Aberdeenshire COUNCIL

From mountain to sea

Privacy Notice

Trading Standards – Business as Usual

The Data Controller of the information being collected is Aberdeenshire Council.

The Data Protection Officer can be contacted at Town House, 34 Low Street, Banff, AB45 1AY.

Email: dataprotection@aberdeenshire.gov.uk

Your information is being collected to use for one or more of the following purposes:

- Purpose 1 (P1) – Test purchases: Regulatory, licensing, and law enforcement activities including prosecution of offenders and crime prevention.
- Purpose 2 (P2) – Consumer advice: To protect residents against fraud and financial harm
- Purpose 3 (P3) – Fireworks dispensation: To process applications for a dispensation from the prohibition on the use of fireworks during night hours.
- Purpose 4 (P4) – In relation to Animal Feed registration: licensing and law enforcement activities including prosecution of offenders, crime prevention, research education and public awareness campaigns
- Purpose 5 (P5) – In relation to Petroleum Storage: assessment of applications for petroleum storage certificate (PSC), application to change a PSC, application to renew a PSC, regulatory, licensing and law enforcement, including prosecution of offenders related to storage or petroleum.

Your information is:

Being collected by Aberdeenshire Council

The Legal Basis for collecting the information is:

Personal Data		**Special categories of personal data**	
Consent		The data subject has given explicit ***consent*** to the processing	
Performance of a Contract		Processing is necessary for the purposes of carrying out the obligations of the controller or of the	

		data subject in the field of ***employment, and social security and social protection law***	
Legal Obligations	(P3); (P4); (P5)	Processing is necessary for compliance with a legal obligation to which the controller is subject	
Vital Interests		Processing is necessary to protect the ***vital interests*** of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent	
Task carried out in the Public Interest	(P1); (P2) (P3); (P5)	processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller	
Legitimate Interests[1]		Processing is necessary for reasons of ***substantial public interest***	
		Processing is necessary for legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with its connections with its purposes and that the personal data are not disclosed outside that body without the consent of the individuals	
		Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of ***health or social care*** or treatment, or the management of health or social care systems	

[1] Please see the Privacy Notice Guidance for details of limited use of this ground for processing personal data

		Processing is necessary for reasons of public interest in the area of ***public health***	
		Processing is necessary for archiving purposes in the ***public interest***, scientific or historical research purposes or statistical purposes	

Where the Legal Basis for processing is either Performance of a Contract or Legal Obligation, please note the following consequences of failure to provide the information:

(P3) – Dispensation is required under Regulation 4 of the Fireworks (Scotland) Regulations 2004. If the required information is not provided Trading Standards may not be able to grant the required dispensation. In such cases, if the firework display is held, the individual or business could be prosecuted for breach of regulations.

(P4) – An incomplete application form may result in this service being unable to register your feed business, resulting in a potential breach of legislation.

(P5) – Trading Standards may not be able to determine compliance with relevant legislation and issue the appropriate licence, certificate, or approval. The business and/or activity may not comply with relevant legislation. Persons acting in the course of their trade or business are under an obligation to provide assistance and information when officers are exercising a power for which they are duly authorised. An offence is committed is this requirement is breached. This does not require a person to answer any question or give any information which may incriminate them.

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Your information will be shared with the following recipients or categories of recipient:

(P1) – Local Authorities, other law enforcement agencies such as Police and HMRC, Crown office and Procurator Fiscal service, Trading Standards Scotland.

(P2) – Local Authorities, other law enforcement agencies such as Police and HMRC, Crown office and Procurator Fiscal service, Trading Standards Scotland.

(P3) – Other law enforcement and health based agencies such as Scottish Environment Protection Agency, Health and Safety Executive, Police Scotland, Government and Scottish Government departments, also any other relevant body of agency that may be of assistance.

(P4) – Name and address of the Feed Business and the activity undertaken will be published on the Aberdeenshire Council website. The information may also be shared with Local Authorities, other law enforcement agencies such as Police and HMRC, Crown office and Procurator Fiscal service, Trading Standards Scotland, Food Standards Scotland, Central Government departments, Chartered Institute of Trading Standards.

(P5) – Other law enforcement and health based agencies such as Food standards Scotland, Scottish Environment Protection Agency, Health and Safety Executive, NHS Grampian, Police Scotland, Other Local Authorities, Animal and Plant Health Agency, SSPCA, Government and Scottish Government Departments, also any other relevant body of agency that may be of assistance.

Your information will be transferred to or stored in the following countries and the following safeguards are in place:

Not applicable

The retention period for the data is:

(P1) – 1 Month from last test purchase exercise, or 6 Years if sale takes place and may be required as evidence. *(P2) – 6 Years from closed date.* *(P3) – 6 Years from when licence is surrendered or revoked.* *(P4) – 6 Years from date premises closed or ceased trading.* *(P5) – 6 Year from when licence is surrendered or revoked.*

The following automated decision-making, including profiling, will be undertaken:

Not applicable.

Please note that you have the following rights:

- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- to object, where the legal basis specified above is:
  - (i) Performance of a Public Task; or
  - (ii) Legitimate Interests.
- to request rectification or erasure of your personal data, as so far as the legislation permits.