Privacy Notice: Upholding Access Rights

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 the following purposes:

- To investigate outdoor access breaches to uphold access rights, facilitate access and to take formal action where a satisfactory outcome cannot be achieved by negotiation in accordance with the Land Reform (Scotland) Act 2003 and Countryside (Scotland) Act 1967.

Your information is:

Being collected by Aberdeenshire Council	X
Has been provided to Aberdeenshire Council by a member of the public.	X

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	X	[redacted]	
Vital Interests		Processing relates to personal data which are made ***public*** by the data subject	

Task carried out in the Public Interest		Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity	
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	
		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	

Please tick all that apply

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:

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

The Council would be unable to carry out its statutory duties to enforce and to uphold access rights, to take formal action where a satisfactory outcome cannot be achieved by negotiation under Land Reform (Scotland) Act 2003 and as well as having a duty under Section 46 of the Countryside Act 1967 to protect and keep open and free from obstruction any public right of way.

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

Information provided to the Outdoor Access Officers by members of the public will normally be kept confidential. However, whilst the Council will do its best to honour requests for confidentiality, such requests may limit the ability of the authority to take formal action and cannot be guaranteed if the case leads to court proceedings.

Landowners can appeal against the serving of a Section 14 Notice through an appeal to the appropriate Sheriff Court.

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:

Where legal action is undertaken in relation to the case, it will be kept permanently.

Where no legal action is undertaken, it will be destroyed after 5 years from the last action on the case.

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

Not applicable

Please note that you have the following rights:

- to withdraw consent at any time, where the Legal Basis specified above is Consent;
- 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 data portability, where the legal basis specified above is:

  (i) Consent; or

  (ii) Performance of a Contract;

- to request rectification or erasure of your personal data, as so far as the legislation permits.