



## **PRIVACY NOTICE**

### **Environmental Health**

#### **Who we are**

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, [moray.gov.uk](http://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 aims to promote a healthy and safe environment in order to protect the public health and welfare of people working in, living in, and visiting Moray. Due to the diversity of Environmental Health services, the data we collect and hold will vary depending on the service required or delivered. Your personal data may be used to give advice and guidance, conduct investigations and ensure compliance with the relevant legislation.

This notice outlines the types of personal data collected within Environmental Health, how it is processed and the reasons for this; additional privacy notices have also been provided for specific Environmental Health sections, these are available on our website: [www.moray.gov.uk/privacynotices](http://www.moray.gov.uk/privacynotices)

<b>Process</b>	<b>Data Collected</b>
<b>Environmental Health Service Requests</b> via the Council's Customer Services team or <a href="#">Environmental Health</a> pages on the Council's website	Name and contact details of requestor/enquirer (address, email address and telephone number), and, information about the enquiry/request will be collected to enable us to investigate and respond.
<b>Animal Health and Welfare Investigations</b>	<p>We may receive data about you from other agencies and organisations as part of the Council's statutory function in relation to animal health and welfare enforcement e.g. inspections and complaint investigations. As part of these functions, data may be received from and shared with other Council Services, the Animal and Plant Health Agency (APHA), Scottish Government Rural Payments and Inspections Division (SGRPID), Police Scotland and Food Standards Scotland. Data may also be shared with other Local Authorities, particularly regarding the transport of livestock.</p> <p>Data required to be collected for investigations may include: names; dates of birth; addresses; phone numbers; email addresses; County Parish Holding numbers (CPH); health information; criminal offence information; livestock ownership records and bank account information. Information from previous investigations may also be utilised.</p>

<b>Accident and Incident Reporting &amp; Investigation (inc. RIDDOR)</b>	<p>Data is collected about you when you contact the Environmental Health team about an accident or incident, or when a completed RIDDOR form is received (either completed by yourself, or a third party). The data that will be collected about you includes:</p> <ul style="list-style-type: none"> <li>• Name and age</li> <li>• Contact details (address/email address/phone number)</li> <li>• Information about the accident/incident.</li> </ul> <p>Further investigations may also need to collect the following personal data:</p> <ul style="list-style-type: none"> <li>• Health conditions</li> <li>• Medical reports/health records.</li> </ul>
<b>Pollution fly tipping</b>	<p>When you contact us with a concern about pollution fly tipping, we will collect information from you about the concern. We will also collect data from you such as your name and contact details (phone number, address and email address).</p>

## Public Registers

The law requires us to make some information publicly available. Public registers published by, or held by Environmental Health are available on the Council website [here](http://www.moray.gov.uk/moray_standard/page_86203.html): [http://www.moray.gov.uk/moray\\_standard/page\\_86203.html](http://www.moray.gov.uk/moray_standard/page_86203.html).

## Personal data we collect from other sources

As detailed above, we may receive information about you from a third party in relation to an Environmental Health matter such as your name, address and the nature of the concern. The information collected will be used to investigate the service request received and take appropriate action. We may gather your name and contact details via a microchip or cattle ear tag reading completed by a vet, our contract kennels, or the Scottish Society for Prevention of Cruelty to Animals (SSPCA) whilst undertaking our functions in relation to animal health investigations and enforcement.

We may receive information about you from the Scottish Environmental Protection Agency (SEPA), such as to assist us in investigating an instance of pollution control. We may also obtain details from the Health and Safety Executive (HSE), other Local Authorities, as well as from Scottish Government, including via animal movement databases.

