

Privacy notice – environmental health

Environmental health covers a wide range of issues including noise nuisance, public health, housing standards, land contamination, air quality, water quality, port health, pest control, food safety, animal welfare, workplace safety, stray dogs, out of control dogs, dog fouling, fly tipping, smoking, and littering.

How to contact the Council

Inverclyde Council will act as the 'Data Controller' in regard to your personal information that we collect and process. The 'Data Controller' is based at Inverclyde Council, Information Governance, Municipal Buildings, Clyde Square, GREENOCK, PA15 1LY.

The Council's Data Protection Officer is Andrew Greer who can be contacted at dataprotection@inverclyde.gov.uk and by telephone on 01475 712498.

Inverclyde Council and Food Standards Scotland (FSS) will act as Joint Data Controllers of the personal information you have provided to us when you registered your food business with your Local Authority. FSS are based at Food Standards Scotland, 4th floor, Pilgrim House, Aberdeen, AB11 5RL. Food Standards Scotland's Data Protection Officer can be contacted at dataprotection@fss.scot. FSS privacy notices can be viewed at <https://www.foodstandards.gov.scot/privacy/privacy-notices>.

We collect and process the following types of information:

- name
- address
- contact details e.g. phone or email
- visual images;
- video or audio recordings;

We may also collect and process sensitive information that may include:

- physical health details;
- offences (including alleged offences);
- criminal proceedings, outcomes and sentences

We may obtain your details as a referral from the following public bodies:

- Public Health Protection Unit (NHS Greater Glasgow and Clyde) – in accordance with the Public Health etc. (Scotland) Act 2008 which places a duty on local authorities and local health boards to co-operate
- Health and Safety Executive (HSE) – the Health and Safety at Work etc. Act 1974 places a duty on local authorities and the HSE to enter into arrangements with each other to exchange information.
- Food Standards Scotland (FSS) – the Official Feed and Food Controls (Scotland) Regulations allow the exchange and provision of information by FSS and Inverclyde Council for the enforcement of Food Law.
- DVLA – Inverclyde Council may obtain the name and address of the registered keeper of a vehicle from the DVLA for any purpose connected with the investigation of an offence, in accordance with Road Vehicles (Registration and Licensing) Regulations 2002.

Why we need this information?

Your information is being collected for the following purposes:

- providing council services and responding to enquiries;
- processing and determination of any complaints;
- fulfilling our legal obligations;
- regulatory, licensing and enforcement functions;
- crime prevention and prosecution of offenders, including the use of CCTV;
- financial transactions (including processing of grant applications);
- service improvement and planning;
- contacting you by post, email, or telephone;
- maintaining our records

The legal basis for using your information

Inverclyde Council collect and process information about you so that the Council can carry out its functions as a Local Authority

| Personal Data | | |
|----------------------------------|--|---|
| Performance of a contract | <ul style="list-style-type: none"> • Provision of pest control services – environmental health offer a chargeable service for the treatment of rats, mice, and wasps. | |
| Legal obligation | <i>Inverclyde Council has a legal obligation to process personal data relating to:</i> | <i>Applicable laws include but are not limited to:</i> |
| | Registration of food establishments (joint data controller with Food Standards Scotland) | <ul style="list-style-type: none"> • Regulation (EC) No 852/2004 • Regulation (EC) No 2017/625 |
| | Keeping a register of private water supplies | <ul style="list-style-type: none"> • The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 • The Private Water Supplies (Scotland) Regulations 2006 |
| | Keeping a register of explosives storage licences | <ul style="list-style-type: none"> • Health and Safety at Work etc. Act 1974 • The Explosives Regulations 2014 |
| | Registration of private landlords (Scottish Government and Registers of Scotland are the joint data processors) | <ul style="list-style-type: none"> • Antisocial Behaviour etc. (Scotland) Act 2004 |
| Public task | <i>Inverclyde Council carries out the following tasks in the public interest or in the exercise of official authority:</i> | <i>Applicable laws include but are not limited to:</i> |
| | Protection of the environment | <ul style="list-style-type: none"> • Environmental Protection Act 1990 • Clean Air Act 1993 • Contaminated Land (Scotland) Regulations 2000 |
| | Health and safety in the workplace | <ul style="list-style-type: none"> • Health and Safety at Work etc. Act 1974 |

