

# Data Privacy Notice

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## Food Safety & Health and Safety Enforcement

### The Environmental Health Food and Health and Safety team

We have responsibility for a wide variety of activities, whilst not an exhaustive list includes; undertaking food hygiene inspections, investigating food complaints, responding to national food hazard warnings, providing advice to new and existing businesses, investigation of foodborne illnesses, sampling and providing food hygiene courses.

We enforce the provisions of the Health and Safety at Work Act 1974 and the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) together with a range of related legislation including the regulations that ban smoking in public places and smoking in vehicles carrying children. We advise business on legal requirements and support sector/industry-wide initiatives.

We have responsibility for food hygiene enforcement, and the provision of advice and support in relation to all food safety issues both internal and external to the council.

Food hygiene inspections are part of the regime for ensuring that food meets the requirements of food hygiene and safety law, including microbiological quality to ensure that food is free from pathogenic micro-organisms, and is safe for human consumption

## Food Safety

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*All of our work is undertaken in accordance with the Food Safety Act 1990 as amended, The General Food Regulations 2004.*

*The Food Safety and Hygiene (England) Regulations 2013*

*The Food Law Code of Practice (England)*

*EC Regulation No. 2073/2005 on Microbiological Criteria for Foodstuffs*

*Regulation (EC) No 853/2004 which lays down specific hygiene rules for food of animal origin.*

*Regulation (EC) No 852/2004 on the hygiene of foodstuffs*

*Regulation (EC) No 178/2002 General principles of food law*

*Agriculture Act 1970*

*Public Health (Control of Disease ) Act 1984*

*Animal Feed (England) Regulations 2010*

*Animal By-products (Enforcement) (England) Regulations 2013*

*Beef and Veal Labelling Regulations 2010*

*Drinking Milk (England) Regulations 2008*

*Fishery Products (Official Controls Charges) Regulations 2007*

*Food Additives (England) Regulations 2009*

*General Food Regulations 2004*

*General Product Safety Regulations 2005*

*Genetically Modified Animal Feed (England) Regulations 2004*

*Infant Formula and Follow-on Formula (England) Regulations 2007*

*Genetically Modified Animal Feed (England) Regulations 2004*

*Materials and Articles in Contact with Food (England) Regulations 2012*  
*Meat (Official Controls Charges) (England) Regulations 2009*  
*Official Controls (Animals, Feed and Food) (England) Regulations 2006*  
*Wine Regulations 2011*  
*Food and Environmental Protection Act 1985*  
*Official Feed and Food Control (England) Regulations 2009*  
*Organic Products Regulations 2009*  
*Spirit Drinks Regulations 2008*  
*Trade in Animals and Related Products (England) Regulations 2011 (TARP)*

## 1) Food hygiene interventions

Reading Borough Council has a food hygiene inspection programme that includes all the businesses for which we as a Food Authority have food hygiene responsibility. The programme is based on a risk based rating system set out by the *Food Law Code of Practice*, which ensures that the businesses with the potential to cause the most problems are visited the most frequently.

Whilst it is primarily the responsibility of the food business to control risks and identify food hazards, food premises inspections aim to establish whether food is being handled and produced hygienically, assess the effectiveness of controls and identify contraventions. All programmed food safety interventions are undertaken in accordance with the Food Law Code of Practice.

## 2) Data collection and Inspection

Food premises will be visited during normal trading hours, however, due to the nature of some businesses this may be outside of normal office hours. Prior notice of inspections is not normally given, although exceptions may be made for some premises in order that key personnel may be available or if the business operates from an individual's home. Data collected during inspection consists of authorised officers contemporaneous notes which record contraventions of food law and associated actions that are required in order to be compliant. The authorised officer will also specify a period of time in which compliance must be met.

The authorised officer will also make recommendations for good practice. Information relating to the personal data (contact details) of the business and the food business operator are recorded. A duplicate copy of the hand written report is left with the food premises staff or food business operator or their representative. Additional information records the names of the staff together with their food hygiene qualifications (personal data). During the course of the visit photographs may be taken in order to record documents, the arrangement of the premises or to record a contravention of food law. Authorised officers also may examine records stored on computers requesting copies if required, if necessary an authorised officer may "seize and detain any records which he has reason to believe may be required as evidence in proceedings" *Section 32 (6) of the Food Safety Act*.

