



Department
for Work &
Pensions

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Dear Colleagues working in the welfare advice sector,

UNIVERSAL CREDIT FULL SERVICE – INFORMATION FOR WELFARE ADVISORS ON EXPLICIT CONSENT AND PERSONAL DATA

We have received a number of enquiries about the issue of disclosure of personal information to third parties, representatives and advisers within the Universal Credit full service. These arrangements are different to those that many advisers have been familiar with over an extended period of time for existing benefits. I promised to write to set out the position and explain why the changes have taken place.

In the case of a person who cannot manage their own affairs because of incapacity, the existing and well established process where that person has an 'appointee' who acts on their behalf will apply in Universal Credit as it does in other benefits. That person is treated as though they were the claimant and therefore disclosure is not an issue. The same applies if other legal instruments such as an enduring power of attorney are in place.

This note therefore focuses on those people who need some help and advice to navigate the system, but whose affairs are not being completely 'run' by another person.

Data protection and claimant access to on-line data

Even under implied consent which operates in the existing benefits, including Universal Credit live service, the DWP will never disclose:

- Address;
- Dates of birth;
- National Insurance number;
- Bank details;
- Telephone number;
- Names of household members;
- Names of employers, or former employers.

So implicit consent, in practice, operates a limited form of disclosure to protect personal information.

The online digital account, which is fundamental to the design of the full service, allows claimants access to all their personal, medical, financial and other data. As a result the claimant 'holds the key' to that account at all times. So I hope you can see that running a system of implied consent means that the risks of the disclosure of this material to third parties is heightened beyond an acceptable level under the data protection rules and might also undermine some of the other security features we have built into the system through personal accreditation.

I realise that as bona fide advisers this may seem unduly cautious, but we face regular attempts by unscrupulous organisations and individuals to access information from us and we need to take all reasonable steps to protect the position of claimants and their data which we hold.

We recognise, however, that some claimants will seek advice from third parties about their claim. The DWP in no way wants to undermine that but in moving to a digital service it does necessitate some changes in working practices that have long been in place.

What we have now put in place is a system of "explicit consent". Under this approach, a claimant can give **explicit** consent at any time in one of three ways: either via their account, on the phone or in person, with the third party, in a jobcentre. Under this explicit consent system the claimant holds the 'key' to their account and unless appointee action has been taken, they retain that key and control over their information but can 'invite' others in to support them at that instant.

Online Explicit Consent

A claimant can use their online account to provide explicit consent to disclose information. They can do this via their Journal. Consent must be given freely, unambiguously and in an informed way. The claimant must be clear on the information that they want to be disclosed and who the information can be disclosed to – e.g. "I give consent for the DWP to discuss my childcare costs with Jane Brown of xx organisation". Consent does not last indefinitely, but covers a particular query or piece of business. A separate authority is required for an appeal, unless the existing authority specifically covers the appeals process.

When a claimant provides consent over the telephone

If the claimant is with the representative/landlord when they call DWP, staff will verify the claimant's identity privately. If the claimant is not present with the third party a three way phone conversation with the claimant will be arranged. This is not a wholly new concept as it is similar to the more familiar practice of three way conversations when using 'thebigword' for interpreter services.

The claimant must also confirm:

- the caller is their representative/landlord;
- the representative/landlord is acting on their behalf; and,

- they consent to their information being disclosed and understand the purposes for which it will be used.

Rural communities

In situations where it is neither straightforward nor affordable for customers to keep revisiting advice offices in person for support, the claimant can make/arrange a three way call between themselves, a representative and the DWP to verify their ID and provide wider consent to discuss their claim. In this situation, the claimant and their representative do not have to physically be in the same building/room/office. We are also exploring other technologies that may assist claimants and their advisers in remote and rural areas, such as Skype for Business, which is being trialled in the Highlands of Scotland where claimants may be over 100 miles from their nearest office.

Long-term / Terminal illness – Appointee Process

Support workers in hospices can be given explicit consent as described above. However, depending on the nature of the illness, it is likely that appointee action will be required. The DWP visiting team will see the claimant and the proposed appointee within 10 days.

I hope this is helpful by way of explanation. I appreciate that for many advisers this will seem like a departure from a process which is working well. But I hope, as you see more of the new full service, with access, for the first time, to all of the information held by DWP on the claim, you will see the opportunities for enhancing the important service you provide. We are also, as you know, testing and learning as we develop the new service so as we get into this system of explicit consent please do share any feedback or suggestions for improvements.



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