| Personal Data | |
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| Food safety enforcement (Joint Data Controller with Food Standards Scotland) | <ul style="list-style-type: none"> • Food Safety Act 1990 • The Food Hygiene (Scotland) Regulations 2006 |
| Investigating complaints of noise | <ul style="list-style-type: none"> • Environmental Protection Act 1990 • Antisocial Behaviour etc. (Scotland) Act 2004 • Control of Pollution Act 1974 |
| Detection and investigation of statutory nuisances | <ul style="list-style-type: none"> • Environmental Protection Act 1990 |
| Protection of public health | <ul style="list-style-type: none"> • Public Health etc. (Scotland) Act 2008 • The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 • Water (Scotland) Act 1980 • Water Services etc. (Scotland) Act 2005 |
| Dealing with certain pest problems | <ul style="list-style-type: none"> • Prevention of Damage by Pests Act 1949 |
| Keeping a record of cooling towers | <ul style="list-style-type: none"> • Health and Safety at Work etc. Act 1974 • The Notification of Cooling Towers and Evaporative Condensers Regulations 1992 |
| Dealing with sub-standard housing | <ul style="list-style-type: none"> • Housing (Scotland) Act 1987 • Housing (Scotland) Act 2006 • Building (Scotland) Act 2003 • Civic Government (Scotland) Act 1982 |
| Dealing with stray dogs | <ul style="list-style-type: none"> • Environmental Protection Act 1990 |
| Processing and determination of private water supply grants | <ul style="list-style-type: none"> • The Private Water Supplies (Grants) (Scotland) Regulations 2006 |
| Enforcement of dog fouling, fly tipping, littering, statutory nuisance, and smoking offences | <ul style="list-style-type: none"> • Dog Fouling (Scotland) Act 2003 • Environmental Protection Act 1990 • Smoking, Health and Social Care (Scotland) Act 2005 |
| Processing and determination of certain licences and certificates (including monitoring licence conditions) | <ul style="list-style-type: none"> • Animal Boarding Establishments Act 1963 • Breeding of Dogs Act 1973 • Pet Animals Act 1951 • Riding Establishments Act 1964 • Zoo Licensing Act 1981 • Caravan Sites and Control of Development Act 1960 • The Petroleum (Consolidation) Regulations 2014 |
| Dealing with out of control dogs | <ul style="list-style-type: none"> • Control of Dogs (Scotland) Act 2010 |
| Alarm key holder registrations | <ul style="list-style-type: none"> • Control of Pollution Act 1974 |
| Processing and determination of street trader certificates | <ul style="list-style-type: none"> • Civic Government (Scotland) Act 1982 |

Where Inverclyde Council processes your information as part of a statutory function for a law enforcement purpose then it is necessary for the performance of a task by a competent authority.

The law gives certain types of information special significance because of its sensitivity e.g. health information. If we process this type of information about you we do so for reasons of substantial public interest as set out in the Data Protection Act 2018. It is necessary for us to process it to carry out key functions as set out in law.

What we will do with your information?

All of the information we collect from you will be processed by staff in the United Kingdom.

Inverclyde Council will sometimes need to share information with other Council Services as well as other organisations, such as the recipients or categories of recipients listed below:-

- Public bodies such as HMRC or other Local Authorities;
- Judicial agencies e.g. courts for prosecution of offenders or civil action;
- Police Scotland and other law enforcement bodies;
- Health and social care organisations such as the NHS;
- External regulators such as Food Standards Scotland or Health & Safety Executive;
- Registered Social Landlords;
- Renfrewshire Valuation Joint Board;

Inverclyde Council will only share information with these organisations where it is appropriate and legal to do so.

This council is required by law to participate in National Fraud Initiative (NFI) data matching exercises and information may be provided to the Cabinet Office for NFI purposes and will be used for cross-system and cross-authority comparison for the prevention and detection of fraud.

In general the Council does not transfer personal data outside either the UK or the European Union and on the rare occasions when it does so the Council will inform you. The Council will only transfer data outside the UK and the EU when it is satisfied that the party which will handle the data and the country it is processing it in will provide adequate safeguards for personal privacy.

How long will we keep your information?

The Council maintains a Policy for the Retention and Disposal of Documents and Records Paper and Electronic which sets out how long we hold different types of information for. This is available on the Council's website at <https://www.inverclyde.gov.uk/law-and-licensing/freedom-of-information> or you can request a hard copy from the contact address previously stated above.

The information collected on your business relating to Food Law enforcement activity will be retained by FSS for a maximum of 6 years, for Freedom of Information purposes and the monitoring of enforcement action by Local Authorities.

Your Rights

When you provide information to the Council, you will have the following rights:

- To withdraw consent at any time, where the legal basis specified above is consent
- To request access to your personal data
- To object, where the Legal Basis specified above is: i) public task or ii) legitimate interests
- To data portability, where the Legal basis specified above is i) consent or ii) performance of a contract
- To request rectification or erasure of your personal data, as so far as the legislation permits
- To restrict processing in certain circumstances, for example if the information is not accurate.

In addition, if you are unhappy with the way the Council have processed your personal data you have the right to complain to the Information Commissioner's Office (45 Melville Street, Edinburgh, EH3 7HL, Tel: 0131 244 9001, Email: scotland@ico.org.uk) but you should raise the issue with the Council's Data Protection Officer first.

Automated Decision Making

Not applicable.

More information:

For more details on how the Council processes your personal information visit www.inverclyde.gov.uk/privacy

If you do not have access to the internet you can contact the Council via telephone to request hard copies of our documents.