

Team: Trading Standards

**Service Area: Regulation
Directorate: Community Protection
PN- 51**

10/2020

The Trading Standards 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 in a number of ways, depending on the service that we are providing or the reasons why we are interacting with you. This can include the Council using your information to:

- Undertake both civil and criminal investigations of offences or breaches of regulatory standards and to take further action in response to these, if appropriate;
- Undertake routine inspections to check for compliance with regulatory matters and licence conditions ;
- Process applications for and to issue various licences;
- Enable us to provide a response to your enquiry or complaint including providing you with information and guidance and signposting you to resources and other organisations;
- Provide intelligence to other government agencies and the police where it is lawful to do so.

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

Lawful basis for processing

The legal basis for the Council processing your personal data for the above purposes is:

- That processing 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; or
- That processing is necessary for compliance with a legal obligation to which the Council is subject to (not including contractual obligations).

There are a number of pieces of legislation that provide us with a statutory basis for our functions, grant us powers or place a duty on us. Some of this legislation that we rely on includes:

- Consumer Rights Act 2015;

- The Consumer Protection From Unfair Trading Regulations 2008;
- Enterprise Act 2002;
- Trade Marks Act 1994;
- Weights and Measures Act 1985;
- Consumer Protection Act 1987;
- Localism Act 2011

Further information about the legislation we operate under can be found at:
<http://documents.nottinghamcity.gov.uk/download/5939> .

Civil Investigations

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:

- Physical or mental health; and
- Genetic data

Information in these categories is used by the Council on the basis that such use is necessary for reasons of substantial public interest 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 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

- Physical or mental health;
- Genetic and biometric data

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 statutory purposes and is necessary 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 Trading Standards Team will mainly process sensitive information to exercise statutory functions which is necessary for reasons of substantial public interest and when it is necessary for the purposes of preventing fraud.

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 Information Asset Register outlines how long we will retain your data. You can find this here; <https://geoserver.nottinghamcity.gov.uk/information-asset-register/> under 'Commercial and Operations' or searching the page (CTRL+F) for 'trading standards'.

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 to a decision based solely on automated processing

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> .