I have responsibility for staff access to DWP, HMRC data and CIS. I am satisfied the LA complies with the terms of the agreement and understand that non-compliance, depending on the seriousness of any incident, could result in the service being withdrawn and prosecution of individuals.

Signed:

Name:

Position in:

- local authority
- Contracted Service Provider.

Full name, address and contact details of the:

- local authority
- Contracted Service Provider.

Date:

Section 151 Officer (England and Wales) officer accountable for the proper administration of financial affairs in LAs in Scotland or Northern Ireland.

Counter signed:

Name:

Telephone number:

E-mail:

Date:

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Appendix A

Character Declaration Form

Before allowing access to the Department for Work and Pensions Customer Information System (CIS), we need you to answer the following question about yourself.

It is a condition of using CIS that you answer the questions on this form and do not withhold any information, except as provided under the Rehabilitation of Offender's Act 1974. Failure to do this will mean you will not be given access to CIS. Please answer the questions frankly. Answering 'yes' does not necessarily mean you will not be given access to CIS.

Question. Have you been convicted or found guilty of an offence in the United Kingdom or abroad by any court or court martial which is unspent?

Yes

No

If you answered 'Yes', please tell us the date and place of the court hearing, the nature of the offence, the sentence of the court and the name and address of your probation office, if you have one:

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I confirm the information I have provided on this form is correct and complete. I understand that if I withhold any information or provide false or misleading information this may lead to appropriate legal action being taken against me.

Name:	
Signed:	
Date:	

If you are charged with an offence after you have completed this form, you must let your manager know straight away.

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Appendix B

Declaration:

To be signed by all staff prior to accessing CIS, after full technical and security training has been completed.

Confidentiality Agreement

Section 123 of the Social Security Administration Act 1992, requires staff to treat all information received from CIS as confidential. All information obtained from DWP is deemed as having been received in confidence.

My attention has been drawn to the provisions of section 123 of the Social Security Administration Act 1992 and the Data Protection Act 1998.

I understand I may face prosecution and dismissal for any offence in respect of any unauthorised or attempted access to CIS.

I understand it is a criminal offence for me to access and or process DWP personal information for any purpose other than HB/CTB administration as set out in my official duties.

I understand that I will not be free to communicate official information or knowledge acquired in the course of my official duties whether written or oral, to anyone who is not authorised to receive such information.

I realise that upon termination of my contract of employment, I will continue to be bound by these provisions.

I understand that, if there is any reason to believe that I have breached this agreement, appropriate legal action will be taken against me.

I understand that this declaration does not extend to information which is in the public domain.

Date training completed:	
Signed:	
Name:	
Date of declaration:	
Local authority:	

Appendix C

Guidance on Protective Markings

The Government protective marking system is designed to help individuals determine, and indicate to others, the levels of protection required to help prevent the compromise of valuable or sensitive assets. The markings are a means of signalling quickly and unambiguously, the value of an asset and hence the level of protection it needs.

The underlying principle is that the consequences of compromise are clearly indicated by the protective marking applied to documentary assets held on paper or electronically.

Four levels of protective markings have been devised by the Cabinet Office to be used throughout Government.

The protective marking, which will be used by your LA when accessing CIS or handling DWP information obtained from CIS is 'RESTRICTED'.

Description of Restricted material

The compromise of this information or material would be likely to:

- affect diplomatic relations adversely
- cause substantial distress to individuals
- make it more difficult to maintain the operational effectiveness or security of UK or allied forces
- cause financial or loss of earnings potential to, or facilitate improper gain or advantage for, individuals or companies
- prejudice the investigation or facilitate the commission of crime
- breach proper undertakings to maintain the confidence of information provided by third parties
- impede the effective development or operation of government policies
- breach statutory restrictions on disclosure of information
- disadvantage government in commercial or policy negotiations with others
- undermine the proper management of the public sector and its operations.

Appendix D

Home Workers

Office based IT systems will generally have more robust security than home based computers, which pose a greater risk that can be exploited.

DWP understands the benefit to LAs of employing home workers but needs to ensure the additional security risks are minimised. Your LA will set down a clear policy on working from home and educate your staff appropriately.

The [Revised Data Access Policy for DWP RESTRICTED data](#) will impact on home workers. LAs who are yet to be GCSx enabled are required to contact [Government Connect](#) for further information. Continued access to DWP secure data will be dependent on the LA acquiring a secure IT channel by 31 March 2009, unless an exemption is in place. The exemption will run to no later than September 2009.

In addition to the contents of the MoU, prior to LAs with home workers giving access to CIS and other DWP electronic data from outside the office environment, your LA will ensure:

- the IT equipment runs a Communications-Electronics Security Group (CESG) approved firewall
- DWP information can only be accessed by PCs supplied by your LA, with software provided and approved by your LA
- no access to DWP information shall be from a connection or network using wireless, mobile telephone technology or via an unprotected internet connection
- any individual's use of a particular PC can be comprehensively audited and the audit trail made available on request — this includes the provision by LAs of a list of home workers' names and Government Gateway IDs to the Local Authority Support Team (LAST)
- measures are taken to prevent home workers from copying CIS information to portable media, such as CDs external hard drives and USB memory sticks
- any portable IT equipment used to gain connectivity, as examples laptops should be encrypted to CESG standards
- screen prints are not left where any unauthorised person can see them. Any screen prints taken are to be shredded or disposed of through a managed confidential waste disposal service.