PRIVACY NOTICE

Environmental Health

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 personal data being collected.

Why we are collecting your personal data

Moray Council's Environmental Health section carries out a range of regulatory functions; in doing so, information about individuals and businesses is collected. The remit is wide; including noise nuisance, public health, communicable disease, housing standards, environmental protection, contaminated land, air quality, water quality, food safety, animal welfare, workplace health and safety, stray dogs, out of control dogs, dog fouling, fly tipping, smoking, and, littering. The Environmental Health section also enforce legislation in areas including food safety, workplace safety, private sector housing and environmental crime. Due to the diversity of Environmental Health, the personal data processed varies. The personal data collected will vary according to the process being undertaken.

Your personal data may be collected for the following purposes:

- in order to provide you with relevant information, services and support
- for the purposes of performing any of our statutory enforcement duties
- to contact you about a complaint, service request or application you have made to us
- to maintain any registers that the law requires us to keep
- for the collection of any fees due to the Council.

The personal data we may collect includes:

- your name and contact details (address, phone number and/or email address)
- information, potentially including images and audio, regarding your request/concern/the accident/incident
- your age and health information (for example health conditions and your health records/medical reports when undertaking Accident and Incident Reporting & Investigation (including RIDDOR).

When investigating communicable disease, we may also collect data relating to:

- Food consumption history
- Travel history
- Medical/health data

Additional privacy notices are provided for specific Environmental Health sections, such as for Private Landlord Registration, Private Water Supplies and Food Business Registration. These are available here: www.moray.gov.uk/PrivacyNotices

Personal data we collect from other sources

We may receive information about you from a third party, such as in the following instances:

Animal Health and Welfare Investigations

Data may be received from other agencies and organisations in relation to animal health and welfare enforcement, such as inspections and complaint investigations. These include:

- other Council Services, other Local Authorities, the Animal and Plant Health Agency (APHA), Scottish Government (such as via animal movement databases and the Rural Payments and Inspections Division (SGRPID)), Police Scotland and Food Standards Scotland.
- a veterinary surgeon, our contract kennels, or, the Scottish Society for Prevention of Cruelty to Animals (SSPCA), or, ScotEID (via an animal microchip or livestock ear tag reading).
- Scottish Environmental Protection Agency (SEPA), for example when investigating an instance of pollution control.

For investigations, the personal data that will be collected is likely to include:

- names; dates of birth; addresses; phone numbers; email addresses; County Parish Holding numbers (CPH); health information; criminal offence information; livestock ownership records, bank account information, and information from previous investigations.

Workplace health and safety (including RIDDOR)

- Via a referral from the Health and Safety Executive (HSE). Local Authorities and the HSE have a duty under the Health and Safety at Work etc. Act 1974 to enter arrangements with each other to exchange information.
- When a submitted RIDDOR form has been completed by a third party on your behalf.

Public Registers

The law requires us to make some Environmental Health information publicly available via public registers and notices. These are available on the Council website here: http://www.moray.gov.uk/moray_standard/page_86203.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 as an emergency contact, if reasonable to do so then please make sure that you have told them 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 legal bases in data protection law for processing your personal data within the Environmental Health Service to be United Kingdom General Data Protection Regulation (UK GDPR) Article 6(1)(c); as the processing is necessary for the Council to comply with its legal obligations and Article 6(1)(e); as your personal data 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 has a range of obligations and powers under the following legislation, and related legislation applying to Environmental Health in Scotland (this list is not exhaustive):

- Animal Health Act 1981
- Animal Health and Welfare (Scotland) Act 2006
- Antisocial Behaviour etc. (Scotland) Act 2004
- Burial and Cremation (Scotland) Act 2016
- Caravan Sites Act 1968
- Caravan Sites and Control of Development Act 1960
- Civic Government (Scotland) Act 1982
- Clean Air Act 1993
- Climate Change (Scotland) Act 2009
- Contaminated Land (Scotland) Regulations 2000
- Control of Dogs (Scotland) Act 2010
- Control of Pollution Act 1974
- Dog Fouling (Scotland) Act 2003
- Environment Act 1995
- Environmental Protection Act 1990
- Food and Environment Protection Act 1985
- Food Safety Act 1990
- Health and Safety at Work Etc. Act 1974
- Housing (Scotland) Act 1987
- Housing (Scotland) Act 2006
- Prevention of Damage by Pests Act 1949
- Public Health etc. (Scotland) Act 2008
- Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016

- Smoking, Health and Social Care (Scotland) Act 2005
- The Food Hygiene (Scotland) Regulations 2006, as amended
- The Microchipping of Dogs (Scotland) Regulations 2016
- The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
- The Scotch Whisky Regulations 2009
- The Spirit Drinks Regulations 2008
- Water (Scotland) Act 1980
- Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017
- Water Services etc. (Scotland) Act 2005

For some activities, we also need to process personal data that counts as 'special category data', such as data about health, and, personal data relating to criminal convictions or offences. We understand our legal bases 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), and, Article 10 of the UK GDPR, together with Schedule 1, Part 2, Paragraph 6 of the DPA; as the processing is necessary for reasons of substantial public interest for statutory and government purposes. The processing is necessary for the exercise of functions conferred under the above legislation.

Who we share this personal data with

The Environmental Health section does not operate in isolation; it works alongside many other services and agencies. As such, personal data may be shared with other organisations including:

- Animal and Plant Health Agency
- Care Inspectorate
- Department for Environment, Food and Rural Affairs
- Drinking Water Quality Regulator
- Food Standards Scotland
- Health Protection Scotland
- Health and Safety Executive
- National Health Service
- Other Local Authorities
- Persons authorised by Moray Council to act on our behalf in carrying out the requirements of the above legislation such as contractors
- Police Scotland
- Registered Social Landlords

- ScotEID
- Scottish Environmental Protection Agency
- Scottish Fire and Rescue Service
- Scottish Government Rural Payments and Inspections Division
- Scottish Society for Prevention of Cruelty to Animals
- UK and Scottish Governments, including the Home Office
- Valuation Joint Board
- Veterinary surgeons or practitioners authorised by Moray Council to inspect licensed premises, and the animals kept there.

Your personal data will only be shared with these organisations where it is appropriate and legal to do so.

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, such as Planning, Housing, Council Tax, and, Licensing.

The Council may share this 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, 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.

As an enforcing authority we may also share your information with other organisations when necessary for the prevention or detection of crime. For example, Police Scotland, the Crown Office and Procurator Fiscal Service (COPFS) and other enforcing authorities.

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 (under Section 5 of the Records Management Plan).

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/