

**Privacy Notice for Safer
Business (Food, Health & Safety
and Smokefree)**



**Nottingham City Council
Information Compliance**

**Team: Safer Business (Food, Health & Safety and Smokefree)
Service Area: Regulation
Directorate: Community Protection
PN- 63**

10/2020

The **Safer Businesses (Food, Health and safety, Health Protection and smokefree) Team** are part of Nottingham City Council, who are the data controllers for the personal data that we process about you. When we process personal data relating to you, we will only do so when it is necessary and where we have a lawful reason to do so.

We will use the information provided by you to undertake investigation of possible civil and criminal offences in relation to food, health and safety and smokefree legislation. Information provided by you will also enable us to deal with your requests for our service and to correspond accordingly.

The legislation that contains the powers and functions that require us to process your personal data can be found here <http://documents.nottinghamcity.gov.uk/download/5939>

When we process your personal data, we will comply with data protection legislation and enable you to exercise your rights contained within the legislation.

Civil Investigations and advisory work

We will carry out inspections of premises in relation to health and safety, food and smoke free regulation. Some inspections will be for the purpose of civil investigations that could lead to improvement notices or enforcement action.

The basis under which the Council uses personal data for this purpose is that this is **necessary for the performance of a task carried out in the public interest by the Council or in the exercise of official authority vested in the Council.**

The information provided by you may include the following special categories of personal data

- Race or Ethnic origin
- Religious beliefs
- Trade Union membership
- Physical or mental health
- Sex life or sexual orientation

Information in these categories is used by the Council on the basis that such use is necessary for reasons of substantial public under article 9(2) GDPR and Schedule 1 DPA 2018 and in accordance with the provisions of the General Data Protection Regulation and the Data Protection Act 2018.

The information provided by you may also include criminal data. The basis on which this information is processed is for statutory reasons of substantial public interest.

Criminal Investigations

The Safer Businesses (Food, Health and safety, Health Protection and smokefree) Team also carry out criminal investigations.

The basis under which the Council uses personal data for this purpose is that this is necessary for law enforcement purposes.

Part 3 of the Data protection Act 2018 applies to processing personal data for 'law enforcement purposes'. When processing personal data for 'law enforcement purposes', the Council are acting as a 'Competent Authority' and have law enforcement powers given to us within statute.

It covers processing for the prevention, investigation, detection or prosecution of criminal offences, or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

In practice, the lawful basis would either be necessary for the performance of a task carried out for law enforcement purposes by Nottingham city council, or based on consent. There may be circumstances where we obtain consent from the individual whose data we are processing, although this will only be appropriate in certain circumstances in the context of law enforcement.

The information provided by you may include the following sensitive personal data

- Race or Ethnic origin
- Religious beliefs
- Trade Union membership
- Physical or mental health
- Sex life or sexual orientation

In order to process this type of data Nottingham City Council must be able to demonstrate that the processing is strictly necessary and satisfy one of the conditions in Schedule 8 or is based on consent.

The conditions for sensitive processing in Schedule 8 of the Act are:

- necessary for judicial and statutory purposes –
- **for reasons of substantial public interest;**
- necessary for the administration of justice;
- necessary to protect the vital interests of the data subject or another individual;
- personal data already in the public domain (manifestly made public);
- necessary for legal claims;
- necessary for the purpose of preventing fraud; and
- necessary for archiving, research or statistical purposes

The Safer Businesses (Food, Health and safety and smokefree) Team will mainly process sensitive information for reasons of substantial public interest.

Do you need to provide the information?

You are obliged by statute to provide some of the information that is specified here.

How long will NCC retain the data for?

Our retention period are set out in our <https://geoserver.nottinghamcity.gov.uk/information-asset-register>.

Can the information be used for any other purpose?

The information provided by you may also be used for the purpose of any other function carried out by the Council. Information about these functions and the legal basis on which information is used for them can be found at <http://www.nottinghamcity.gov.uk/privacy-statement/>

The information will only be used for another purpose where it is lawful to do so.

The General Data Protection Regulation provides for the following rights as prescribed by the legislation:

- A right to request a copy of your information
- A right to request rectification of inaccurate personal data
- A right to request erasure of your data known as 'the right to be forgotten'
- A right to in certain circumstances to request restriction of processing
- A right in certain circumstances to request portability of your data to another provider
- A right to object to processing of data in certain circumstances
- A right regarding automated decision making including profiling

The Data Protection Act 2018 part 3 also provides the following rights:

- A right to request a copy of your information
- A right to request rectification of inaccurate personal data
- A right to request erasure of your data known as 'the right to be forgotten'
- A right to in certain circumstances to request restriction of processing
- A right in certain circumstances to request portability of your data to another provider
- A right not to be subject automated decision making

However, Nottingham City Council can restrict the above rights in certain circumstances for example to avoid obstructing an investigation, avoid prejudicing the prevention, detection, investigation or prosecution of criminal penalties or to protect the rights and freedoms of others.

Data Protection Officer

The Data Protection Officer is Naomi Matthews. You can contact the data protection officer at:

Loxley House,

Station Street,

Nottingham,

NG2 3NG

or at data.protectionofficer@nottinghamcity.gov.uk .

Information Commissioner's Office

The Information Commissioner's Office (ICO) website provides guidance on data protection and privacy matters, you can visit the website at www.ico.org.uk. You also have the right to complain

to the ICO if you consider that the Council have processed your personal data incorrectly or that we have breached our obligations to you. You can contact the ICO at:

Wycliffe House,
Water Lane
Wilmslow,
Cheshire
SK95AF

www.ico.org.uk

Further Information

For more information about these rights please refer to our detailed privacy statement at <https://www.nottinghamcity.gov.uk/privacy-statement> .