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BOROUGH COUNCIL

Privacy Notice – Environmental Health & Licensing

Introduction	<p>The Environmental Health and Licensing Team at Ipswich Borough Council ('the Council') provides this privacy notice to you to help you understand how we collect, use and protect your Personal Data.</p> <p>In context of this service 'you' could mean an applicant for a licence, someone making a complaint or a representation, someone who wishes to register a business or who operates one, a private landlord or a trespasser etc.</p> <p>When reading this document please note that we use the terms 'Personal Data' and 'Personal Information' interchangeably.</p> <p>The purpose of this document is to acknowledge the Council's responsibilities to you under the United Kingdom General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA 2018).</p> <p>For information on how the Council generally processes and protects your personal information please view our Privacy Notice, which can be found at https://www.ipswich.gov.uk/content/privacy-policy.</p> <p>The Data Protection Officer for Ipswich Borough Council is Siobhan Martin, Head of Internal Audit. She can be contacted at dataprotection@ipswich.gov.uk</p>
Definitions used in this Notice	<p>Personal Data means any information related to an identified or identifiable living individual- known as a 'data subject'.</p> <p>An individual is regarded as identifiable if they can be identified, directly or indirectly from the information.</p> <p>Special Personal Data previously known as 'sensitive personal data', relates to race, ethnic origin, politics, religion, trade union membership, genetic data, biometric data (where used to identify a person), health, sex life or sexual orientation. Special Personal Data is distinct from other 'ordinary' data and requires greater justification for use and greater care when handling it.</p> <p>Records of personal data relating to criminal convictions and offences and allegations are deemed to be as sensitive as the above types of data.</p> <p>Processing means any operation which is performed on information such as. collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or making available, alignment or combination, restriction, erasure or destruction.</p>



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	<p>Data Controller determines the purposes and means of processing personal data.</p> <p>Data Processor is a third party who processes personal data on behalf of the Controller</p> <p>Third Party is someone / somebody who is not the Data Controller, the Data Processor or the Data Subject.</p>
<p>Who we are and what do we do:</p>	<p>More detail is provided below but, briefly, the Environmental Health and Licensing team is responsible for the safety of food and the community; licensing and health and safety; private sector housing enforcement and grant administration, dealing with trespassers and the protection of the environment.</p> <p>The Council is the 'Data Controller' for the information which is collected and further processed. This means we are responsible for deciding how we use your information.</p> <p>If you would like more information regarding the services delivered by the Council generally, please visit our website, https://www.ipswich.gov.uk/.</p> <p>On some occasions, the Council and partner organisations may act as 'joint' data controllers. This means that we and the other organisation(s) decide between us what is to be done with personal data and how it is to be processed. Where this is the case the Council and the other organisation(s) will agree upon their respective legal responsibilities for the proper handling of personal data.</p>
<p>How we lawfully process Personal Data</p>	<p>The law allows us to process your personal data in several potential ways. In the case of Personal Data that is not deemed to be special category or about criminal convictions or offences it is processed in one of the following ways:</p> <ul style="list-style-type: none">a) with your consentb) to take steps with a view to there being a contract between us or to perform the contract itselfc) where the Council needs to comply with any legal obligation placed upon itd) to protect the vital interests of individualse) to enable the Council to undertake a task carried out in the public interest (regulating the activities of individuals and businesses) or to exercise our official authority



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Where we collect and use special category data, it will be under one of the following lawful bases:

- 1) (with your) explicit consent
- 2) to meet obligations under social protection law
- 3) exercise or defence of a legal claim by us or where the courts are involved
- 4) reasons of substantial public interest: - to enable the Council to exercise its statutory functions; prevent/ detect unlawful acts

The principal legislation that allows us to process your data includes but is not limited to:

Animal Boarding Establishment Act 1963
Animal Health Act 1981
Animal Welfare Act 2006 and Regulations made under the Act
Anti-Social Behaviour, Crime & Policing Act 2014 and associated regulations made under the Act
Anti-Social Behaviour Act 2003 and associated regulations made under the Act
Breeding of Dogs Act 1973 & 1991 and Breeding and Sale of Dogs (Welfare) Act 1999
Building Act 1984
Caravan Sites Control of Development Act 1960 and associated regulations made under the Act
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005 and associated regulations made under the Act
Control of Pollution Act 1974
Criminal Justice and Public Order Act 1994 and associated regulations made under the Act
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Dogs Act 1871
Dogs Fouling of Land Act 1996
The Energy Act 2011
Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
Environment Act 1995
Environmental Protection Act 1990 and associated regulations made under the Act
European Communities Act 1972
Food Safety Act 1990 (As Amended) and regulations made under the Act
Food & Environmental Protection Act 1985 and Regulations made under the Act
Gambling Act 2005
Guard Dogs Act 1975



