PRIVACY NOTICE

National Entitlement Card

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.

Someone who makes decisions about why and how data is processed is called a Data Controller. We are the Data Controller of the personal data being collected. Scottish Councils are Joint Data Controllers for the NEC Scheme because we work together for this Scheme.

Why we are collecting your personal data

The National Entitlement Card (NEC) is Scotland's National Smartcard, offering access to many public services across the country. Moray Council uses the data you provide to administer your NEC application; staff within Libraries, Education and Customer Services can assist you with your application. Applications for children and young people attending a Moray primary or secondary school can be processed by their school office.

Personal data will also be collected when the Council assists you with applications related to renewals, replacements, change of address, 60+ and under 22 free bus travel, and all disability related applications that provide free travel entitlement.

There are different types of NEC:

- NEC for anyone aged 60 and over:
  - This can be used to access free or subsidised bus travel in Scotland; see www.transport.gov.scot for more information.
- NEC for eligible disabled people:
  - This can be used to access free or subsidised bus travel in Scotland; see www.transport.gov.scot for more information.
- NEC for young people aged 5 to 25:
  - this can be used by those aged 5 to 21 to access free bus travel in Scotland; see www.freebus.scot for more information.
  - It can also be used by those aged 11 to 25 to claim local, national and international discounts, and to access quality youth information. The card is also a proof of age card. Visit www.youngscot.org for more details.
  - In secondary schools, the card can be used to pay for school meals and snacks electronically.

The personal data collected for a NEC includes the applicant's name, address, date of birth/proof of age, email address, gender, condition of entitlement and a photograph.

For NEC for eligible disabled people, proof of eligibility will be collected. Health information may be collected when renewing applications that are registered with North East Sensory Services (NESS). If you are allowed to have a companion to travel with you for health reasons, this will be shown on the card. If you are visually impaired, this will also be shown on the card. This helps transport operators assist you and gives access to other travel concessions.

This data will be stored on the NEC system and by the National Entitlement Card Programme Office (NECPO). For more information, please see the NEC website (www.nec.scot) and the NEC Privacy Notice for Cardholders and Applicants available here: www.nec.scot/privacy-policy

What else your personal data will be used for

Moray Council has a duty to protect public funds we administer and may use information held about you for all lawful purposes, including the prevention and detection of fraud, and protecting public funds in investigating misuse of public money.

NECPO and Moray Council are also responsible for carrying out data matching exercises. This involves comparing computer records held by one body against other computer records held by the same or another body to see how far they match. This is usually personal data.

When a match is found it indicates there may be an inconsistency that requires further investigation. No assumption can be made as to whether there is fraud, error or other explanation until an investigation is carried out. The exercise can also help bodies to ensure that their records are up to date.

Personal data we collect from other sources

Personal data is not collected from other sources, but it may be verified from other sources. When applying for an NEC for a child or young person, the application details will be verified against existing personal data held by their Moray school. This application would be submitted by a parent/carer.

The Social Security Scotland databases may be used to verify eligibility for the NEC for eligible disabled people.

Personal data you give us about other people

When you apply for an NEC and choose to register for the Young Scot Logo and the Proof of Age Standards Scheme (PASS) Hologram, verification by a referee will be needed. If you have provided, or have been asked to provide, someone else's personal data for a specific purpose, for example as a referee, 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 basis in data protection law for the collection, use and sharing of personal data for NEC administration in order to process applications and facilitate renewals, replacement cards or changes of applicant address 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 under section 20 of the Local Government in Scotland Act 2003.

We understand our legal basis for sharing information from data matching exercises to support possible investigations in order to prevent and detect fraud, and to safeguard public funds, to also be UK GDPR Article 6(1)(e); under section 1 of the Local Government in Scotland 2003.

Special category data in the form of an applicant's health data may be processed, for example when assisting applicants eligible for concessionary travel on the grounds of their health. 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, 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 National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Order 2006
- The National Bus Travel Concession Scheme for Older and Disabled Persons (Eligible Persons and Eligible Services) (Scotland) Order 2006), and,
- the Young Persons' (Under 22s) Free Bus Travel Scheme.

Who we share this personal data with

NEC data will be stored on the NEC system. Getyournec.scot is run by the Improvement Service (IS), which is the national improvement organisation for local government in Scotland. The data is also shared with the National Entitlement Card Programme Office (NECPO), they will print and issue all cards.

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 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.

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/