

Consent and disclosure

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[See: consent and disclosure - at a glance](#)

Contents

[Background](#)

[Explicit consent](#)

[Who is a representative?](#)

[How long does explicit consent last for?](#)

[Disclosure](#)

[Information that should never be disclosed](#)

[Circumstances where consent to disclose is not required \(including elected representatives/MPs\)](#)

[Disclosure to social landlords](#)

[Disclosure to private landlords](#)

Background

Claimants have full access to information held on their account. If a representative asks the claimant for information about the claim, the claimant can locate and provide the information themselves.

If claimants feel unable to find the information or understand more complex issues, they may ask a representative to contact DWP on their behalf to obtain the information. This information can usually be provided if there is explicit consent. Certain information can never be released under any circumstances.

If a claimant is considered capable to identify the information on their own account or has an existing [appointee](#), they should be encouraged to use their online account.

Explicit consent

The claimant must provide explicit consent before information can be disclosed to a representative. Explicit consent can be provided by the claimant, using the most appropriate channel in their circumstances, whether that is through the journal, over the telephone or face to face.

For consent to be lawful the claimant must state:

- that they give consent for their personal information to be disclosed
- what information they want to be disclosed
- why the information is needed
- the name of the representative who they want to handle the issue on their behalf and the name of the third party organisation they belong to (where it applies)
- the relationship to the claimant where the representative is a family member or friend

There is no set or preferred wording to be used by claimants to express their consent as long as it covers the above criteria.

This information must be recorded in the claimant's journal and profile.

Who is a representative?

A representative is any person or organisation acting on behalf of or making enquiries for the claimant. This can be at any stage of the claimant's UCFS claim.

How long does explicit consent last for?

Explicit consent is not indefinite. Once provided by the claimant, it only lasts until either:

- the specific request for information is resolved or
- the end of the Assessment Period after the one in which the consent was given

The consent expiry date must be entered in the claimants profile every time.

If the query remains unresolved at the consent expiry date, the date should be reviewed and extended to the end of the next Assessment Period if necessary.

The claimant can withdraw their consent at any stage by either:

- making an entry on the journal
- face to face in a jobcentre
- by phone

Disclosure

Once explicit consent is provided by the claimant it must be disclosed using the most appropriate channel:

- through the journal
- inbound or outbound call with the representative

If responding by telephone, the representative must provide the following details to verify they are entitled to receive the information:

- the claimant's name
- claimant's address or date of birth
- what information is to be disclosed
- the purpose for which the information is to be disclosed
- the name of the representative and the name of the organisation they belong to (where it applies)

These details should match those provided by the claimant when they gave their explicit consent and noted on their account profile.

If there is any doubt as to the identity of the representative making the inbound call no information should be disclosed and the [Bogus Caller guidance](#) should be used.

Once information has been disclosed, the consent entry in the claimant's profile must be deleted. However it must remain in the claimant's journal.

Information that should never be disclosed

The following information relating to claimants or their partners must never be revealed to a representative -

- addresses
- dates of birth
- National Insurance numbers (NI Nos)
- bank details (sort code, account number, account holder name)
- telephone numbers
- names of household members
- names of employers or former employers

If a person claiming to be acting as a representative asks for this information, this should immediately raise suspicion about whether the caller is genuine.

[Back to contents](#)

Circumstances where consent to disclose is not required

- DWP does not need to rely on consent of the individual to disclose information where any of the following apply: Court Orders – where a court sends a court order to DWP to disclose information we do not need to obtain the claimant's consent to disclose
- Public interest – where it is in the best interests of the public, disclosure can be made without the claimant's consent, for example vulnerable people. These will usually come from the Police and/or Social Services
- Legal Gateways – there is legislation which permits the exchange of the claimant's personal information with an organisation if they are acting in a welfare capacity.
- MPs engaging with UCFS on their constituent's behalf – any correspondence, (letter, email or phone enquiries) relating to Universal Credit will be answered directly to the MP without the need for the claimant's consent. However, it is common practice for MPs to include explicit consent from the claimant when contacting the department in writing.

Local authorities cover a wide range of business. Some of the business includes working as a Welfare Rights representative and helping claimants with their claim. In these circumstances information can be shared relating to Personal Budgeting Support and Universal Support with local authorities when acting in a welfare capacity.

[Back to contents](#)

Disclosure to social landlords

The following information can be shared with social landlords without the need for explicit consent:

- Local Council Tax scheme
- Alternative Payment Arrangements (managed payments to landlords)
- Crime and disorder

Social landlords may receive the following information:

- the start date of the managed payment and/or third party deduction
- when to expect to receive the first payment of the managed payment and/or the third party deduction from DWP
- the amount of the next payment
- the maximum amount of the housing additional amount payable in the next payment of Universal Credit. The circumstances that led to the change will not be discussed

Disclosure to private landlords

Unlike social landlords there are no existing legal gateways to share a claimant's personal information with private landlords.

A private landlord can act as a representative for the claimant but will always need the claimants explicit consent to do so. This is the case even when the private landlord requests an Alternative Payment Arrangement.

[Back to contents](#)