

**(ESD)Privacy Notice
Durham County Council
EHCP Service Area
European Services Directive Licences**

1. Who we are and what we do

**Durham County Council
Environment, Health and Consumer Protection
Regeneration and Local Services**

For the purposes of Data Protection, Durham County Council is the Data Controller for your information. Our registration number is Z1808275. You can check our registration online at <http://www.ico.gov.uk>.

What we do

This Privacy Notice explains how the Environment, Health and Consumer Protection service uses your personal information to administer licences that are in scope of the European Services Directive (ESD). The ESD was designed to remove legal and administrative barriers to trade making it easier for businesses and consumers to provide or use UK services in the Single Market. It also describes how long that information is kept for and the circumstances in which we might disclose it to a third party.

For further information please see <http://www.durham.gov.uk/dataprivacy>

2. What type of personal information do we collect and how do we collect it?

We may collect the following types of personal information about you:

- Your name, address, e-mail, phone numbers and other contact information
- Your business or trading name, address, e-mail, phone numbers and other contact information
- The names, addresses, e-mail, phone numbers and other contact information for key members of your staff including managers, designated premises supervisors and other key contacts or agents acting for or on behalf of you and your organisation
- Any other personal details and contact information relevant to processing a licence application
- Information concerning the vehicles you may use in connection with your licensable business activities
- National Insurance number
- Photograph
- Date of birth
- Nationality

We may collect information about you in a number of ways:

- Information may be provided directly by you, when you contact us, during a telephone call, by letter, e-mail, through a face-to-face meeting, interview or making an application for a licence.

- This information may be formalised within a witness statement, which could be used in legal proceedings against another person or a business and shared with our agencies or in court or other tribunal.
- Information may be obtained through the exercise of our statutory powers to obtain information about you, from other parties holding the information. The legislation under which officers are granted these powers is listed within the Durham County Council scheme of delegation within the Constitution, which can be found on the DCC website.

3. What is our power to obtain and use the personal data?

When we collect and use your personal information we rely on one of the following:

- Public Task as the processing is necessary for us to perform our official function
- Legitimate Interest: processing is necessary for the purposes of legitimate interests pursued by the data controller or by a third party

4. What is your personal information used for?

The Environment, Health and Consumer Protection service collects and processes information about you for the following purposes:

- To deliver our services to the public and business
- To comply with legal obligations in dealing with requests from other law enforcement agencies.
- To process licence applications and ongoing suitability.
- For on street compliance and enforcement activities.
- To investigate complaints about the delivery of our services.

In processing your application for a licence we may need to refer you to a meeting of the Licensing Sub-Committee. We may also need to refer you to the Licensing Sub-Committee if you are granted a licence and we receive a complaint about you. Your personal information will be included in the agenda, reports and minutes for the Committee. Some of this information will be published on our website. You can find out more on our website at <http://www.durham.gov.uk/>

Licensing Committee meetings are held in public. At a meeting your personal information may be disclosed to those in attendance. This may happen even if you do not attend a meeting that you are invited to

5. Will your personal information be shared?

We share your personal data as necessary to provide any service that we deliver. We also share personal information when required by law, to respond to legal process and to protect the public. Such organisations may include the police, DVLA, Home Office, DWP, MIB, and local authorities. Any information sharing is managed in accordance with relevant privacy and data protection legislation and will be necessary and proportionate. Use of secure methods of transmission, secure e-mail, and restricted access closed systems.

We may be legally required to disclose your details if required by other law enforcement agencies for regulatory reasons and is disclosed via a lawful gateway. For example, lawful requests from the Police, HMRC, other local authority regulatory services.

6. How do we keep your personal information secure?

The security of your personal information is important to us. This is why we follow a range of security policies and procedures to control and safeguard access to and use of your personal information.

Where information is held on / shared with systems external to DCC, user access to systems is controlled, to systems and networks, to make sure that people who are not allowed to view it cannot get access to your personal information. Some systems require details to be anonymised prior to sharing.

The details of any payment cards used to pay for licence are encrypted and stored in accordance with payment card industry data security standards.

Training for staff is undertaken to make them aware of how to handle information and how and when to report when something goes wrong.

7. How long will we keep your personal information?

After we undertake an enquiry or investigation, or deliver a service to you, we have to keep your information as a business record of what was delivered.

By law we retain information relating to requests for service and complaints received and investigated, where it constitutes a record for a period of 6 years after closure of the enquiry. Document retention is in accordance with corporate and service specific retention guidelines.

Other information which is not deemed a record, such as an e-mail may only be kept for as long as necessary and deleted before the expiry of the 6 year period.

Premises licences and Personal licences are indefinite licences and do not expire therefore personal information in these types of licences will be kept indefinitely.

8. Is your personal information processed outside the European Union (EU)?

We do not regularly process your personal information outside the EU.

Where investigations are cross border and extend beyond the EU, in individual cases, this would be for law enforcement purposes. In individual cases for a legal purpose.

9. Marketing (if applicable)

At no time will your information be passed to organisations external to us and our partners for marketing or sales purposes or for any commercial use without your prior express consent.

We will only send you information about offers and promotions if you choose to receive it, and you will be able to change your marketing preferences at any time.

10. What are your Information Rights?

Your Information Rights are set out in the law. Subject to some legal exceptions, you have the right to:

- to have any inaccuracies corrected;
- to have your personal data erased;
- to place a restriction on our processing of your data;
- to object to processing; and
- to request your data to be ported (data portability).
- Where there has been a breach of your personal data – loss, unlawful disclosure, deletion, unauthorised access, and it is likely to be a high risk to your rights and freedoms, you have the right to be informed.

Some Exceptions -

- The right to this information is a qualified right, subject to restrictions that prevent any prejudice to an ongoing investigation or compromise to operational techniques.
- Information may also be restricted, to avoid prejudicing the prevention, detection, and investigation of criminal offences or the execution of criminal penalties.

To exercise any of these rights please contact the relevant service in the first instance.

You also have the right to request a copy of the personal information council holds about you. To do this, you can apply on line or download an application form from the [DCC website](#) or you can contact the data protection team at dataprotection@durham.gov.uk

To learn more about these rights please see the [ICO website](#).

If something goes wrong with your personal information, or you have questions about how we use it, please contact our Data Protection Officer at DPO@durham.gov.uk or by calling 0300 268 034.

If we have not been able to deal with your complaint, you can also contact the [Information Commissioner's Office](#)

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113 (local rate) or 01625 545 745

Fax: 01625 524 510