# **National Fraud Initiative****United Kingdom General Data Protection Regulation (UK GDPR) and Data Protection Act 2018**

PHA is required by law to protect the public funds it administers. It will share information provided to it with other bodies responsible for auditing or administering public funds, in order to prevent and detect fraud.

This notice sets out how personal data that is submitted to the Comptroller and Auditor General (C&AG) who is the Head of the Northern Ireland Audit Office (NIAO) for the purpose of the National Fraud Initiative (NFI) in Northern Ireland will be used.

NIAO requires the specified personal data to be provided to it for the purposes of the NFI and in the exercise of its relevant statutory powers as set out above.

# **Introduction**

The C&AG (or their authorised agent) conducts data matching exercises to assist in the prevention and detection of fraud.

Data matching involves comparing sets of data, such as the payroll or benefits records of a body, against other records held by the same or another body, to see how far they match. The data is usually personal information. The data matching allows potentially fraudulent claims and payments to be identified. Where a match is found, it may indicate that there is an inconsistency that requires further investigation. No assumption can be made as to whether there is fraud, error or other explanation until an investigation is carried out.

# **Legal basis**

The processing of data by the C&AG (in practice the processing is undertaken by the Cabinet Office on the C&AG’s behalf) in a data matching exercise is carried out with statutory authority under his/her powers in Articles 4A to 4G of the Audit and Accountability (Northern Ireland) Order 2003.

As a public sector employer, PHA is required to provide data and participate in the data matching exercise. The data will be extracted by BSO Shared Services colleagues and from the Human Resources, Payroll, Travel and Subsistence System (HRPTS), and uploaded to an encrypted website. Data will be subject to automated profiling, as set out below elsewhere in this document.  Only those data matches requiring further investigation will be accessed by a limited number of financial personnel within the Cabinet Office.  This data will in turn be communicated to the key contact within PHA, who will liaise with the Head of Payroll and/or Head of Accounts Payable.  This processing of this data will be strictly limited for the purposes of investigations in the context of NFI.

Under the UK General Data Protection Regulation (UK GDPR) (article 6, 1 (c)) and the Data Protection Act 2018 (section 8), the legal basis for processing personal data under the NFI is that it is necessary for compliance with a legal obligation to which the controller, that is PHA as employer, is subject. It does not require the consent of the individuals concerned under the Data Protection Act 2018 or UK GDPR.

# **The data that is matched and the reason for matching it**

The data sent to the C&AG and the Cabinet Office will be subject to automated profiling, as defined in Article 4, paragraph 4 of the UK GDPR, in the form of data matching.

Details of the data that is matched are available on the Northern Ireland Audit Office (NIAO) website at: <https://www.niauditoffice.gov.uk/national-fraud-initative>.

Specifically, the datasets required and the individual field names can be found within Appendix 1 of the NFI Instructions 2024-25 document, available at: [NFI Instructions 2022-23 (niauditoffice.gov.uk)](https://www.niauditoffice.gov.uk/files/niauditoffice/documents/2024-08/NFI%20Instructions%202024-25%20.pdf)

More information on automated processing is available via the NIAO’s privacy notice: [NFI Privacy Notice 2022 | Northern Ireland Audit Office (niauditoffice.gov.uk)](https://www.niauditoffice.gov.uk/publications/nfi-privacy-notice-2022)

Data is matched for the purpose of assisting in the prevention and detection of fraud.

# **Who is data shared with?**

The data, as set out within the NFI Instructions document (link above) is shared with the C&AG and the Cabinet Office.

The C&AG may disclose the results of data matching exercises where this assists in the prevention and detection of fraud, including disclosure to bodies that have provided the data, and to local government auditors, as appropriate, as well as in pursuance of a duty imposed by, or under, a statutory provision.

The C&AG may disclose both data provided for data matching and the results of data matching for the purposes of preventing and detecting fraud. A non-exhaustive list of organisations the C&AG may share data with, are listed via their fair processing notice, available at: <https://www.gov.uk/government/publications/fair-processing-national-fraud-initiative/fair-processing-level-3-full-text>

# **Access by individuals to data included in data matching**

Individuals whose data is included in data matching exercises have rights under data protection legislation. Guidance on individual’s rights is available on the Information Commissioner’s website at <https://ico.org.uk/your-data-matters/>

Individual’s usual rights of access to data held about them may be limited as a consequence of exemptions in the Data Protection legislation (as set out in Schedule 2 of the Data Protection Act 2018). Exemptions will apply in relation to the processing of personal data for the prevention and detection of crime.

# **Retention of Data**

Personal data (i.e. the data provided by BSO on behalf of PHA, and the result of any data matching) will not be kept for longer than is necessary. Data retention under the NFI will be in accordance with a data deletion schedule to be published on the Cabinet Office’s NFI web page at: <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740166/The-NFI-Data-Deletion-Schedule.pdf>

BSO and its auditors may retain any data collected above for a longer period, if it is considered necessary for the purposes of audit, continuing investigations or prosecutions. Data will however only be held for the required length of time necessary relating to any such audit, investigation or prosecution.  Any data processed for these purposes by BSO or its auditors will be strictly limited to what is deemed necessary.

# **Code of Data Matching Practice**

Data matching by the C&AG is subject to a Code of Data Matching Practice. This can be found at: <https://www.niauditoffice.gov.uk/national-fraud-initative>

# **Further information**

For further information on the C&AG and the NFI, see: <https://www.niauditoffice.gov.uk/>

# **Complaints**

If you wish to complain about how your personal data has been processed, please contact the PHA Data Protection Officer at: dpo.pha@hscni.net

If you remain dissatisfied, you can make a complaint to the Information Commissioner, at: <https://ico.org.uk/make-a-complaint/>