## 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 to be the following:

Process	Legal Basis
<b>Environmental Health Service Requests</b>	<p>UK GDPR Article 6(1)(c); as the processing is necessary for the Council to comply with its legal obligations under legislation including:</p> <ul style="list-style-type: none"> <li>• The Food Hygiene (Scotland) Regulations 2006, as amended.</li> <li>• The Food Safety Act 1990</li> <li>• The Health and Safety at Work Etc. Act 1974</li> </ul>

	<ul style="list-style-type: none"> <li>• The Animal Health Act 1981 and the Animal Health and Welfare (Scotland) Act 2006</li> <li>• The Public Health (Scotland) Act 2008</li> </ul> <p>As part of this process, we may collect ‘special category’ data, such as health data. We understand our legal basis in data protection law for processing this type 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 the exercise of a function conferred by an enactment or rule of law.</p>
<b>Animal and Welfare Enforcement Activity</b>	<p>UK GDPR Article 6(1)(e); we undertake this activity as part of our public task as part of our statutory role under:</p> <ul style="list-style-type: none"> <li>• The Animal Health Act 1981</li> <li>• The Animal Health and Welfare (Scotland) Act 2006</li> </ul> <p>In delivering this service, we are also likely 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 UK GDPR Article 9(2)(g) and Schedule 1, Part 2, Paragraph 6 of the Data Protection Act (DPA) 2018, and, UK GDPR Article 10, and Schedule 1, Part 2, Paragraph 6 of the DPA 2018; as the processing is necessary for reasons of public interest - for the exercise of a function conferred by an enactment or rule of law.</p>
<b>Accident and Incident Reporting &amp; Investigation (inc. RIDDOR)</b>	<p>UK GDPR Article 6(1)(c); as the processing is necessary for the Council to comply with its legal obligations under the:</p> <ul style="list-style-type: none"> <li>• Health and Safety at Work etc. Act 1974</li> <li>• Reporting of Injuries Diseases and Dangerous Occurrences Regulations 2013</li> </ul> <p>In delivering this service, we are also likely to process personal data that counts as ‘special category data’, such as data about health. We may also process 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 UK GDPR Article 9(2)(g) and Schedule 1, Part 2, Paragraph 6 of the Data Protection Act (DPA) 2018, and, UK GDPR Article 10, and Schedule 1, Part 2, Paragraph 6 of the DPA 2018; as the processing is necessary for reasons of public interest - for the exercise of a function conferred by an enactment or rule of law.</p>
<b>Pollution fly tipping</b>	<p>UK GDPR Article 6(1)(e); we undertake this activity as part of our public task under the Environmental Protection Act 1990.</p>

## Who we share this personal data with

The Environmental Health service does not operate in isolation; it works alongside many other services and agencies. As such, personal data may be shared with other organisations in the interest of public health as outlined in the table below:

Process	Who we share this data with
<b>Environmental Health Service Requests</b>	Data may be shared with other Council Services such as Licensing and Planning. Depending on the nature of the enquiry/request, information may also be shared with relevant partners such as Food Standards Scotland, HSE and the Animal and Plant Health Agency (APHA).
<b>Animal and Welfare Enforcement Activity</b>	During investigations, information may be received from and shared with other Council Services and organisations including SGRPID, APHA, Police Scotland, Food Standards Scotland and SSPCA.
<b>Accident and Incident Reporting &amp; Investigation (inc. RIDDOR)</b>	Information may be gathered from and shared with HSE for compliance with statutory functions in relation to health and safety law enforcement, such as for inspections and complaint investigations.
<b>Pollution fly tipping</b>	Your information may be gathered from and in some instances shared with SEPA as part of a pollution fly tipping investigation.

Your information may also be shared with other organisations, including Local Authorities, the Crown Office and Procurator Fiscal Service, the UK and Scottish Governments, 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 departments where applicable.

The Council may share this 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, 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 departments 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: [http://www.moray.gov.uk/moray\\_standard/page\\_92820.html](http://www.moray.gov.uk/moray_standard/page_92820.html) (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:

[http://www.moray.gov.uk/moray\\_standard/page\\_41220.html](http://www.moray.gov.uk/moray_standard/page_41220.html). Alternatively, email the Council's Data Protection Officer at: [dataprotection@moray.gov.uk](mailto:dataprotection@moray.gov.uk)

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/>