Aberdeenshire COUNCIL

From mountain to sea

Privacy Notice

Environmental Health – 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 relating to services which are provided or undertaken by the Environmental Health Service (EHS):

- Purpose 1 (P1) – **Business inspections, and investigations**:

  In respect of commercial premises, and activities, and publicly based activities. Your information is being collected for the purposes of Regulatory licensing and law enforcement activity including prosecution of offenders, to enable the Environmental Health Service (EHS) to determine that you and your premises and activities comply with relevant legislation enforced by the Environmental Health Service. To allow the EHS to liaise and discuss your business/activities with relevant agencies, to ensure compliance with relevant legislation. Your information may also be used for research, education, and promoting awareness of environmental health issues.

- Purpose 2 (P2) –**Existing Food business establishments**:

  Please note Aberdeenshire Council and Food Standards Scotland are Join Data Controllers of the personal information you have provided to us when you registered your business with your Local Authority. The information we collect about you includes name, postal address, email address, and telephone number. For the Food Standards Scotland's please contact the Data Protection Officer at: dataprotection@fss.scot. Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with Food Law, requires that Aberdeenshire Council and FSS coordinate effectively in the field of environmental and health protection, carrying out their activities with a high level of transparency, making relevant information available to the public as soon as possible. • Each Local Authority is required to maintain an up to date list of registered Food Business Establishments in its area and divulge this information for the purposes of ensuring public health and the effective enforcement of Food Law. • The Food (Scotland) Act 2015, enables FSS to set performance standards, report on enforcement action by others and require relevant information from Aberdeenshire Council. • The Official Feed and Food Controls (Scotland) Regulations 2009, allows the exchange and

provision of information by FSS and Aberdeenshire Council for the execution and enforcement of relevant Food Law, and makes provision for Aberdeenshire Council to provide FSS with Food Business information. • Aberdeenshire Council and FSS are required to fulfil the statutory obligations required by Article 44 of Regulation (EC) No 882/2004, which places a requirement on Local Authorities and FSS to provide the information specified in that Article and to report to the European Commission. • FSS maintains a national database that can be accessed by both Food Standards Scotland and the Local Authority to which the information pertains. The reporting toolset allows information to be strategically analysed, allowing both organisations to adhere to the principles of the Scottish Regulators' Strategic Code of Practice. • We will only collect the data that we need as required by the above regulations and legislations, and not collect any personal information from you that we do not need.

- Purpose 3 (P3) – **House in Multiple Occupation (HMO) License**:

  Your data is collected in relation to the processing of your application for an HMO license, the determination of your application, the issue of any HMO license granted, inclusion on the Register of HMO Licenses available for public inspection, ensuring compliance with the terms of your HMO license, the processing of any complaints made in respect of your HMO license, and the determination of any complaints made in respect of your HMO license.

- Purpose 4 (P4) – **Assessment of any other licensing applications:**

  Where the EHS has a legal obligation to process your personal information for regulatory, licensing, and law enforcement purposes, including the prosecution of offenders. Your information may also be used for research, education, and promoting the services provided by the EHS.

- Purpose 5 (P5) – **Processing of service requests**:

  Your personal information is being processed to allow for comprehensive investigation in relation to your service request, regulatory licensing and law enforcement, including prosecution of offenders, to enable appropriate action to be taken to deal with your service request (including informal and formal enforcement), to allow where appropriate the Environment Health Service (EHS) to forward your details to, and to liaise with, other relevant agencies to your service request. Your information may also be used for research, education, and promoting awareness of environmental health issues.

- Purpose 6 (P6) **– Water supply investigations**:

  Your personal data is being collected to allow a comprehensive investigation of your supply, to enable appropriate public health action to be taken, to support any required regulatory enforcement, to allow where appropriate EHS to forward your details to, and liaise with, relevant agencies in relation to your service request/investigation. Your information may also be used for research, education, and promoting awareness of environmental health issues.

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	(P1) (P2) (P3); (P4); (P5) (P6)	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); (P4); (P5) (P6)	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	

Aberdeenshire COUNCIL

From mountain to sea

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:

(P1) The EHS may not be able to determine compliance with relevant legislation. The business and or activities may not comply with said 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 if this requirement is breached. This does not require a person to answer any question or give information which may incriminate them.

(P2) The information is required to ensure the verification of compliance with Food Law.

(P3) If you fail to provide the information required on the attached application form, Aberdeenshire Council may not be in a position to accept the HMO license application as a competent application. This means that your application cannot be processed and will be returned to you.

(P4) The Environmental Health Service may not be able to determine compliance with relevant legislation and issue the appropriate licence, certificate or approval. The business and/or activities 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 if this requirement is breached. This does not require a person to answer any question or give information which may incriminate them.

(P5) The complaint/service request will not be able to be processed. The Environmental Health Service may not be able to determine compliance with relevant legislation.

(P6) Investigations, including risk assessments and sampling will not be able to be carried out.

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

(P1);(P4);(P5);(P6) – 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.

(P2) – The information may be shared with other Regulators in line with the principles of the Scottish Regulators Strategic Code of Practice for compliance and risk mitigation purposes. This is limited to circumstances where the law allows such sharing of information by regulators with common interests or activities and will not include personal information.

(P3) – The information may be shared with Police Scotland, Environmental Health, Planning Services, Some information will also be shared with the Public via the Register of HMO Licences, Scottish Fire & Rescue Service, Civic Licensing Standards Officers, HMO Enforcement Officer, Housing Service in relation to Landlord Registration.

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

(P2) - Aberdeenshire Council and FSS have put in place appropriate and adequate technical and organisational measures to protect your personal information. Aberdeenshire Council's and FSS data is located within the European Union, on cloud based services procured through the government framework agreements, and assessed against the national cyber security centre cloud security principles. We want to assure you that no third parties have access to your personal information unless the Law allows them to do so.

The retention period for the data is:

(P1) – 3 Years from the date of last action.

(P2) – 6 Years
(P3) – 5 years from the date of refusal and thereafter destroyed.
(P4) – 6 Years from date the license is surrendered or revoked.
(P5) – 3 Years from date of last action.

(P6) – 15 Years from date of closure.

Note in the case of legal or enforcement actions, retention periods may be extended.

All submissions may be subject to requests submitted under Freedom of Information Scotland Act or the Environmental Information Regulations Act.

(P2) Food Standards Scotland collects food business information from Aberdeenshire Council on a regular basis for the purposes of Food Law Enforcement. The information will be retained by FSS for 6 years, also for Freedom of Information purposes.

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.