Information that is gathered after an intervention must be updated to include the following:

- information on the size and scale of the business and its customer base;
- information on the type of food activities undertaken by the business, including any special equipment, processes or features; copies of any correspondence with the business, including documentation associated with approvals or authorisations;
- copies of food sample analysis/examination results;
- a system of flagging for significant issues, including details of any non-compliance to be reviewed at future interventions, and in respect of establishments inspected for food hygiene purposes, an assessment of the business compliance with procedures based on Hazard Analysis Critical Control Point (HACCP) principles where appropriate;
- information on hygiene training undertaken by employees; including any training on the implementation and operation of the food safety management system; and
- Information as to whether the business imports food and/or is the first destination inland after import.

Additionally in respect of premises inspected for food standards purposes:

- the existence and assessment of any documented quality system
- details of other businesses that produce or import for the business.

### 3) Enforcement and Revisits

Following an inspection it may be necessary to carry out a re-visit after an appropriate time to check that matters have been attended to or check compliance with any enforcement notices. Reasons for re-visits include:

- The nature of the contravention is deemed so serious that if it was not addressed, formal action would need to be taken
- The number of minor contraventions is excessive and indicative of poor management and/or little confidence in the management addressing the matters

Where the law has been contravened there are a range of enforcement options available to seek compliance with the law. Enforcement actions range from informal steps, such as giving a written warning, to formal measures such as: serving notices; prohibiting food operations; closure of a food establishment and prosecution. In the most serious cases involving the death of a consumer, the council in consultation with other agencies may pursue a manslaughter charge, for example, manslaughter by gross negligence.

The action taken is determined by the relevant circumstances of each case and in accordance with our enforcement policy.

If officers are not satisfied by the levels of food safety being achieved, they have several means of obtaining improvements: verbal or written information and advice; hygiene improvement notices, improvement notices, prohibition notices or prosecution in criminal courts.

The FSA publishes annual Local Authority & Food Standards Agency food law prosecution outcomes. These give a detailed breakdown of enforcement activity across the UK and

include: the trading name of the premises, the premises address, the defendants' name, the nature of the offence and the sentence.

#### 4) Management Information Systems (MIS)

Reading Borough Council as the Food Authority has a Management Information Systems (MIS) in which it records the details of premises, intervention ratings, interventions including scanned handwritten duplicate copies of inspection reports, photographs, sampling results, compliance levels, risk scores and complaint investigations and enforcement actions. All such data is controlled by Reading Borough Council referred to as the Data Controller.

#### 5) Local Authority Enforcement Data

Local Authority Enforcement Monitoring System (LAEMS) is a web-based system used to report local authority food law enforcement activities to the Food Standards Authority (FSA). We upload the data held on our CIVICA APP database to LAEMS annually. Submission of information enables FSA to collate statistics and assess national picture of food safety. It may also be used to benchmark with other local authorities

#### 6) Food hygiene rating scheme

The Food Hygiene Rating Scheme (FHRS) administered by the FSA extends to businesses supplying food directly to consumers. This includes restaurants, cafes, retailers and other places where people eat food outside of the home. The overall aim of the scheme is to reduce the incidence of food borne illness and the associated costs of this to the economy. From a local perspective, the scheme helps consumers to make informed choices about places they wish to eat or shop for food, and through this encourages businesses to improve hygiene standards. Following inspection by authorised officers the food business is given a score 0-5. Ratings are displayed on the FSA website. The score together with the address details are published on the website; this will not include the address of those businesses that are located in individual's homes.

