

DATA PRIVACY NOTICE (DPN)
for REGULATORY SERVICES
Reading Borough Council

This Privacy Notice sets out your rights and the council's obligations to you.

Reading Borough Council ("RBC") ("the council") is a public authority and has certain powers and obligations. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the RBC's statutory functions and powers. Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account your interests and rights.

Personal data you have supplied to RBC Regulatory Services is held for purposes of law enforcement and statutory duties under the legislation enforced, which includes details of complaints and the conduct of businesses, including legal proceedings. It may be held and used only in accordance with the Reading Borough Council's Data Protection Policy, under the Data Protection Act 1998, and the General Data Protection Regulations (the GDPR) (wef. 25th May 2018) and in compliance with the Freedom of Information Act 2000 and other legislation relating to personal data such as the Human Rights Act.

This includes personal information about residents, consumers and businesses, and information about any incident they may have reported, or enquiry they may have made, and any advice given to them, and any other contact they may have had with the service.

Regulatory Services covers the following teams; Trading Standards, Licensing, Environmental Protection & Nuisance, Private Sector Housing, Food & Safety and the Berkshire Coroners service and is located at Reading Borough Council's civic offices.

Address:

Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU

Reading Borough Council's Data Protection Officer, is currently
Ricky Gill, Information Governance Officer
Tel: 0118 937 3306
Email Ricky.Gill@reading.gov.uk

The Data Protection Officer is responsible for monitoring compliance with data protection legislation, informing and advising the organisation about

data protection, and acting as a first point of contact for supervisory authorities and individuals whose data is processed by the Council.

The following teams in Regulatory Services are covered by this DPN:

- Trading Standards
- Environmental Protection & Nuisance
- Private Sector Housing

The other teams have separate DPNs covering their processing activities.

What Personal Data is held?

- The following information is/maybe collected from individuals:
- Full names and dates of birth, titles, and aliases, photographs;
- Full address and other contact details provided;
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and that of dependants, including names and ages of dependents ;
- Names, addresses and dates of birth of any victims of issues reported other than the individual making contact (e.g. relatives, friends or neighbours on whose behalf a complaint or request for service has been reported);
- Names, designation and organisation of any other professionals working with the individual;
- Where it is necessary for the investigation of your case, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- Telephone calls, text messages, emails or other communications between the service and the individual, including details of any consumer complaint or request for service reported;
- Details of any learning difficulties or disabilities or any mental health diagnoses e.g. whether the complainant or victim has been designated "Vulnerable";

The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation, if this is relevant to the investigation of your case.

How we use sensitive personal data

We may process sensitive personal data including, as appropriate: in order to comply with legal requirements and obligations to third parties.

- These types of data are described in the GDPR as "Special categories of data" and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.

- We may process special categories of personal data in the following circumstances:
 - In limited circumstances, with your explicit written consent.
 - Where we need to carry out our legal obligations.
 - Where it is needed in the public interest.

In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

How will the data be stored?

The information is stored in Civica APP, a database and in Local Electronic Unstructured Data Personal and Team drives supplied and supported by Northgate Public Services (UK) Limited. Northgate Public Services (UK) Limited are contracted to operate procedures in accordance with ISO 27001, ISO 20000, PSN, PCI-DSS, Data Protection and Freedom of Information Acts. Northgate Public Services deliver services from Tier 3 OFFICIAL rated Data Centres in Woking, Surrey and London Docklands. Access to the Civica APP is locked to specified IP addresses and the system can only be accessed using a username and ISO 27001 strength password. The system requires password change on a monthly basis. Enforced timeouts occur after a period of non-activity. A Civica APP local systems administrator regularly reviews user accounts within Civica APP to ensure access is promptly withdrawn when staff leave.

What is the legal basis for the collection, use and storage of the data?

This information is collected, used and stored in order to carry out our statutory functions and powers. In other words, it is necessary for the service to collect this information so that they are able to deliver the service to the public. A list of the legislation which embodies these statutory functions and powers is included in Appendix A.

We may process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. (for instance, Primary Authority Partnerships or chargeable Business Advice). Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

RBC Regulatory Services will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.

- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

We use your personal data for some or all of the following purposes:

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To promote the interests of RBC;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, and other role holders;
- To allow the statistical analysis of data so we can plan the provision of services.

How long will the data will be stored and what criteria are used to determine this?

Since in some instances a criminal investigation could result, the data will be stored until any enforcement action is complete or a prosecution case has been heard in court and the time for possible appeal has passed. Usually this will be about 6 years maximum. However some information relating to legal proceedings may be archived and stored for a longer period. We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. RBC is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed. The Council has a document retention policy to which the service complies.

Who will the data be shared with and for what purpose?

To comply with statutory requirements, data may be disclosed to other services within Reading Borough Council, external agencies such as (but not exclusively) Police, Government Agencies such as HM Revenue and Customs, and other Local Authorities, together with third party contractors who RBC may employ from time-to-time to deliver aspects of the RBC's service. We may share information from Civica APP with other council services to improve working practices or to assist other Council services with their duties and for the delivery of our services.

