PRIVACY NOTICE

Short-term Lets Licensing Scheme

Who we are

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, moray.gov.uk 01343 543451, is a Local Authority established under the Local Government etc. (Scotland) Act 1994. We are the Data Controller of the information being collected.

Why we are collecting your personal data

Under the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 ("the 2022 Order"), the Council is required to establish a short-term lets licensing scheme. The Council will collect personal information from you when you complete an application form to apply for a short-term lets licence. This information is required in order for the Council to carry out its statutory functions in relation to licensing and assess your suitability for a licence. The information you provide will also be used to verify your identity where required and to contact you about your application.

The form will ask for personal information including: your name; postal address; contact telephone/mobile number(s); email address; age; date and place of birth and landlord registration information.

The form will also ask you to provide details about the management and ownership of the premises, other short-term let licences held, and whether you or any other person(s) named in the application have been convicted of a crime or offence.

Personal data we collect from other sources

We may also receive personal information about you from statutory consultees during the consultation process, these are Police Scotland, the Scottish Fire and Rescue Service as well as the Council's Environmental Health, Planning and Building Standards Services.

Our legal basis

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand the Council's basis in data protection law to be Article 6(1)(c) of the United Kingdom General Data Protection Regulation (UK GDPR) as the processing is necessary for compliance with a legal obligation; and Article 6(1)(e), because your personal information is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council. The Council is legally required to implement a short-term lets licence scheme under the 2022 Order.

If you do not provide the information requested, the Council will not be able to provide this licensing service to you. Personal information will not be collected from you that is not required for this purpose.

In carrying out this function the Council is also likely to process special categories of personal data. Personal data that counts as 'special category data', such as health, ethnicity and religion, must satisfy extra conditions when processed. We understand that our legal basis in data protection law for processing this special category data to be Article 9(2)(g) of the UK GDPR, processing is necessary for reasons of substantial public interest; on the basis of law, supported by Schedule 1, Part 2, Paragraph 6 of the Data Protection Act 2018 – statutory etc and government purposes, as set out in the 2022 Order.

As part of the application, personal information about criminal convictions or offences will also be processed. This information is processed by the Council on the basis of, and under the control of, the official authority set out in the 2022 Order.

Who we share this personal data with

Your personal data may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are accurate and up to date. It may also be shared with other relevant Council Services where applicable.

The Council may also share your personal data with other relevant Council Services and third parties, where we are under a legal obligation to do so. For example, this may be with Police, Social Security Scotland, UK Border Agency or other Registered Professional Bodies.

The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council Services and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

The Council has a statutory requirement under Schedule 2, Part 2, Paragraph 13 of the 2022 Order to enter your personal information on a public register of applications for short-term let licences. This register is publicly accessible. The Council must publish this register online. To support a national register of licences, the Council may also provide the register to other public bodies. The Council will share the contents of the register with Scottish Ministers on a quarterly basis.

Data will be shared with the Scottish Government for statistical and research purposes, which may involve some additional data linkage for analysis purposes where appropriate.

Under the Civic Government (Scotland) Act 1982 the Council must share the information you provide in your application form with statutory consultees. These are: Police Scotland, the Scottish Fire and Rescue Service as well as the Council's Environmental Health, Planning and Building Standards Services.

Personal data you give us about other people

If you provide information about other people on the application form, please make sure that you inform them that you have given their information to Moray Council. We will only use this information to process the licence application.

If they would like further information on how the Council will use their personal information, they can visit our website at: http://www.moray.gov.uk/moray_standard/page_119859.html or email the Council's Data Protection Officer at: IG@moray.gov.uk

How long the personal data is held for

Your personal data will be securely stored by Moray Council for a pre-determined length of time. Information is only kept for the minimum amount of time necessary. We maintain a record retention schedule which sets out how long we retain different types of personal data. This is available on our website: www.moray.gov.uk/RetentionSchedules

The Council stores information within the UK.

Your rights

Moray Council is the Data Controller for this personal data. You have legal rights about the way the Council handles and uses your personal data. These include the right to ask for a copy of it, to ask us to correct it and to ask us to stop doing something with your personal data.

As so far as the legislation permits, you also have the right to request the deletion of your data, and to object to the processing.

For more information about these rights, please see the Information Management pages on the Council's website here: www.moray.gov.uk/InformationRights. Alternatively, email the Council's Data Protection Officer at: IG@moray.gov.uk

If you have a concern about the way the Council has handled your personal data, you can make a complaint to the Council's Data Protection Officer in the first instance; an e-form is available on the Council's website here: www.moray.gov.uk/Complaints

You also have the right to make a complaint to the Information Commissioner's Office. They are the body responsible for making sure organisations like the Council handle your personal data lawfully.

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Telephone: 0303 123 1113 Website: https://ico.org.uk/
Online: https://ico.org.uk/make-a-complaint/data-protection-complaints/