#### 7) Foodborne Illness and Notifiable Diseases

Food poisoning is one of a number of conditions that we must be notified of under the *Health Protection (Notification) Regulations 2010*

Through the investigations of suspected food poisoning complaints or investigations of notifiable infectious diseases, the environmental health team may be able to identify links between cases and through this feedback may undertake interventions at suspect premises in order to identify contributory factors and take action, as necessary, to improve hygiene standards

Environmental Health in liaison with Public Health England, FSA and the Consultant in Communicable Disease Control work to investigate and control both sporadic cases and outbreaks of food related illnesses.

Public Health England notifies Environmental Health staff of every case of food related illness and any suspected outbreaks. Investigations are then undertaken in order to attempt to identify the source of the illness, prevent further spread of illness, raise awareness of hygiene issues and carry out food hygiene visits or any necessary enforcement action.

For consistency with other Local Authorities, the investigation is undertaken using a standard detailed questionnaire. The information gathered involves individuals, families (including children) and information related to health and as such is defined as sensitive/special data.

#### **8) Registration of premises used for a food business, including market stalls and moveable structures, is required by law.**

Registration will allow the council to keep an up-to-date list of all those premises in their area so we can visit them when we need to carry out regular checks to ensure the public is protected and high standards are maintained

The council is required by law to maintain a register of food establishments (*EC Regulation 882/2004, Article 31(1) (b)*) and food business operators are legally required to register under *Regulation (EC) No.852/2004 on the Hygiene of Foodstuffs, Article 6 (2)*.

The register will consist of the name of the business, address and type of business the name and address of the food business operator referred to as the data subject (The data subject is the person about whom personal data is processed). Data sharing protocols permit the completed registration form to be disclosed to other enforcement agencies as necessary including Trading Standards.

#### **9) Approved food premises**

*Article 31(2) (a) of Regulation (EC) 882/2004 and EC Regulation 853/2004*

Certain food premises involved in the production, handling and storage of products of animal origin have to be approved under *EC Regulation 853/2004*. This legislation requires compliance with more detailed hygiene requirements than those for registered premises. We are required to inspect and grant permission for premises to handle process and manufacture products of animal origin such as meat, dairy, egg or fish. This is called the process of approval.

Food premises approved under these regulations must meet additional requirements above the general requirements for food premises as they involve more high risk operations. Additional paperwork regarding hygiene and safety of the food being processed will also need to be sent with the application form. Personal data from the food business operator will be collected and /or managers as part of the approval application. We must notify the Food Standards Authority when an establishment has been approved or conditionally approved. This information is also stored on a central EU register. A food business will be committing an offence if it places on the market foods that are subject to the relevant requirements of *EC Regulation 853/2004* without having prior approval and would be liable to prosecution.

## 10) Food training courses

Reading Borough Council currently delivers the Royal Society for Public Health Level two Food Safety and Hygiene course. Personal data is collected with the consent of the individual who it belongs to in order to provide a contract between Reading Borough Council and the candidate or employer. We collect the information to fulfil any bookings you make and to deal with any administrative queries or questions regarding your booking. The information will be passed to the exam body, Royal Society of Public Health in order that they can mark the exam papers and issue the certificate to the correct person. Payment is via our online payment service and will only be used for the recording of your payment. We will ensure that it is used for no other purpose and is not disclosed to a third party, other companies or individuals unless required to do so by law for the prevention of crime and the detection of fraud. We will hold it securely and only for as long as it is needed. This also applies to our re-inspection and advisory visit service which is paid for on-line.

## 11) Service requests

The environmental health team is contacted by local residents via complaints and concerns about food safety, alleged unsatisfactory food premises/food handling practices and suspected food poisoning. Members of the public can use the Reading Borough Council website in order to make a food complaint, or they can contact Reading Borough Council via its call centre. A written record is then made using our computerised management information system and the complaint allocated to an appropriate officer. These complaints may include photographs attached to emails. The information consists of personal data (contact details) of the individual making the complaint and the name and address of the food premises concerned.

The FSA also has dedicated contact points to report poor food hygiene, a foreign object in food, cleanliness of facilities or food crime which we receive if they are relevant to Reading Borough Council. In this case both the Food Standards Agency and Reading Borough Council would be data controllers. The FSA will retain personal information only for as long as necessary to support Local Authorities and in line with their retention policy.

