

East Ayrshire Council

Trading Standards

Privacy Notice

This notice provides clarification on what information East Ayrshire Council requires to collect from you when you are accessing or applying for services provided by the Council's Trading Standards. It also details how Trading Standards uses, stores and retains your personal data and provides information on how you can contact us should you require further information on your rights under data protection.

Who is responsible for your information?

All personal information is held and processed by East Ayrshire Council as Data Controllers in accordance with Data Protection law. For further information on the role of Data Controller, Data Protection Officer and Contact Details for the Council, please refer to the 'Privacy Statement' on the Council's website or contact the Council's Data Protection Officer.

The Council's Data Protection Officer can be contacted by email:

information.governance@east-ayrshire.gov.uk

What personal data do we need and why?

Trading Standards governs a wide range of consumer protection legislation relating to the quantity, quality, safety, price and description of goods and services, age restricted products, the safe storage of petrol, accuracy of commercial weighing and measuring equipment and animal health and welfare. We collect the personal information we need to administer Trading Standards legislation within East Ayrshire. The personal data we collect includes, but is not limited to, the following:

- Name
- Address
- Telephone numbers
- Email
- Financial and business information
- Your occupation
- Complaints or enquiries you make regarding businesses or services in East Ayrshire
- Criminal convictions
- Place of birth, date of birth and physical description
- Health conditions (including disability)

How will we use your information?

The information you provide to us is required to allow us to carry out our statutory functions. We require this information for the following reasons:

- To investigate complaints made about businesses;

- To provide you with advice and assistance relating to consumer and business protection legislation;
- To take enforcement action when appropriate;
- To verify your identity or contact you if required, or to maintain our records.
- To operate the East Ayrshire Trusted Trader Scheme
- To seek your view, opinions or comments
- For analysis purposes to plan the provision of services
- Managing licences for the storage of Petroleum Spirit

What is the lawful basis for processing the data?

Our lawful basis for processing your data is Articles 6(1) (c) (legal obligation) and 6(1) (e) (public task) of the General Data Protection Regulation. This is because we consider this activity to be part of our public task and something we must do under Consumer Protection and Trading Standards legislation.

Special Category Data

Data Protection legislation defines Special Category Data as data relating to the processing of personal data regarding racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership and the processing of genetic data, biometric data, data concerning health or data concerning a person's sex life or sexual orientation.

Special Category Data may be processed by Trading Standards in limited circumstances.

When Special Category Data is collected by us, the lawful basis for processing is:

- (1) The processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject; or
- (2) Consent.

Criminal Data

In some circumstances we process your information to investigate criminal offences or we may process criminal offence data about you as part of our investigations. Our basis for processing criminal offence data is Part 3 of the Data Protection Act 2018. This is because we are a competent authority under the terms of the Act and we have statutory functions to enforce Consumer Protection and Trading Standards legislation.

Who will we share your information with?

Where it is required by law, or necessary to carry out our statutory function, we will share your information with the following:

- Crown Office and Procurator Fiscal Service
- Police Scotland and Scottish Fire and Rescue Service
- The Health and Safety Executive
- Other enforcing authorities or other Council Services

- Third party service providers
- Food Standards Scotland
- Government Departments
- HMRC
- Intellectual Property Holders or expert witnesses
- Trading Standards Scotland
- Other businesses where required

The service may make any disclosures required by law and may share information with other bodies responsible for detecting/preventing fraud or auditing/administering public funds. We will also generally comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate.

East Ayrshire Council will ensure that any external agency which received disclosed information is fully aware of and accepts its responsibility as outlined in within the General Data Protection Regulations and the Data Protection Act 2018.

How long do we keep your information?

We will only keep your information for the minimum period necessary. After this time, information is deleted/destroyed in accordance with the Council's [retention schedule](#).

Providing accurate information

It is important that we hold accurate and up to date information. If any details have changed, or change in the future, then individuals should ensure that they inform the Council's as soon as possible so that they can update their records accordingly.

Individuals' data protection rights

Under data protection legislation, individuals have a right to request access to information about them that the Council holds. Further details can be found in the Council's [Privacy Statement](#).

Individuals also have the right to:

- Object to processing of personal data that is likely to cause, or is causing damage or distress
- Prevent processing for the purposes of direct marketing
- Object to decisions being taken by automated means
- In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- In certain circumstances, transfer their data to another organisation (data portability)

Individuals can contact the Council regarding their data protection rights and the processing of their data. Details of how to do this can be found on the Council's [Privacy statement](#).

If individuals have a concern about the way East Ayrshire Council's Trading Standard Service is collecting or using their personal data, they should raise their concern in the first instance with the Council's Data Protection Officer; contact details above and on the Council's main Privacy Statement, via the website.