



Date Created: 03/05/2019  
Date Published: 10/05/2019  
Version Number: 1.00

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**Service Area:** Environmental Health

**Work Area:** Regulation

**Contact Details:** 01443 811301

[FoodHealthSafety@CAERPHILLY.GOV.UK](mailto:FoodHealthSafety@CAERPHILLY.GOV.UK)

**Privacy Notice Name:** Food Sampling

**Description of Privacy Notice:** This privacy notice will explain how Caerphilly County Borough Council's Environmental Health Group will use the information you have provided about yourself (personal data) when the Environmental Health Group carry out food sampling.

## How we will use your information

### Source and type of information being processed

Caerphilly County Borough Council's Environmental Health Group may carry out food sampling following receipt of:

- An enquiry by you or your company
- During an inspection visit
- As a result of a food poisoning/incident investigation
- As a result of a consumer complaint being received
- As part of routine food hygiene sampling surveys

In respect of sampling carried out as a result of inspections, food poisoning/incident investigation and consumer complaints we may also take enforcement action against you / your business.

When Caerphilly County Borough Council's Environmental Health Group carries out food sampling, this section will explain the categories of personal data that may be recorded by us about you / your business:

- Name and address of business
- Type of sample
- Manufacturing/storage details of sample
- Results of sample
- Details of consumer complaint

## **Source of the personal data**

If you would like further information on the source of this information please contact Caerphilly county borough council. You may be required to apply for this information as a Freedom of Information or Subject Access Request.

## **Purpose and legal basis for using your information**

### **Purpose of processing**

1. To assist you to comply with legislation enforced by the Environmental Health Group, and in relation to complaints, to establish whether Caerphilly Environmental Health Group can assist you with resolving the matter.
2. For surveillance purposes and to determine trends within food safety.
3. If your business has a formal Home Authority or Primary Authority agreement with another Local Authority, we may share your information with them.
4. To take formal action in relation to breaches of Environmental Health legislation by yourself or your employer.
5. When your business trades outside the physical boundaries of Caerphilly County Borough Council, your details may be shared with Environmental Health from other Local Authorities.
6. Where formal enforcement action is contemplated and/or undertaken, your details may be shared with other enforcement agencies. This includes; other Caerphilly County Borough Council services such as Trading Standards, other Local Authority Environmental Health Teams, Food Standards Agency and enforcement bodies such as the police and Her Majesty's Revenue and Customs (HMRC).
7. Where formal action is taken through the Courts, your details will be shared with Her Majesty's Courts and Tribunals Service (HMCS).
8. For statistical Returns and Analysis.
9. To contact you in relation to Business Satisfaction surveys.

### **Legal basis for processing**

There is a public task requirement on public authorities to process your information as detailed below:

In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Regulations must be identified, which is outlined below:

- 1e. 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.

## **Who will have access to your information**

### **Identity of Data Controller and Data Protection Officer**

The Data Controller for your information is Caerphilly County Borough Council. The Data Protection Officer is:

Ms Joanne Jones  
Corporate Information Governance Manager / Data Protection Officer  
Email: [dataprotection@caerphilly.gov.uk](mailto:dataprotection@caerphilly.gov.uk)  
Tel: 01443 864322

Other Data Controllers may also be responsible for your information, depending on the specific circumstances. Please contact the Service Area for further information.

### **Details of main users of your information**

The main user of your information will be the Environmental Health Group in order to give appropriate advice and where necessary take formal enforcement action. If formal enforcement action is necessary, the details will be discussed fully with you before any action is taken.

If it is felt that another Caerphilly County Borough Council service area such as Trading Standards is better placed to assist you, your personal details will be passed to them.

### **Details of any sharing of your information with other organisations**

- Your data will be shared with the Food, Environment and Water Laboratory Public Health Wales, Welsh Food Microbiological Forum and the Food Standards Agency for the purposes of analysis, surveillance and determining trends.
- Your details may be shared with law enforcement bodies/the Welsh Food Fraud Co-ordination Unit for purposes of the prevention or detection of crime or the apprehension or prosecution of offenders.
- Your details may be shared with other Local Authority Environmental Health Services (Including Regional or National Teams) who may be in a better position to assist you or take formal action in relation to breaches of Environmental Health legislation.
- Your details will be shared with the Courts if criminal or civil proceedings are initiated as a result of formal action.

### **Details of any external data processors**

Data will be processed by Public Health Wales, the Welsh Food Fraud Co-ordination Unit and the Food Standards Agency for statistical analysis and annual returns.

### **Requests for information**

All recorded information held by Caerphilly County Borough Council may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and the Data Protection Act 1998.

If the information you provide is subject to such a request, where possible Caerphilly County Borough Council will consult with you on its release. If you object to the release of your information we will withhold your information if the relevant legislation allows.

## **How long will we retain your information**

### **Details of retention period**

How long Caerphilly County Borough Council retains information is determined through statutory requirements or best practice.

In relation to your information, it will be retained for 6 years (indefinitely for approved premises) in line with the Caerphilly CBC Public Protection Document Retention Policy.

## **Your Rights (Inc Complaints Procedure)**

### **Your rights under the Data Protection Act 1998**

Data Protection gives data subjects (those who the information is about) a number of rights:

- The right of subject access – Application forms for this process are available on our website: [SAR Form](#)
- The right to be informed
- The right of rectification
- The right to erasure
- The right to restrict processing
- The right to object
- The right to data portability
- Rights in relation to automated decision making and profiling.

Further information on your rights is available from: [www.ico.org.uk](http://www.ico.org.uk).

To enact your rights please contact the service area detailed on the top of this form.

### **Complaints Procedure**

If you are unhappy with the way that Caerphilly County Borough Council has handled your request / information, you have the right of complaint. Please contact the Service Area detailed at the top of this document outlining your issues.

If you remain unhappy you also have a right of complaint to the Information Commissioner's Office. Please follow this link for further information on the complaints process.

[www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Questions-and-complaints](http://www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Questions-and-complaints)

## Summary Privacy Notice

### **How we will use your information**

Caerphilly County Borough Council's Environmental Health Group will use your information in order to assist you to comply with the law, or in order to take formal action against you if you are in breach of laws enforced by Environmental Health. The legal basis for processing your information is public task.

If in the course of the interaction with your business, it is identified that the assistance or any enforcement action is outside the remit of Caerphilly Environmental Health, this may mean passing your details to another service area within Caerphilly County Borough Council such as Trading Standards, to another local authority or to an outside enforcement agency such as the Food Standards Agency, police or Her Majesty's Custom and Excise (HMRC) who may be better placed to advise you, or take formal action.

Your data may also be shared with The Welsh Food Fraud Co-ordination Unit for purposes of the prevention or detection of crime or the apprehension or prosecution of offenders.

Your data will be shared and/or processed by Public Health Wales, Welsh Food Microbiological Forum and the Food Standards Agency for analysis and statistical returns.

If the Environmental Health Group take formal action through the courts, your details will be shared with Her Majesty's Courts and Tribunals Service (HMCS).

Information we receive will be kept for 6 years in line with our Retention Policy.

You have a number of rights in relation to the information including the right of access to information we hold about you and the right of complaint if you are unhappy with the way your information is being processed.

For further information on how we process your information and your rights please click the following link:

[{Hyperlink to Full Privacy Notice on our website}](#)