Reading Borough Council will not disclose any personal information held on its database to any other third parties, except where required or allowed by law. Disclosure will not normally be made outside the EU.

The third parties, with whom RBC may share your personal data, have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

- The data controllers of external agencies mentioned above;
- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing

How can you get access to your personal data?

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such

cases we will need you to respond with proof of your identity before you can exercise these rights.

1) The right to access personal data we hold on you

You can ask to see what data we hold about you and ask to be sent a copy. This is called a Subject Access Request

Until 24 May 2018, there will be a £10 charge for a Subject Access Request. From 25 May 2018 onwards, they will be free of charge unless there is a lot of work or a lot of photocopying and postage, which we are allowed to charge a reasonable fee for.

2) The right to correct and update the personal data we hold on you

If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

3) The right to have your personal data erased

If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.

When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).

4) The right to object to processing of your personal data or to restrict it to certain purposes only

You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

5) The right to data portability

You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

6) The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained

You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

7) The right to lodge a complaint with the Information Commissioner's Office.

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

How can the service user get access to their data?

By making a Subject Access Request following the link: www.reading.gov.uk/dataprotection

Changes to this notice:

We keep this Privacy Notice under regular review and we will place any updates on this web page www.reading.gov.uk/dataprotection

This Notice was last updated in May 2018.

Contact Details

Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Data Controller,
Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU

Email: Ricky.Gill@reading.gov.uk

Appendix A

Legislation appropriate to the teams within Regulatory Service is detailed below:

Environmental Protection & Nuisance

Anti-Social Behaviour, Crime and Policing Act 2014
Berkshire Act 1986
Building Act 1986
Environmental Protection Act 1990
Clean Air Act 1993
Clean Neighbourhoods & Environment Act 2005
Control of Pollution Act 1974
Environment Act 1995 (powers of entry)
Food and Environment Protection Act 1985
Prevention Damage by Pests Acts 1949
Public Health Acts 1936 and 1961
Public Health (Control of Diseases) Act 1984
Pollution Prevention and Control Act 1999
Local Government and Housing Act 1989
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Offices, Shops and Railway Premises Act 1963
Police and Criminal Evidence Act 1984
Licensing Act 2003
Water Industry Act 1991
European Communities Act 1972
Refuse Disposal (Amenity) Act 1978
Planning and Compensation Act 1991
Town and Country Planning Act 1990
Any orders or regulations made under the European Communities Act 1972
pertaining to areas that are enforced by the authorised officer
Pet Animals Act 1951
Guard Dogs Act 1975
Animal Boarding Establishment Act 1963
Riding Establishment Act 1964
Breeding of Dogs Act 1973
Breeding of Dogs Regulations 1999
Breeding and sale of Dogs (Welfare) Act 1999
Sale of Dogs Regulations 1999
Performing Animals Act 1925
Refuse Disposal (Amenity) Act 1978
Zoo Licensing Act 1981
Housing Acts 1985 and 2004
Health Act 2006 Chapter 1
Health & Safety at Work Etc Act 1974
Criminal Justice and Public Order Act 1994

Private Sector Housing

Housing Act 2004.
Housing Act 1985
Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014.
Property Act 1925
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
Public Health Act 1936
Public Health Act 1961
Building Act 1984
Local Government (Miscellaneous Provisions) Act 1976.
Public Health (Control of Disease) Act 1984.
Health Act 2006
Public Health Acts Amendment Act 1907
The Environmental Protection Act 1990
Local Government (Miscellaneous Provisions) Act 1982
Private Water Supplies Regulations 2010
Prevention of Damage by Pests Act 1949
Regulatory Reform Order 2003
Housing Grants, Construction and regeneration Act 1996
Anti-Social Behaviour, Crime & Policing Act 2014
Clean Neighbourhoods and Environment Act 2005.

Trading Standards

Administration of Justice Acts 1970 and 1985
African Horse Sickness (England) Regulations 2012
Agriculture (Miscellaneous Provisions) Act 1968
Animal By-Products(Enforcement)(England) Regulations 2013
Animal Health Act 1981
Animal Welfare Act 2006
Animals Act 1971
Anti-social Behaviour Act 2003
Biofuel Labelling Regulations 2004
Bluetongue Regulations 2008
Bovines & Bovine Products (Trade) Regulations 1999
Brucellosis (England) Order 2015
Business Protection from Misleading Marketing Regulations 2008
Cancer Act 1939
Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008
Cattle Identification Regulations 2007
Children and Families Act 2014
Children and Young Persons (Protection from Tobacco) Act 1991
Children and Young Persons Act 1933
Clean Air Act 1993 – Motor Fuel (Composition and Content) Regs.
Companies Act 2006
Construction Products Regulations 2013

Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
Consumer Credit Act 1974
Consumer Protection Act 1987
Consumer Protection from Unfair Trading Regulations 2008
Consumer Rights Act 2015
Copyright, Designs and Patents Act 1988
Cosmetic Products Enforcement Regulations 2013 and the EU Cosmetic Regulation 1223/2009
Courts and Legal Services Act 1990
Criminal Justice Act 1988
Customs & Excise Management Act 1979
Detergents Regulations 2010
Diseases of Swine Regulations 2014
EC Fertilisers (England and Wales) Regulations 2006
Education Reform Act 1988
Energy Information Regulations 2011
Energy Performance of Buildings (England and Wales) Regulations 2012
Enterprise Act 2002
Environment Act 1995, as it applies to the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012
Environmental Protection (Microbeads)(England) Regulations 2017
Estate Agents Act 1979
European Communities Act 1972
Explosives Regulations 2014
Fair Trading Act 1973
Financial Services (Distance Marketing) Regulations 2004
Fireworks Act 2003
Fluorinated Greenhouse Gases Regulations 2015
Foot-and-Mouth Disease (Control of Vaccination)(England) Regulations 2006
Forgery & Counterfeiting Act 1981
Fraud Act 2006
General Product Safety Regulations 2005
Hallmarking Act 1973
Health Act 2006
Horse Passports Regulations 2009
Housing Act 2004
Housing and Regeneration Act 2008
Knives Act 1997
Legal Services Act 2007
Licensing Act 2003
Medicines Act 1968
Money Laundering Regulations 2007
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
Olympic Symbol etc. (Protection) Act 1995
Package Travel, Package Holidays and Package Tours Regulations 1992
Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001

Performing Animals (Regulation) Act 1925
Prices Act 1974
Protection of Animals Act 1911
Psychoactive Substances Act 2016
Pyrotechnic Articles (Safety) Regulations 2015
Radio Equipment and Telecommunications Terminal Equipment Regulations
2000
REACH Enforcement Regulations 2008
Registered Designs Act 1949
Road Traffic Acts 1988 and 1991
Sheep and Goats (Records, Identification and Movement)(England) Order
2009
Single Use Carrier Bags Charges (England) Order 2015
Standardised Packaging of Tobacco Products Regulations 2015
Textile Products (Labelling and Fibre Composition) Regulations 2012
Theft Act 1968
Timeshare, Holiday Products, Resale and Exchange Contracts Regulations
2010
Tobacco Advertising and Promotion Act 2002
Tobacco and Related Products Regulations 2016
Toys (Safety) Regulations 2011
Trade Descriptions Act 1968
Trade in Animals and Related Products Regulations 2011
Trade Marks Act 1994
Transmissible Spongiform Encephalopathies (England) Regulations 2010
Unsolicited Goods and Services Acts 1971 and 1975
Veterinary Medicines Regulations 2013
Video Recordings Act 1984
Vehicles (Crime) Act 2001
Welfare of Animals at Time of Killing (England) Regulations 2015
Zoonoses (Monitoring) (England) Regulations 2007
Animals and Animal Products (Examination for Residues and Maximum
Residue
Limits)(England and Scotland) Regulations 2015
Beef and Veal Labelling Regulations 2010
Country of Origin of Certain Meats (England) Regulations 2015
Food Act 1984
Food and Environment Protection Act 1985
Food for Specific Groups (Information and Compositional Requirements)
Regulations 2016
Food Information Regulations 2014
Food Safety Act 1990
Food Safety and Hygiene (England) Regulations 2013
Genetically Modified Organisms (Traceability and Labelling)(England)
Regulations 2004
Infant Formula and Follow-on Formula (England) Regulations 2007
Official Controls (Animals, Feed and Food)(England) Regulations 2006
Official Feed and Food
Controls (England) Order 2009
Olive Oil (Marketing Standards) Regulations 2014

Organic Products Regulations 2009
Plastic Materials and Articles in Contact with Food (England) Regulations
2009
Poultrymeat (England) Regulations 2011
Quick-frozen Foodstuffs (England) Regulations 2007
Scotch Whisky Regulations 2009
Specified Products from China (Restrictions on First Placing on the
Market)(England and
Wales) Regulations 2008
Spirit Drinks Regulations 2008
Wine Regulations 2011
Agriculture Act 1970
Animal Feed (Composition, Marketing and Use)(England) Regulations 2015
Animal Feed (Hygiene, Sampling etc and Enforcement)(England) Regulations
2015
Official Controls (Animals, Feed and Food)(England) Regulations 2006
Official Feed and Food
Controls (England) Regulations 2009
Measuring Instruments Regulations 2016
Non-automatic Weighing Instruments Regulations 2016
Weights and Measures Act 1985
Weights & Measures (Packaged Goods) Regulations 2006
Health and Safety at Work Act 1974
The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations
2003
The Biocidal Products and Chemicals (Appointment of Authorities and
Enforcement)
Regulations 2013
The Dangerous Substances and Explosive Atmospheres Regulations 2002,
The Explosives Regulations 2014,
The Petroleum (Consolidation) Regulations 2014
Explosives Act 1875
Public Health Acts 1936 and 1961
The Ozone-Depleting Substances Regulations 2015
Redress Schemes for Letting Agencies Work and Property Management
Work (Requirement Belong to a Scheme etc)(England) Order 2014