PRIVACY NOTICE

Open Spaces - Burials Service

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 Open Spaces team provide a range of services relating to cemetery management and maintenance, including the Burials Service. Under the Burial and Cremation (Scotland) Act 2016, Moray Council is the burial and cremation authority for burials in the Moray area. Under the 2016 Act, Moray is obliged to keep the following registers:

- Burial Register – Prescribed information about burials in its cemeteries.
- Register of Rights of Burial – Information about lairs in which rights of burial have been sold by the authority. Data includes the date on which the rights were sold, names and addresses of person(s) to whom the rights have been sold, names and addresses of person(s) in whom the right of burial vests if not the person who bought the rights.

Burial Application Forms

Personal data is collected when you complete and submit statutory Burial Forms to provide notice and request services for a burial from the Council. The data collected includes, the applicant's name, address, telephone number and email address. The forms will also ask for information about the applicant's authority to open the lair for burial. The information requested on the forms is required to fulfil our responsibilities under the 2016 Act. We will use the data collected to:

- verify the necessary paperwork and approvals are in place
- identify the deceased
- establish that lairs are correctly identified and allocated for burials and determine who is responsible for funeral organisation and burial costs
- to provide evidence of the right of burial for any future interment requests
- to communicate with lair holder(s) any issue regarding the lair
- to schedule and carry out interment
- to verify right of interment in the requested lair
- to arrange identification, excavation and backfilling of lair following interment
- to provide evidence of agreement of lair holder to transfer right of interment to another
- to update statutory records.

New statutory burial application forms were introduced by the Scottish Government under The Burial (Applications and Register) (Scotland) Regulations 2024. These statutory forms must be used to apply for a burial at any burial ground in Scotland from 1 March 2025. The forms are available from the Open Spaces team and are specific to different scenarios - see the table below for further information.

Form	To apply for burial of the remains of:	Used by:
BF1	Adult or child	The nominated individual or the nearest relative
BF2	Stillborn baby	The woman who experienced the stillbirth, the nearest relative or the authorised health body (NHS Health Board or independent health care service)
BF3	Pregnancy loss on or before 24 weeks gestation	The woman who experienced the pregnancy loss or a nominated individual
BF4	Pregnancy loss(es) on or before 24 weeks gestation	The authorised health body (NHS Health Board or independent health care service)
BF5	Adult or child (section 87 application)	Local authority
BF6	A whole body or body parts following anatomical examination (where the body was donated on or after the commencement of the Anatomy Act 1984)	University anatomy school
BF7	Body parts following anatomical examination (where a person died and their body was donated before The Anatomy Act 1984 came into force or where date of death is not known but is understood to be before 14 February 1988)	University anatomy school

Erection of a Headstone/Memorial

Personal data will be collected from the Rightful Owner of the Exclusive Right of Burial (Lair Holder) when they complete the Application Form to erect a Headstone/Memorial. The data that will be collected on the form includes the Lair Holder's name, address, telephone number, email address, information on the proposed headstone including dimensions and the memorial mason, and, the proposed inscription. The data collected will be used to process the application to erect the headstone or other memorial on a lair, including:

- to verify the right to erect a headstone/memorial on the lair
- to assess and approve or otherwise the erection of a headstone/memorial
- to arrange installation of the appropriate foundation for a headstone/erection of the memorial.

- to ensure the rules and regulations for the maintenance of memorials are complied with
- to determine who is responsible for the service charges
- to maintain statutory records.

Personal data we collect from other sources

We may collect data about the Lair Holder from another source, for example a representative, or nearest relative of the deceased when they complete a Burial Form.

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 the Lair Holder or third-party representative, if reasonable to do so then please make sure that you have told them that you have given their personal data to Moray Council 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 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 the Council to comply with its legal obligations under the Burial and Cremation (Scotland) Act 2016 and associated Regulations, including The Burial (Applications and Register) (Scotland) Regulations 2024.

Who we share this personal data with

The personal data provided may be shared with third parties, such as Funeral Directors. Data may also be shared with the Scottish Government; for example, under the 2016 Act the Scottish Government may appoint inspectors of burial, inspectors of cremation and inspectors of Funeral Directors. We may require to share your name and contact details with appointed inspectors so that they can contact you about matters that are under investigation.

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/