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Health and Safety at Work, Etc. Act 1974 and Regulations made under the Act
Health Act 2006
Highways Act 1980
Housing Act 1985
Housing Act 2004 and associated Regulations made under the Act
Housing & Planning Act 2016 and associated regulations made under the Act
Housing Grants Construction and Regeneration Act 1996 and associated regulations made under the Act
House to House Collections Act 1939 and the House-to-House Regulations 1947
Hypnotism Act 1952
Licensing Act 2003
The Lotteries and Amusements Act 1976
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
The Microchipping of Dogs (England Regulations 2015
Mobile Homes Act 1983 and 2013 and associated regulations made under the Act
Noise Act 1996 and associated regulations made under the Act
Performing Animals Act 1925
Pet Animals Act 1951
Public Health Acts Amendment Act 1907
Pollution, Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Private water supplies (England) regulations 2016
Public Health Acts 1936 & 1961
Public Health (Control of Disease) Act 1984 and associated regulations made under the Act
Regulatory Reform Act 2001
Regulatory Reform (Housing Assistance) (England & Wales) Order 2002
Riding Establishments Acts 1964 and 1970
Scrap Metal Dealers Act 2013
Slaughterhouse Act 1974
Slaughter of Poultry Act 1967
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
Sunday Trading Act 1994
Town Police Clauses Acts 1847 & 1889
Water Industry Act 1991
Wildlife and Countryside Act 1981
Working Time Regulations 1998 (as amended)
The Sunbeds (Regulation) Act 2010
Zoo Licensing Act 1981

Where we process any information relating to criminal convictions or offences (including allegations) we will only do so where the law allows us to.



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How the law protects you:	The UK GDPR and the DPA 2018 set out how we can lawfully use personal information. Complying with the law protects individuals from harm and the Council will only ever process your information where we are legally able to.
Our responsibilities	<p>The UK GDPR and the DPA 2018 provide us with our main responsibilities for processing personal data.</p> <p>All personal information provided by you is held securely.</p> <p>For further information on our responsibilities, please see https://www.ipswich.gov.uk/content/privacy-policy.</p>
Your rights:	<p>The UK GDPR and DPA 2018 provide you with the following rights:</p> <ol style="list-style-type: none">1. The right to be informed2. The right of access3. The right to rectification4. The right to erasure5. The right to restrict processing6. The right to data portability7. The right to object8. Rights in relation to automated decision making9. The right to withdraw consent10. The right to complain <p>Requests in relation to your rights should be directed to the Council. A request can be made verbally but we would prefer for you to do so in writing, by email to dataprotection@ipswich.gov.uk –or (in the case of a request for a copy of your personal data) using the Subject Access Request Online Form. Please note that you can see some of the information that we hold about you by logging into your Gateway account</p> <p>When we receive a request from you in writing, we must normally give you access to everything we have recorded about you. However, we will not let you see any parts of your record which contain:</p> <ol style="list-style-type: none">1. Confidential information about other people2. Information a care professional thinks will cause serious harm to your or someone else’s physical or mental wellbeing; or3. Information that could obstruct a criminal investigation if it were disclosed to you.



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	<p>If you are requesting to view CCTV footage, please visit Making a request to view CCTV.</p> <p>For further information on your rights, please see https://www.ipswich.gov.uk/content/privacy-policy.</p> <p>If you are unhappy with the way the Council has processed your information, please contact dataprotection@ipswich.gov.uk The Council will look into your concerns for you. If after that if you are still unhappy you may contact the Information Commissioner's Office. Their contact details are available at www.ico.gov.uk</p>
Your responsibilities	<p>You are responsible for making sure you give us accurate and up to date information, and to let us know if any personal information we hold is incorrect.</p>
When do we collect information about you?	<p>We collect information about you from different places such as information received directly from you when you seek assistance from us or when information is passed to the Council by other agencies and public authorities such as other local Councils.</p>
What information do we collect, maintain and use?	<p>Every individual's situation is different. We will only collect and use the information we need.</p> <p>The information which we will collect, maintain and make use of differs from person to person but may include:</p> <p>Applicants for licences/ permissions/ grants</p> <p>Names Contact details Business name and proposed licensable activity Position within business Date of Birth Qualifications /Certificates Criminal convictions, cautions and additional information Regulatory history Insurance documentation Records of visits and inspections Correspondence Income and capital information Health information</p> <p>Complainants/ People making representations / Officers working for Responsible or other Authorities</p>