## Health and Safety

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*The Health and Safety at Work Act 1974 (HSWA).*

*The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)*

*Health and Safety Framework Directive (89/391/EEC)*

*Health and Safety (Enforcing Authority) Regulations 1998*

*The Notification of Cooling Towers & Evaporative Condensers Regulations 1992*

## 12) The Health and Safety at Work Act

The Act is based on the principle that those who create risks to employees or others in the course of carrying out work activities are responsible for controlling those risks. The Act places specific responsibilities on employers, the self-employed, employees, designers, manufacturers, importers and suppliers.

A key element is the *Health and Safety Framework Directive (89/391/EEC)*, primarily implemented in Britain by the Management of Health and Safety at Work Regulations, which established broadly based obligations for employers to evaluate, avoid and reduce workplace risks.

A range of related and other directives, implemented through national regulations, cover: the management of specific workplace risks (such as musculoskeletal disorders, noise, work at height, machinery or asbestos); the protection of specific groups of workers such as new or expectant mothers, young people and temporary workers.

### 13) Visits and Inspections

Health and Safety Officers may visit a premise for many reasons, including:

- Routine health and safety inspections
- Part of an educational campaign
- In response to an accident or complaint

The *Health and Safety (Enforcing Authority) Regulations 1998* allocate the enforcement of health and safety legislation at different premises between local authorities and the Health and Safety Executive (HSE). Reading Borough Council enforces Health and Safety in a range of premises including offices, shops, retail and wholesale distribution, hotel and catering establishments, petrol filling stations, residential care homes and the leisure industry. Any other type of premises will probably be enforced by the [Health and Safety Executive](#) (external link).

These premises may be inspected by authorised officers the main object of inspection is to stimulate compliance with health and safety legislation and to ensure that a good standard of protection is maintained. Inspectors have, and make use of, important statutory powers.

They can enter any premises where work is carried on, without giving notice. They can talk to employees and safety representatives, take photographs, samples, and view documentation such as the company health and safety policy, workplace risk assessments, maintenance and inspection records for particular pieces of machinery or vehicles, staff training records, asbestos log, gas safety certificates and accident records. They will take written notes and may impound dangerous equipment and substances.

We receive notifications from the HSE regarding the higher-risk work with asbestos which must only be done by a licenced contractor. All licensable work must be notified using the appropriate form at least 14 days before the work starts. The data shared will be limited to: name of licensee, licence expiry date, site location, dates of work, nature of work. In response to these notifications officers may request additional information such as a Method Statement for the safe removal of the disposable asbestos.

If officers are not satisfied by the levels of health and safety standards being achieved, they have several means of obtaining improvements: verbal or written information and advice; improvement notices, prohibition notices or prosecution in criminal courts.

## 14) Accidents and ill Health

Health and safety law puts duties on employers, the self-employed and people in control of work premises to report serious workplace accidents, work-related diseases and “specified dangerous occurrences” (near misses).

The responsible person, usually the employer or person in control of the premises, must report all relevant incidents and keep appropriate records relating to

- deaths
- major injuries
- over-seven-day injuries resulting in seven days absence
- reportable diseases
- non-fatal accidents to non-workers

The reports are completed on line by the employer and sent to a ‘one-stop’ UK-wide HSE Incident Contact Centre (ICC) which receives reportable incidents from businesses. The ICC collates all incidents and then sends them by a secure webpage to the relevant enforcing authority for action.

Details of all accidents and work-related ill health in the workplace passed to us by the ICC will be checked. An officer will carry out an investigation depending how serious the incident is or if further information is needed about the incident. The investigation will aim to prevent similar incidents occurring in that workplace either by providing guidance and advice, or, if serious offences are found, by the use of enforcement action. Investigations will be conducted sensitively and confidentially. When we consider we have sufficient information from all relevant parties we will make an assessment about the most appropriate course of action having regard to health and safety law.

