



WALES AUDIT OFFICE
SWYDDFA ARCHWILIO CYMRU



National Fraud Initiative

Auditor General for Wales Level 3

**Fair processing notice under the
Data Protection Act 1998**

Level 3: Full text

The Auditor General for Wales (the Auditor General) conducts data matching exercises to assist in the prevention and detection of fraud. This is one of the ways in which the Auditor General meets his responsibility of promoting economy, efficiency and effectiveness in the use of public money.

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.

The processing of data by the Auditor General in a data matching exercise is carried out with statutory authority under his powers in Part 3A of the Public Audit (Wales) Act 2004 . It does not require the consent of the individuals concerned under the Data Protection Act 1998.

All bodies participating in the Auditor General's data matching exercises receive a report of matches that they should investigate, so as to detect instances of fraud, over- or under-payments and other errors, to take remedial action and update their records accordingly.

Legal basis

From 2008 the Auditor General has conducted data matching exercises under his statutory powers in Part 3A of the Public Audit (Wales) Act 2004. Under these powers:

1. The Auditor General may carry out data matching exercises for the purpose of assisting in the prevention and detection of fraud, as part of an audit or otherwise;
2. The Commission may require local government and NHS bodies in Wales to provide data for data matching exercises;
3. Other bodies may participate in its data matching exercises on a voluntary basis where the Auditor General considers it appropriate. Where they do so, the statute states that there is no breach of confidentiality or, with certain exceptions, (see section 64C of the 2004 Act), any other restriction in providing the data to the Auditor General;
4. The requirements of the Data Protection Act 1998 continue to apply;

5. The Auditor General 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;
6. The auditor General may disclose both data provided for data matching and the results of data matching to the Audit Commission, the Comptroller and Auditor General for Northern Ireland, the Auditor General for Scotland, the Accounts Commission for Scotland and Audit Scotland, for the purposes of preventing and detecting fraud;
7. Wrongful disclosure of data obtained for the purposes of data matching by any person is a criminal offence;
8. The auditor General may charge a fee to any body participating in a data matching exercise and must set a scale of fees for bodies required to participate;
9. The Auditor General must prepare a Code of Practice following consultation with bodies required to participate (local government and NHS), the Information Commissioner and other bodies that the Auditor General thinks fit. He must also lay a copy of the Code and any alterations made to it before the National Assembly, and publish the Code. All bodies conducting or participating in his data matching exercises must have regard to the Code, including the Auditor General himself.
10. The Auditor General may publish a summary report.

Bodies required to provide or which volunteer data for matching

Currently, the Auditor General requires the following bodies to provide data:

- Unitary authorities.
- Police Authorities.
- Police and Crime Commissioners.
- Fire and rescue authorities.
- Pension authorities.
- NHS bodies.

Other organisations may provide data to the Auditor General for matching on a voluntary basis.

The data that is matched

For information describing which datasets are matched by the Auditor General please refer to the guidance available on this website.

Code of data matching practice

Data matching by the Auditor General is subject to a Code of Practice

http://www.wao.gov.uk/sites/default/files/download_documents/The_Auditor_General's_Code_of_Data_Matching_English.pdf.

Further information

More details on the Auditor General's data matching exercises, including national reports, other publications and guidance, may be found using the links in the navigation pane on the left.

Alternatively you can write to:

Wales Audit Office
24 Cathedral Road
Cardiff
CF11 9LJ

Email: nfi@wao.gov.uk