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	<p>Name Contact details Views/ What concerned about Effects of acts/inaction on them including physical and mental health Correspondence Witness statements</p> <p>Licence holders/ Businesses/ Landlords/ trespassers</p> <p>Name Contact details Records of inspections and visits Details of complaints Correspondence Compliance history including referrals to committee Details of regulatory action e.g., warnings, statutory notices, prosecutions Records required to keep by law/ condition applied to licence/ permission Property agreements Pocket notebook entries Transcripts of interviews under caution/ recordings Information relating to civil or criminal proceedings</p> <p>Private individuals</p> <p>Name Address Details of complaints Correspondence Details of action taken e.g. service of a statutory notice Pocket notebook entries Transcripts of interviews under caution/ recordings Information relating to civil or criminal proceedings</p>
<p>How do we use your information?</p>	<p>How we use your information will differ from person to person but may include:</p> <p>Applicants/ Licence Holders/ Businesses/ Private Landlords/ Grant Applicants/ Trespassers/ Individuals</p> <p>Logging and processing applications for licences/ permissions, grants- this may involve us consulting with other officers within the Council or within the County and experts.</p>



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	<p>Determining whether you are granted a licence/ permission or awarded a grant– this may involve a review of your regulatory history, DBS certificate and/ or referral to a committee for a decision</p> <p>Issuing a licence/ permission with any appropriate conditions</p> <p>Undertaking inspections to ensure you are compliant with the law/ conditions of licence post issue</p> <p>Providing support and advice to you</p> <p>Determining eligibility for funding</p> <p>Dealing with complaints if you are licensed by us or if you are a business/ private individual</p> <p>Corresponding with you</p> <p>Undertaking investigations and serving (statutory) notices where appropriate</p> <p>Making referrals to committees</p> <p>Undertaking interviews under caution</p> <p>Referring appropriate cases for prosecution</p> <p>Taking part in civil or criminal legal proceedings including those relating to the Proceeds of Crime</p> <p>Maintaining public registers</p> <p>Affected individuals</p> <p>Logging complaints including the effect upon you</p> <p>Securing evidence of conduct/ inaction</p> <p>Making referrals to other regulatory bodies such as Public Health England</p> <p>Taking statements from you</p> <p>Corresponding with you</p>
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	<p>Automated processing/profiling:</p> <p>The Environmental Health and Licensing team does not use your personal data in any automated decision-making or profiling activities.</p>
<p>How long do we keep your information?</p>	<p>We will keep your personal information only for as long as we need to. Usually this will be up to 7 years after we last create a record.</p> <p>After this time, your personal information will be deleted from our system</p> <p>You have the right to request that your personal information is deleted at any time, however whether this is possible will depend on the reasons why the data is processed. The Council will consider your request and comply where possible. If it is not possible, we will explain the reasons to you.</p>
<p>Transferring your information overseas</p>	<p>Currently, we do not transfer any personal information outside of the United Kingdom</p>
<p>Data sharing</p>	<p>We may share your personal information with:</p> <ul style="list-style-type: none"> Judicial Agencies e.g., Courts Police Advisory & Support Services Emergency Services Health Agencies Education Providers Other teams within the Council and other Local Authorities Immigration Services Government Departments e.g., HMRC, DWP, DCLG, HSE Safeguarding Boards Contractors providing housing services (e.g., plumbing, electricians, gas operatives etc.) and IT services Your landlord and/or letting agent Elected Councillors and MPs (as your representative) Funding Bodies Valuers Solicitors National Anti-Fraud Network (NAFN)
<p>National Fraud Initiative NFI</p>	<p>We may share information provided to us with other bodies responsible for auditing, or administering public funds, or were undertaking a public function, in order to prevent and detect fraud. For further information, see https://www.ipswich.gov.uk/content/privacy-policy..</p>



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