## 15) Death at work

Authorised Officers will carry out a site investigation of all reportable work-related deaths that have taken place in a local authority enforced premises. Where there has been a breach of the law leading to a work-related death, the council will consider whether the circumstances of the case might justify a charge of corporate manslaughter.

The police and Crown Prosecution Service (CPS) have legal responsibility to pursue a charge of manslaughter if appropriate. The council is responsible for investigating contraventions of health and safety. If in the course of their health and safety investigation an authorised officer of the council finds evidence suggesting that a manslaughter incident may have occurred, they will pass it to the police for their consideration.

## 16) Prosecutions Register/ Cooling Tower Register

The Health and Safety Executive maintains a public database of details of:

- All prosecution cases which resulted in a conviction and Crown censures taken by HSE since 1 April 1999



- Details of all enforcement notices issued since 1 April 2001 excluding those under appeal or withdrawn.
- Details of all cooling towers and evaporative condensers in the Borough are kept in a register. These details include the name and address of the premises and the name and contact number of the person in control of the building.

If businesses have been prosecuted for Health and Safety breaches by the HSE, the details will be available on the [Health and Safety Executives Public Register of Convictions](#) (external link).

Additionally under the *Environment and Safety Information Act 1988*, Local Authorities are required to maintain a Public Register of all health and safety enforcement notices which were served for issues relating to persons other than just employees. Such notices are required to be kept on the register for three years after being served, even though remedial action may have already taken place and dealt with the problem.

## 17) Service Requests

The Health and Safety Executive (HSE) has a dedicated online form and telephone number to report concerns regarding health and safety. Local residents may also contact us with concerns. As with all service requests we ask for your name and correct contact details to allow us to follow-up your concern but we will not disclose your name to your employer if you don't want us to. However, depending on the nature and circumstances of your concern it may be possible for your employer to guess that you notified us, particularly if you have already raised the matter with them. If you are a worker raising a concern about health and safety at the place where you work, then you need to be aware of the protection that employment law gives you as a "whistle-blower".

## Other Activities - Special Treatment Licence

*Local Government (Miscellaneous Provisions) Act 1982*

The following types of skin piercing need be registered with the council.

- acupuncture
- tattooing
- cosmetic piercing
- electrolysis
- semi-permanent skin colouring

The Act requires registration which includes the collection of personal data to cover both the person carrying on the practice and the premises used for that purpose. The council also requires registration of hairdressers under *section 77 of the Public Health Act 1961*.

## Other Activities - Sunday Trading law

Sunday Trading Act 1994 provides rights for shop workers not to work on a Sunday and for shops with greater floor area than 280 m<sup>2</sup> to operate for a maximum period of 6 hours only. Where Christmas Day falls on a Sunday or Easter Day all large shops will be closed.

## Statement of Policy

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In the UK, General Data Protection Regulations GDPR (the official title of which is *Regulation 2016/679* on the protection of natural persons with regard to the processing of personal data and on the free movement of such data) will replace the Data Protection Act 1998, which was brought into law as a way to implement the 1995 EU Data Protection Directive. The GDPR originated in the European Union (EU) and has been drafted in order to ensure that the EU is equipped for the digital age. It also ensures data protection law is almost identical across the EU.

GDPR will be enforced by the Information Commissioner's Office (ICO). The Government has confirmed that the UK's decision to leave the European Union will not alter this.

The Data Protection Bill put forward by the UK government in September 2017, essentially replicates the requirements of GDPR into UK legislation, meaning those compliant with GDPR should be compliant with UK data protection law. However, the GDPR gives member states limited opportunities to make provisions for how it applies in their country. The main aim of the Bill is to ensure that data can continue to flow freely between the UK and EU countries after Brexit when the UK will be classed as a 'third country' by the EU. Under the EU's data protection framework, personal data can only be transferred to a third country where an adequate level of protection is guaranteed by the government of that country.

The council is required by law to collect and use information in connection with Health and Safety and Food Safety in order to comply with the requirements of central government. This personal information must be handled and dealt with properly however it is collected, recorded and used and whether it is on paper, in computer records or recorded by other means.

