



PRIVACY NOTICE - Procurement

How we use your information

Your personal details are necessary to the Council's development of a tender, evaluation and award for external services and for the management of contracts developed as part of the procurement process. Additionally, your personal details are necessary to the Council carrying out a robust procurement process that ensures the council is compliant with the relevant legislation, such as the Public Contracts (Scotland) Regulations 2015.

Our legal basis

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand our bases in data protection law to be Article 6(1)(b) and Article 6(1)(c) of the General Data Protection Regulation (GDPR) as processing is necessary for the performance of a contract to which you are part (or in order to take steps at your request prior to entering into a contract), and because processing is necessary to comply with the Council's legal obligations as described above.

As part of the procurement process the Council requires personal data relating to any criminal convictions and offences or related security measure. This data is considered 'special category' data under data protection legislation and must satisfy extra conditions when processed. In this case, we understand the legal basis for processing this special category data to be Schedule 1, Part 2, Paragraph 10 of the Data Protection Act 2018 as the data is required for preventing or detecting unlawful acts.

Who we share your information with

As part of completing the process the personal data may be shared with third parties. These third parties include, but are not limited to, the Organised Crime Unit, Police Scotland (as part of our legal obligations relating to preventing organised crime).

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 which improves the standard of the services we deliver. It may also be shared with other relevant Council departments where applicable.

The Council may also share your personal data with other relevant Council departments and third parties, where we are under a legal obligation to do so. For example this may be with Police, 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 departments and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

How long the information is held for

Your personal data will be held by Moray Council for a pre-determined length of time. You can find all the information about how long we retain personal data for on our website:

http://www.moray.gov.uk/moray_standard/page_92820.html (found on the Moray Council website under Section 5 of the Records Management Plan)

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. You have the right to withdraw consent to your personal data being used for this process. For more information about these rights please contact the Council's Data Protection Officer at info@moray.gov.uk or 01343 562633.

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.

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

Email: casework@ico.gov.uk

Website: www.ico.org.uk