PRIVACY NOTICE

Legal Services - Licences, Permits and Permissions

Who we are

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, www.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 personal data being collected. The Council's Licensing privacy notices are available here: www.moray.gov.uk/PrivacyNotices

Why we are collecting your personal data

Moray Council has statutory functions in relation to licensed activities, including, but not limited to under the Civic Government (Scotland) Act 1982.

Applicants

When you apply for a licence, permit or permission, personal data is collected, including your:

- Name, contact details (address, phone number, email address), date of birth, age, and criminal record history.
- Depending on the licence applied for, we may also need to collect additional information such as a photograph of you the applicant and your medical information.

The full name of the applicant/licence holder, trading address and licence details for successful, in progress and refused licence applications are included on the Licensing Register, which is available for public inspection and comment via the Council's website: www.moray.gov.uk/moray_standard/page_55066.html

Objections, Representations and Complaints

When you make an objection to, representation on or complaint about a licensing application being considered by, or granted by the Council as the Licensing Authority, under licensing legislation, your name, address, and the reasons for your grounds of objection, representation or complaint will be collected and shared.

Under the licensing legislation and other rules, a copy of your letter(s) of objection, representation or complaint must be issued to the applicant/licence holder. This enables them to have fair notice of the issues raised and who they are being raised by, so that they can make submissions to the Council in response, should they wish. Those who have submitted an objection, representation or complaint, and, the applicant will be contacted so that they can be given the opportunity to be heard at a meeting of the Licensing Committee before the application is determined, or a decision is taken in respect of the complaint submitted.

The personal data collected is required:

- To enable the Council to carry out its statutory functions in relation to licensing (including processing licensing applications and making necessary checks for issuing licences to assess an applicant's suitability for a licence).
- To verify an applicant's identity where required, maintain our records and to contact applicants about their application.

Personal data we collect from other sources

We will also collect information about you from our statutory consultees under licensing legislation, such as Police Scotland, other consultees may be the Scottish Fire and Rescue Service, the NHS, and, the Home Office. Personal data may also be collected from other Council Services. Information about you may also be collected from the public via an objection, representation or complaint made about your application or granted licence: http://www.moray.gov.uk/moray_standard/page_55066.html

Personal data you give us about other people

If you have provided, or have been asked to provide, someone else's personal data for a specific purpose, for example names of referees, business partners or office bearers, please inform you have given their personal data to us for this purpose.

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)(e) of the United Kingdom General Data Protection Regulation (UK GDPR) because your personal data is necessary for the performance of a task carried out in the public interest by the Council, and, Article 6(1)(c), as the processing is necessary for the Council to comply with its legal obligations under legislation including:

- Civic Government (Scotland) Act 1982
- Animal Health and Welfare (Scotland) Act 2006
- Animal Boarding Establishments Act 1963
- Dangerous Wild Animals Act 1976
- Riding Establishment Act 1964
- Performing Animals Act 1925
- Zoo Licensing Act 1981
- Housing (Scotland) Act 2006
- Caravan Sites Act 1968
- The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022
- Antisocial Behaviour (Scotland) Act 2004
- Petroleum (Consolidation) Regulations 2014

- Weights and Measures Act 1985
- Roads (Scotland) Act 1984

Personal data that counts as 'special category data', such as health information and personal data relating to criminal convictions or offences must satisfy extra conditions when processed. We understand our legal basis in data protection law for processing these types of data to be Article 9(2)(g) of the UK GDPR and Schedule 1, Part 2, Paragraph 6 of the Data Protection Act 2018 (DPA 2018), and, Article 10 of the UK GDPR, together with Schedule 1, Part 2, Paragraph 6 of the DPA 2018; as the processing is necessary for reasons of substantial public interest for statutory and government purposes (for the exercise of functions conferred under the above legislation).

Who we share this personal data with

Your licence application will be shared in full with the Council's statutory consultees including Police Scotland. Depending on the licence type, these may also include, the Scottish Fire and Rescue Service, the NHS and Home Office.

Your name, licence applied for and licence status are publicly available via the Council's Licensing Register (http://www.moray.gov.uk/moray_standard/page_55066.html).

Should your licence application be submitted to the Licensing Committee, the meeting will be held in public and will be webcast i.e. broadcast live on the internet. Meeting recordings and minutes are available on the Council's website for a set period of time: https://moray.public-i.tv/core/portal/webcasts.

When you make an objection, representation or complaint regarding a licensing application or granted licence, the details you have provided will be shared with Councillors who sit on the Licensing Committee. This enables them to identify whether they have any declarable interest that would preclude their taking part in determining the application or complaint under the Councillor's Code of Conduct.

Depending on the licence applied for, we may also require to share applicant data externally with third parties such as veterinary practices (for animal licence applications), and internally with other Council services, such as Planning and Building Standards, and Environmental Health.

For short-term lets licences, 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.

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, HMRC, Department of Work and Pensions, UK Border Agency or 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.

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 that 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/