

## Perth and Kinross Council Privacy Notice

**Name of Processing Activity-** Alcohol Sales Licences

**Date notice written-** 2022/10

### 1. Why is this information being processed?

The information provided by you will be used by Perth & Kinross Council for the purpose of issuing alcohol sales licences.

The Perth and Kinross Licensing Board (the Board) is responsible for carrying out alcohol licensing functions under the Licensing (Scotland) Act 2005 (the Act). The Board is responsible for the grant, refusal and review of the following licence types:-

- Premises licences
- Personal licences
- Occasional licences
- Provisional licences
- Temporary licences
- Extensions to licensed hours
- Transfers of premises licences
- Variations to premises licences

Personal information is required to enable the Board to process your application for a licence, to determine your application and issue your licence, to include your licence in the statutory register of licences, to ensure you comply with the terms of your licence, to send you any necessary reminder notices and to process and determine any complaints we receive in respect of your licence.

### 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](mailto: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 because the Council has a legal obligation under the Licensing (Scotland) Act 2005.

Formally, the processing of personal data provided to us for this purpose satisfies Article 6(1)(c) of the General Data Protection Regulation -

Processing shall be lawful...*to the extent that processing is necessary for compliance with a legal obligation to which the controller is subject.*

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

Yes.

**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.*

The relevant legislation in all of these cases is the Licensing (Scotland) Act 2005 and the Alcohol (Scotland) Act 2005.

## **5. Will this information be shared?**

Your information will be shared with Police Scotland.

Where premises (including outdoor areas) are involved, your information will also be shared with any notifiable neighbours of the premises or site, the relevant community council, and the Scottish Fire and Rescue Service.

Your information may also be shared with the Home Office, once legislation requiring the checking of applicants' right to work in the UK is introduced.

If you hold a personal licence which was issued in Perth and Kinross, but you are working in another area of Scotland, the Board may also share your information with any Board which has responsibility for licensing in the area in which you work.

As the Board is obliged under the Act to maintain a public register of all of the licences it has issued, some of your information will also appear on that register and be available for public inspection. Your information may also be shared with any person submitting a complaint, objection, or representation.

The Board is also required to make certain annual returns and provide data to HMRC and Scottish Government when requested.

Your personal information may also be disclosed to other third parties if it's necessary for us to do so in order to verify its accuracy, prevent or detect crime, protect public funds or where required by law. The Council may check information provided by you, or information about you provided by a third party, with other information held by us.

## **6. How long will this information be kept for?**

Personal information held on Perth and Kinross Council systems in relation to these licensing applications will be kept for the validity of the licence, plus 2 years after expiry. After this it will be deleted.

In the case of refusal of a licence application, the personal information will be kept for 2 years from the date of the refusal. 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](mailto: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).

## **10. 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](mailto:DataProtection@pkc.gov.uk)

Telephone:01738 477933