

Privacy Notice
Durham County Council EHCP Service Area
Environment Protection Team

1. Who we are and what we do

Durham County Council
Environment, Health and Consumer Protection
Environment Protection
Public Health & Housing Team
Pollution Control Team

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

The Environment Protection Team undertake statutory duties to protect public health and the environment within County Durham and where possible prevent the occurrence of matters that risk the health and well-being of residents, the environment, visitors and those employed within County Durham.

This broadly relates to the investigation of matters that can directly and indirectly affect health, pose a risk of adverse health effects, cause nuisance to individuals and communities or damage to the environment.

Our service, investigates matters relating to alleged breaches of the criminal law in relation to the legislation that we enforce. Certain breaches of the law can also give rise to civil enforcement action and injunctive action through the courts and administrative committees and tribunals.

Information is received from the public, businesses and other law enforcement agencies, which is used to undertake our duties of investigation and/or inspection

Where breaches of the law are detected, a number of options are open to dealing with the matter under the Enforcement Policy. This includes guidance to bring the individual or business back into compliance, through to a prosecution in the criminal courts.

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.
- Details of your complaint and your dealings with any business or person under investigation including details of that other party.
- Details of any other witnesses or persons that you may be aware of who have information relevant to the investigation.
- If you are the subject of an investigation into you, we may also collect information about your identity, current and previous activities held by other agencies.
- Details of any vehicles , properties owned by you

- Details of any previous complaints, investigations or convictions
- Special category data*

***Special Category Data**, which our service may obtain, is any personal information that may include one or more of these categories.

- Criminal Convictions
- Racial or ethnic origin
- Political beliefs
- Genetic data
- Biometric data (for example fingerprints, facial images, DNA)
- Health Data

Examples of special category data may include:

- Domestic noise complaints referred to EHCP by the Police, that include personal information e.g. criminal conviction
- Health data in respect of housing disrepair complaints

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 a noise recording.
- 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.
- 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.

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

Much of the work of the Environment Protection Team relates to activities conducted for the purposes of the prevention and detection of crime and the apprehension and prosecution of offenders.

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

Lawful Basis (Article 6)

- Processing is necessary for compliance with a legal obligation to which the controller is subject.
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
- processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

On limited occasions, the Environment Protection team may come into possession of special category data.

Special Category Data

Article 9

Applicable Conditions for processing special category data are known under Article 9.

When we collect special category personal information we rely on one of the following:

- Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.
- Processing is necessary for reasons of substantial public interest e.g. to prevent or limit a public safety issue.

We collect and use personal data to deliver the services of the Environment Protection Team to the public and businesses. In providing this service, this activity is considered as being in the public interest and for reasons of official authority.

4. What is your personal information used for?

The Environment Protection Team, collects and processes information about you for the following purposes:

- To deliver our services to the public and business
- To prevent, detect and prosecute criminal offences and take civil enforcement action in appropriate cases.
- To comply with legal obligations in dealing with requests from other law enforcement agencies.
- To identify potential witnesses who may be able to assist with investigations undertaken by our service
- For monitoring and analysis purposes.
- To investigate complaints about the delivery of our services.

5. Will your personal information be shared?

We do 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.

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.

Any information sharing is covered by an information sharing agreement and managed in accordance with relevant privacy and data protection legislation. Use of secure methods of transmission, secure e-mail, and restricted access closed systems.

Any secure sharing will be necessary and proportionate.

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.

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?

Our service investigates complaints, advises businesses and undertakes investigations into breaches of the law. 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.

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.

Document retention is in accordance with corporate and service specific retention guidelines.

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.

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:

- Have any inaccuracies corrected;
- Have your personal data erased;
- Place a restriction on our processing of your data;
- Object to processing; and
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To learn more about these rights please see the ICO website.

If you wish to exercise your information rights, please contact the Data Protection Officer at DPO@durham.gov.uk or alternatively write to DPO, Room 143-148, Floor 4, County Hall, Durham County Council, DH1 5UF

You also have the right to request a copy of the personal information that the council holds about you. To do this, please use this [link](#)

If something goes wrong with your personal information, or you have questions about how we use it, please contact the Data Protection Officer at dpo@durham.gov.uk or alternatively write to DPO, Room 143-148, Floor 4, County Hall, Durham County Council, DH1 5UF

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

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

Fax: 01625 524 510