

Perth and Kinross Council Privacy Notice

Name of Processing Activity- Licensing Enforcement

Date notice written- 2022/09

1. Why is this information being processed?

The information provided by you will be used by Perth & Kinross Council to record details of your enquiry, and action as appropriate. In the event that your enquiry leads to investigation, the council will also use the information provided for the purpose of performing any of its statutory enforcement duties. In the course of discharging these functions we may collect information about people and activities relating to possible contraventions of licensing rules.

Local authorities have a discretion to take enforcement action in relation to breaches of licensing conditions/standards. Local authorities also have a range of investigative powers for licensing enforcement purposes under the following Acts:

- Licensing (Scotland) Act 2005,
- Civic Government (Scotland) Act 1982,
- Anti-Social Behaviour etc. (Scotland) Act 2004,
- Housing (Scotland) Act 2006,

2. Who is processing this information?

The personal information you've provided will be processed by Perth and Kinross Council, 2 High Street, Perth, PH1 5PH, enquiries@pkc.gov.uk, 01738 475000.

3. Why is it lawful for the Council to process this information?

The Council is permitted to process your personal data in this way under the terms of Article (6) (e) of the UK GDPR - *....processing is necessary for the performance of a task carried out.... in the exercise of official authority*. In carrying out this consultation, the Council is exercising its official authority under one of the following:

- Section 14 of the Licensing (Scotland) Act 2005
- Section 45H of the Civic Government (Scotland) Act 1982
- Section 68 of the Anti-Social Behaviour etc. (Scotland) Act 2004
- Section 144-153 of the Housing (Scotland) Act 2006

4. Will any sensitive personal information (Special Category Data or information about criminal convictions etc.) be processed?

Some enquiries may involve the processing of sensitive personal information.

If so, why is it lawful for the Council to process this information?

This processing is lawful under the terms of Article 10 (1) of the UK General Data Protection Regulation- *Processing of personal data relating to criminal convictions shall be carried out only...when the processing is authorised by domestic law.* Processing is also lawful under Article 6(1)(c) of the UK General Data Protection Regulation (UK GDPR) – *processing is necessary for compliance with a legal obligation to which the controller is subject.* In some instances, processing may also be lawful under Article 6(1)(e) of UK GDPR – *processing is necessary for the performance of a task carried out in the public interest.*

5. Will this information be shared?

Complainants:

Enforcement cases remain confidential and at no time will we divulge the details of complainants who have informed us of alleged licensing and street trading breaches.

Licence holders:

Please see [Civic Government Licences](#) and [HMO Licences](#).

6. How long will this information be kept for?

Complainants:

The council will only keep your information for as long as necessary.

Licence holders:

Personal information held on Perth and Kinross Council systems in relation to licensing enforcement will be kept for the validity of the licence. After this it will be deleted.

7. Personal Information Rights

Individuals have rights in relation to the information the Council holds about them, including the right to request a copy of their information. You can find out more about your [Personal Information Rights](#) on our website or by contacting the Council's Information Governance team at the address below.

8. Data Protection Officer

The Council has a Data Protection Officer who you can contact in the first instance if you have any questions or complaints about how we are processing your personal information.

Please contact; Data Protection Officer, 2 High Street, Perth,
PH1 5PH, DataProtection@pkc.gov.uk, 01738 475444.

9. Information Commissioner's Office

If you want to complain about how the Council has processed your information you have the right to contact the Information Commissioner's Office (<https://ico.org.uk/> 0303 123 1113).

0. Information Governance Team

If you have any questions about how the Council processes your information, or if you would like a copy of this notice in another language or format, please contact the Information Governance team;

Information Governance

Legal and Governance Services

2 High Street

Perth

PH1 5PH

Email: DataProtection@pkc.gov.uk

Telephone:01738 477933