

JEREMY KETLEY
COUNCIL TAX POLICY
LOCAL GOVERNMENT TAXATION DIVISION

DEPARTMENT OF THE ENVIRONMENT
TRANSPORT AND THE REGIONS

ZONE 5/J2
ELAND HOUSE
BRESSENDEN PLACE
LONDON
SW1E 5DU

DIRECT LINE: 0207 890 4206
DIVISIONAL ENQUIRES: 0207 890 4208
FAX: 0207 890 4209
GTN CODE: 3533 4206
email: jeremy_ketley@detr.gsi.gov.uk

OUR REF: CTIL 21

14 June 2000

COUNCIL TAX INFORMATION LETTER NO.21

Welcome to the 21st council tax information letter. This one covers:

Asylum seekers
Data Protection

Asylum seekers

Further to CTIL20, the new support arrangements for asylum seekers were introduced on 3 April 2000 for all new port applicants in England and Wales and for all applicants (whether port or in-country) in Scotland and Northern Ireland.

The scheme was also extended to in-country applicants in Kent on 17 April. From that date, the scheme also applied to those asylum seekers in Kent who had been in receipt of social security benefits, but who from that date received a negative decision and who were then ineligible for further benefits.

Other in-country applicants

It is expected that the new scheme will be extended to in-country applicants in England during the course of the year, but until then new in-country applicants will be covered by the interim arrangements - that is supported by local authority social services departments rather than by NASS.

In-country applicants who applied before 3 April 2000 will continue to be supported under the interim arrangements until either their application has been finally determined or a date is announced for the transfer of all old in-country cases to the new scheme.



Who to contact

When asylum seekers are dispersed by NASS under the new scheme a list of those dispersed and their dispersal addresses will be sent by NASS to the local authority regional consortia. If, having consulted the list held by the consortia, local authorities still have queries on whether or not an address is contracted to NASS, they should contact the NASS Support Section on 0208 633 0709 with details of the address and these can be checked against the NASS accommodation database.

I will keep you updated as the scheme is rolled out.

Implementation of the Data Protection Act 1998

The new Data Protection Act was implemented on 1 March this year. Following this I have sought to clarify the status of the council tax for the purpose of the exemption contained in section 29 of the 1998 Act. The exemption contained in section 29 relates to, among other matters, the collection or assessment of a tax, duty or imposition of a similar nature. The Office of the Data Protection Commissioner (ODPC) has advised that, in their view, the council tax would be construed as an imposition of a similar nature.

The implications for billing authorities are that other organisations such as the utilities are permitted to disclose personal data on a case by case basis to local authorities where not to do so would stand in the way of the collection of the tax. The exemption would also sanction the use of internal sources of data for council tax purposes. However, the exemption would not permit the disclosure of personal data held for council tax purposes on a reciprocal basis to outside organisations or to other departments within the local authority for non-council tax purposes.

The ODPC has also advised that non-domestic rates would be treated in the same way as council tax for the purpose of section 29 of the 1998 Data Protection Act.

JEREMY KETLEY