### 18) Identity and contact details of Reading Borough Council

Our postal address is

The Data Protection Officer  
Reading Borough Council  
Civic Offices,  
Bridge Street,  
Reading, RG1 2LU  
Phone number: 0118 937 3737

You can contact us here for a range of services, or via forms on our website [www.reading.gov.uk](http://www.reading.gov.uk) or in person at our Civic Offices.

We process your data in accordance with the General Data Protection Regulation (GDPR) and UK privacy legislation and if you have any concerns the Council's Data Protection Officer can be contacted via email at:

[Ricky.Gill@reading.gov.uk](mailto:Ricky.Gill@reading.gov.uk) or at the postal address shown above

As a public authority, we must comply with all relevant legislation relating to data handling. The Information Commissioner's Office (ICO) is the supervisory authority in the United Kingdom established to ensure that your data rights are upheld. Reading Borough Council is registered with the Information commissioner as a Data Controller, Registration Number: Z5495098. This registration is renewed annually and describes in general terms the reasons and purposes for processing information, the type of information processed, who information is processed about and who it may be shared with.

### 19) Article 5 GDPR Principles relating to processing of personal data

Personal data is basic details such as name, address, telephone number, and date of birth, or notes and comments made about a person, and information held about that person in files, any information related to a natural person or 'Data Subject' that can be used to directly or indirectly identify the person. This can include but is not limited to written correspondence, emails, photographs, audio recordings and video recordings.

Information classed as sensitive/special personal data (*Article 9 EU GDPR*) includes details of racial or ethnic origin, religious or political beliefs, health, trade union membership, biometric data (for example from wearable fitness monitors, face recognition technology and fingerprints,) genetic data and criminal records.

Obtaining, recording, holding and dealing with personal information is known as 'processing.' Reading Borough Council as the data controller must comply with the principles listed below. These principles are legally enforceable

**Lawfulness** - Data should be processed only when there is a lawful basis for such a processing (e.g. consent, contract, legal obligation)

**Fairness** - The organisation processing the data should provide data subjects with sufficient information about the processing and the means to exercise their rights.

**Transparency** - The information provided to data subjects should be in a concise and easy to understand format (e.g. the purpose of consent should not be buried in a lengthy document of terms and conditions)

**Purpose limitation** - Personal data may be collected only for a specific explicit and legitimate purpose and should not be further processed. Processing "for another purpose" later on requires further legal permission or consent. The only exception to this requirement is where the "other purpose" is "compatible" with the original purpose.

**Data minimisation** - The processing of personal data should be adequate, relevant and limited to what is necessary in relation to the purposes for which the data are used

**Accuracy** - Data should be accurate and kept up to date

**Storage limitation** - Data should not be held in a format that permits personal identification any longer than is necessary

**Security** - Data should be processed in a manner that ensures security and protection against unlawful processing, accidental loss, damage and destruction

**Accountability** - The data controller (Reading Borough Council) is responsible for demonstrating compliance.

## 20) Article 6.1 Lawful Basis for processing Personal Data, under the GDPR

Reading Borough Council must have a Lawful Basis for processing Personal Data, under the GDPR and these are set out in *Article 6.1* as follows:

- a) Consent - the individual has given their Consent to the processing of their Personal Data.
- b) Contractual - processing of Personal Data is necessary for the performance of a contract to which the individual is a party or for the Controller to take pre-contractual steps at the request of the individual.
- c) Legal obligation - processing of Personal Data is necessary for compliance with a legal obligation to which the Controller is subject.
- d) Vital interests- processing of Personal Data is necessary to protect the vital interest of the individual or of another individual.
- e) Public Task - processing of Personal Data is necessary for the performance of a task carried out in the public interest or in the exercise of official authority.
- f) Legitimate interests - processing is necessary under the Legitimate Interests of the Controller or Third Party, unless these interests are overridden by the individual's interests or fundamental rights

Consent - Under the GDPR consent requires some form of clear affirmative action. Silence, pre-ticked boxes or inactivity does not constitute consent. Some form of record must be kept of how and when consent was given. Individuals have a right to withdraw consent at any time.

