

Privacy Notice

Trading Standards

As the 'data controller' for the personal information – or data – we hold about you, **South Ayrshire Council** decides how your personal information is used/processed, and what it is used for.

This statement provides more details about how Trading Standards uses your personal data and provides information on how to get in touch with us if you need to know more.

Your personal data – what is it?

Personal data is information relating to a living person who can be identified from that data. Identification can be based on the information alone, or in conjunction with any other information. The processing of personal data is governed by the General Data Protection Regulation 2016 (GDPR) and supplemented by the Data Protection Act 2018.

What Personal Data will we collect from you?

We will only collect the personal information we need to provide you with relevant information, services and support or to progress investigations and enquiries. The personal data we will collect includes:

- Name
- Date and place of birth
- Address
- Land line telephone number
- Mobile telephone number
- Email
- Gender
- Health conditions (including disability)

How will we use your information?

We use your personal information to provide advice and guidance, conduct investigations and ensure compliance with the relevant laws. This includes:

- Receiving and investigating consumer complaints
- Responding to service requests from businesses and individuals
- Monitoring, researching, analysing and reporting intelligence requirements
- Ensuring compliance with legislation through a range of enforcement activities including visits, inspections and testing
- Conducting investigations and enquiries into criminal offences and civil law breaches
- Operating assurance schemes for businesses and referral agencies
- Managing registration, certification and licensing.

What is the legal basis for using/sharing your information?

Article 6(1) (e) of the GDPR, the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law. The main laws relating to Trading Standards are (this list is not exhaustive):

- The Consumer Rights Act 2015
- The Enterprise Act 2002
- The Weights and Measure Act 1985

A full list of Trading Standards legislation is available on request.

For some activities, we also need to process more sensitive personal information about you known as special category data, for example health information. Processing is necessary for reasons of substantial public interest as set out in Article 9(2) (g) of the GDPR and meets a condition in Part 2 of schedule 1 of the Data Protection Act 2018.

Law Enforcement processing

When we are undertaking an investigation we are processing personal information under part three of the Data Protection Act 2018 which sets out the requirements for the processing of personal data for 'law enforcement purposes' (LEP).

The six law enforcement principles are broadly the same as those in the GDPR, and are compatible across the two regimes. Data subjects rights are similar to those found in the GDPR, however, the transparency requirements are not as strict, due to the potential to prejudice an ongoing investigation in certain circumstances.

When processing sensitive data (under the DPA) we must be able to demonstrate that the processing is strictly necessary and satisfy one of the conditions in Schedule 8 of the DPA or is based on consent.

Who will we share your information with?

To assist with a resolution of the issue you told us about or to fulfil our Council and trading standards duties we will share information with:

- any business,
- trade association,
- government department,
- Council department,
- other local authority or
- other organisation

When we are obliged to carry out our statutory duties/obligations and to ensure compliance with the law and legislation, for public safety interests and the prevention and detection of crime we will when considered necessary, share information and intelligence with:

- other enforcement agencies
- local authorities
- members of the public

How long do we keep hold of your information?

Your information will be retained in line with our [Corporate Records Retention Schedule](#). At present we will keep it for the current year plus five years unless there is a prescribed retention period for this information.

What are your rights?

The lawful basis for processing/using your personal data directly impacts which rights are available to you. For example, some rights will not apply, if we are processing your data under public task (article 6 (1) (e)) we are not required to:

- erase your personal information.
- enable the right to data portability

However, you do have the following rights and can ask us to:

- correct your personal information if it is inaccurate;
- complete your personal information if it is incomplete;
- restrict the processing of your personal information in certain circumstances

You also have the right to object to the processing of your personal information and the right to access your personal information.

When we are processing personal data under LEP you have the following rights and can ask us to:

- erase your personal information.
- correct your personal information if it is inaccurate;
- restrict the processing of your personal information in certain circumstances

You also have the right to the right to access your personal information.

However, the above rights do not apply to the processing of relevant personal information in the course of criminal investigation or proceedings.

What are the consequences of failing to provide personal information?

Where the provision of your information to the Council is a statutory requirement you are obliged to provide the information.

In other circumstances this may mean that we cannot provide a service for you.

Do you require this statement in a different format?

Please contact us if you require this information in an alternative format.

How can you get in touch with us?

If you wish to obtain any records held by the Council relating to you, or if you have any general data protection queries, please contact the Council's Data Protection Service at:

Data Protection Officer
South Ayrshire Council
County Buildings
Wellington Square
Ayr
KA7 1DR

Email: DataProtection@south-ayrshire.gov.uk

Telephone: 01292 612 223

Are you dissatisfied with the way your Personal Information has been handled?

If you are unhappy with the way we have dealt with your personal information, you can complain to the Council's Data Protection Officer using the contact details noted above.

If you remain dissatisfied after contacting us, you have the right to complain to the Information Commissioner (<https://ico.org.uk/for-the-public/>):

Information Commissioner's Office – Scotland
45 Melville Street
Edinburgh
EH3 7HL

Email: Scotland@ico.org.uk

Telephone: 0303 123 1115