

PRIVACY NOTICE

Moray Licensing Board

Who we are

The Moray Licensing Board (the Board) is established under the Licensing (Scotland) Act 2005. It's head office is located at Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, www.moray.gov.uk/moray_standard/page_67620.html.

The Board is the Data Controller of the personal data collected as outlined in this Privacy Notice. Moray Council's Licensing privacy notices are available here: www.moray.gov.uk/PrivacyNotices

Why we are collecting your personal data

Applicants

When you apply for an alcohol or gambling licence, personal data is collected, including your:

- Name, contact details (address, phone number, email address), age, date of birth and criminal record history. We may also need to collect additional information, such as a photograph of you, the applicant, your medical information and National Insurance number.

The personal data collected is required:

- To enable the Board to carry out its statutory functions in relation to the regulation of alcohol and gambling (including processing licensing applications, and making necessary checks for issuing licences to assess an applicant's suitability for a licence).
- To verify an applicant's identity where required, maintain the Board's records and to contact applicants about their application.

The full name of the applicant/licence holder, trading address and licence details for successful, in progress and refused licence applications are included on the Licensing Register, which is available for public inspection and comment via Moray Council's website:

www.moray.gov.uk/moray_standard/page_55066.html. For alcohol premises licence applications, neighbour notifications will be issued.

Licensing Board Meetings

New premises applications and major variations for premises licences will be referred to a meeting of the Board. If adverse comments have been received on a Licence application, then these will also be referred to a meeting of the Board. Similarly, if you are a current licence holder and information, or a complaint is received about you, you may also be referred to the Board. Your personal information will be included in the agenda, reports and minutes for the Licensing Board meeting. Some of this information will be published on Moray Council's website.

Objections, Representations and Complaints

When you make an objection to, representation on or complaint about an alcohol or gambling licence application, under licensing legislation, your name, address, and the reasons for your grounds of objection, representation or complaint will be collected and shared with the Board.

Under the licensing legislation and other rules, a copy of your letter(s) of objection, representation or complaint must be issued to the applicant/licence holder. This enables them to have fair notice of the issues raised and who they are being raised by, so that they can make submissions to the Board in response, should they wish. Those who have submitted an objection, representation or complaint, and, the applicant will be contacted so that they can be given the opportunity to be heard at a meeting of the Board before the application is determined, or a decision is taken in respect of the complaint submitted.

Personal data we collect from other sources

We will also collect information about you from statutory consultees under licensing legislation. These include Police Scotland, the Scottish Fire and Rescue Service, the NHS, the Home Office, and, the Gambling Commission. Personal data may also be collected from Moray Council. Information about you may also be collected from the public via an objection, representation or complaint regarding your application or granted licence: www.moray.gov.uk/moray_standard/page_55066.html

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 names of referees, business partners or office bearers, please inform them that you have given their personal data to us for this purpose.

Our legal basis

Whenever the Board processes personal data we need to make sure we have a legal basis for doing so. We understand the Board's 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 by the Board, and, Article 6(1)(c), as the processing is necessary for the Board to comply with its legal obligations under legislation including:

- Gambling Act 2005 and associated regulations
- Licensing (Scotland) Act 2005 and associated regulations.

Personal data that counts as 'special category data', such as personal data relating to criminal convictions or offences must satisfy extra conditions when processed. 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 (DPA 2018), and, Article 10 of the UK GDPR, together with Schedule 1, Part 2, Paragraph 6 of the DPA 2018; as the processing is necessary for reasons of substantial public interest for statutory and government purposes (for the exercise of functions conferred under the above legislation).

Who we share this personal data with

Your licence application will be shared in full with the Board's statutory consultees including Police Scotland, the Scottish Fire and Rescue Service, the NHS and the Home Office. When gambling licence applications are awarded or their status changes, the Board will notify Police Scotland, the Gambling Commission, and, HMRC with the details of your licence.

Meetings of the Board are held in public; minutes and a recording of the meeting will be available on Moray Council's website for a set period of time: <https://moray.public-i.tv/core/portal/webcasts>

When you make an objection, representation or complaint regarding an alcohol or gambling licence application or granted licence, the details you have provided will be shared with the Councillors who sit on the Board. This enables them to identify whether they have any declarable interest that would preclude their taking part in determining the application or complaint under the Councillor's Code of Conduct.

The Board may also require to share applicant data with Council services, such as Planning and Building Standards, and Environmental Health.

Your personal data may be shared 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 Board may also share your personal data with other relevant Council services and third parties where the Board is under a legal obligation to do so. For example, this may be with Police, Social Security Scotland, HMRC, Department of Work and Pensions, UK Border Agency or Registered Professional Bodies.

In order to protect public funds against fraud personal data may be shared with 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 for a pre-determined length of time. Information is only kept for the minimum amount of time necessary. Moray Council maintains a record retention schedule that sets out how long different types of personal data is retained, including personal data processed by the Board. This is available on the Council's website here: www.moray.gov.uk/RetentionSchedules

The Board stores information within the UK.

Your rights

The Board is the Data Controller for this personal data. You have legal rights about the way the Board handles and uses your personal data. These include the right to ask for a copy of it, to ask the Board to correct it and to ask the Board 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 Moray Council's website here: www.moray.gov.uk/InformationRights, alternatively, email IG@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 Board 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/>