With the exception of food hygiene training courses all the data processed as described above does not require consent. It is processed under:

*Article 6(1)(e) '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'; and*

*Article 9(2) (i) 'processing is necessary for reasons of public interest in the area of public health'*

## 21) Your Rights

You have a number of rights in relation to your personal data, Please note that not all rights are automatic and some may not be available in certain circumstances:

a) **The right to be informed** - via Privacy Notices (sometimes referred to as a Fair Processing Notice) such as this.

b) **The right to find out about personal data we hold and ask for a copy of it (Subject Access Request)**. *Recital 63 of the GDPR* states,

*"a data subject should have the right of access to personal data which have been collected concerning him or her, and to exercise that right easily and at reasonable intervals, in order to be aware of, and verify, the lawfulness of the processing".*

You can ask us whether we hold personal data and you can request a copy of the information we hold. However, we can't let you see any parts of your record which contain:

- Confidential information about other people.
- Data a professional would think will cause serious harm to your or someone else's physical or mental wellbeing.
- If we think that giving you the information may stop us from preventing or detecting a crime.

From 25 May 2018 onwards - Subject Access Request will be free of charge however, we can charge a 'reasonable fee' based on the administrative cost of providing the information when a request is manifestly unfounded or excessive, particularly if it is repetitive.

### Information requests made under the *Freedom of Information Act 2000*

Much of the information we hold is published here on our website, and some in particular is published automatically as part of the government commitment to public sector transparency and as required by the *Freedom of Information Act* under our [publication scheme](#). This outlines the information we make available and covers: who we are and what we do, what we spend, our priorities, how we make decisions, our policies and procedures, lists and registers. We maintain a number of registers containing information of public interest for example the Health and Safety Prosecution Register.

We have a responsibility under the *Freedom of Information Act* to provide information in response to any written request, normally within 20 working days. Processing Freedom of

Information requests involves the collection and storage of personal data about applicants and others. A separate privacy notice is provided at [Freedom of Information](#)

d) **The right of rectification** - we must correct inaccurate or incomplete data within one month. You can ask to change information you think is inaccurate. We may not always be able to change or remove that information, but we will correct factual inaccuracies and may include your comments in the record to show that you disagree with it.

e) **Right to restriction of processing** - you can ask that access to your records is limited in certain circumstances. This would apply if you are contesting the accuracy of the data on record and we are seeking to verify it.

If the processing of your data is unlawful, but you want the record preserved.

- This could be because you are pursuing a complaint.
- It could also be because you need the data to establish a legal claim, to exercise and/or defend a legal claim.
- This could be while you are making an objection to the council processing your data under a lawful authority.

In these circumstances the council may only process the data with your consent or to establish, exercise or defend a legal claim or to protect the rights of another person or important public interest.

f) **The right to withdraw your consent** - if you have provided us with consent for the use of your data for instance, marketing purposes, you have the right to withdraw your consent to stop the further use of your data for this purpose. This right is not relevant to the data on this privacy statement as we do not rely on consent.

g) **The right to object** - to use of your information which is likely to cause substantial damage or distress - you may object in writing to us explaining why such use of your data is likely to cause you damage or distress and what should be done to prevent this. This right is not automatic and the use of your personal data for purposes you disagree with may be justified in certain circumstances even if it causes you some damage or distress.

h) **The right to erase your details** - (right to be forgotten). The right to erasure is not absolute and only applies in certain circumstances and is not applicable to the data collected as specified in this privacy statement.

In some circumstances you can ask for your personal information to be deleted, for example:

- Where your personal information is no longer needed for the reason why it was collected in the first place.
- Where you have removed your consent for us to use your information (where there is no other legal reason for us to use it). Where there is no legal reason for the use of your information. Where deleting the information is a legal requirement.

- Where your personal information has been shared with others, we'll do what we can to make sure those using your personal information comply with your request for erasure

Please note that we can't delete your information where, as stated above, it is required by law and/or for public health purposes. *GDPR Article 6(1) (e), Article 9(2) (i)*

i) **You have the right to ask for your personal information to be given back to you** - or another service provider of your choice in a commonly used format. This is called data portability.

