PRIVACY NOTICE

Food Business Registration

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.

Food Standards Scotland (FSS) are Data Controllers for the personal data we share with them in fulfilment of the Council's statutory duties as a Food Authority. Occasionally the Council and FSS may also act as joint Data Controllers, for example in relation to joint compliance working, incidents management, and, food fraud and food crime.

Why we are collecting your personal data

Under Regulation (EC) No 852/2004 on the Hygiene of Foodstuffs, the Council must maintain an up to date list of registered food business establishments in Moray for the purposes of food legislation enforcement. All food businesses in Moray are legally required to register with the Council. When you complete an application form to register as a food business establishment in Moray, the Council will collect personal data from you, including: your name, address, telephone number and email address. The data you provide will be used for food business registration, food business inspections and to enforce food legislation in Moray.

Please note – the information you provide on the form, including the address of the business and the full name of the Food Business Operator will be publicly available on the Moray Council Food Premises Register. This Register is available on the Moray Council website:
www.moray.gov.uk/moray_standard/page_86203.html
Please let us know, via the registration application form, if the Food Business is registered at your private home address. We will then record that the address of your Food Business is a private address and it will not be published on the publicly available Council Register.

Personal data we collect from other sources

We will receive your personal data from the Government, if you have applied for Registration of a Food Business Establishment within Moray via the Government website (https://www.gov.uk/food-business-registration/moray/apply). We may also receive personal data about you from other agencies and organisations, for example if there is an ongoing investigation data may be shared from other Local Authorities or the Home Office.

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 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, and, Article 6(1)(c), as the processing is necessary for the Council to comply with its legal obligations, including under the following legislation:

- Food Safety Act 1990
- Regulation (EC) No 852/2004 on the Hygiene of Foodstuffs
- Regulation (EC) No 853/2004 on Specific rules for foods of animal origin
- The Food Hygiene (Scotland) Regulations 2006, as amended.

Who we share this personal data with

Your personal data will routinely be shared with Food Standards Scotland, who manage the Scottish National Database of food businesses, and, the Food Hygiene Information Scheme website.

Your information may also be shared with other organisations, including Local Authorities, the Government, including the Home Office, HM Revenue & Customs (HMRC), Police Scotland, the Scottish Fire and Rescue Service and the NHS.

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 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, 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.

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/