This only applies if we're using your personal information with consent (not if we're required to by law) and if decisions were made by a computer and not a human being. Data portability won't apply to data within this privacy statement.

j) **You have rights in relation to automated decision making and profiling** - to reduce the risk that a potentially damaging decision is taken without human intervention.

k) **The right to refer to the Information Commissioner's Office** - for independent advice about data protection, privacy and data sharing issues, or if you are still dissatisfied with how the council has handled a complaint about the use of your personal data. You can contact the Information Commissioners Office on 0303 123 1113 or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

## 22) Protecting your information

The GDPR requires us to process personal data securely. This is not a new data protection obligation. It replaces and mirrors the previous requirement to have 'appropriate technical and organisational measures' under the *Data Protection Act 1998*.

However, the GDPR provides more specifics about what we have to do about the security of your processing and how we should assess your information risk and put appropriate security measures in place. Whilst these are broadly equivalent to what was considered good and best practice under the *1998 Act*, they are now a legal requirement.

The records that we hold about you, the data subject, on paper and electronically are held in a secure way and we will only make them available to those who have a right to see them. Examples of our security include;

- Encryption, meaning that information is hidden so that it cannot be read without special knowledge (such as a password). This is done with a secret code or what's called a 'cypher'. The hidden information is said to then be 'encrypted'
- Controlling access to systems and networks allows us to stop people who are not allowed to view your personal information from getting access to it.
- Training for our staff allows us to make them aware of how to handle information and how and when to report when something goes wrong.
- Regular testing our technology and ways of working including keeping up to date on the latest security updates (commonly called patches).

- All members of staff and councillors are responsible for data entered onto council computers. The very nature of many types of council information makes protection of that information of prime importance. All staff have legal responsibilities under GDPR and the Computer Misuse Act to ensure that unauthorised access to data is not allowed and also that data is accurate and kept up to date.

More information is available within the Information Security and ICT use of Equipment policy.

### 23) Information sharing

Your personal information may be shared with internal departments or with external partners and agencies these will be primarily the Food Standards Agency, Public Health England and the Health and Safety Executive.

Reading Borough Council has a duty to protect public funds and may use personal information and data-matching techniques to detect and prevent fraud, and ensure public money is targeted and spent in the most appropriate and cost-effective way. Information may be shared with internal services and external bodies like the Audit Commission, Department for Work and Pensions, other local authorities, HM Revenue and Customs, the police.

The processing of your personal and special data is necessary for compliance with the legal obligations contained within the above legislation.

There may be occasion where we share information with other government organisations such as the police, the fire service and CPS and with the Health and Safety Executive; this is a legal requirement under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.

### 24) Transfer of data abroad

The majority of data stated within this privacy notice is stored on systems within the UK. However some data for example that connected to European food legislation will be sent to the European Commission via the Food Standards Agency. For example foodborne and non-foodborne gastrointestinal outbreaks are reported to Public Health England's electronic foodborne and non-foodborne gastrointestinal outbreaks surveillance system (eFOSS) reports are sent to the European Food Safety Authority (Parma, Italy) for inclusion in the EU community reports.

Countries in the European Economic Area (EEA) are required to have a similar standard of protection of personal data. This is not always the case outside that area.

### 25) Document Retention Schedules

We will keep your information for as long as it is required by us or other regulatory bodies in order to comply with legal and regulatory requirements or for other operational reasons. In most cases this will be 6 years (*Limitation Act 1980*) from the date of the expiry of the information.



For prosecution cases where we feel the information may be required for longer for legitimate reasons then we will keep the information for as long as is required.

Information relating to accidents, investigations and prosecutions will be destroyed after 6 years from last action (unless the child has not attained maximum age to seek legal recompense then data will retained until that time (Age 22 )

For all records relating to all aspects of asbestos management records are kept from the closure of the building for 40 years.

Please contact us if you have any questions about this Privacy Notice.

Last Updated on 5<sup>th</sup> May 2018