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Service Area:	Trading Standards
Work Area:	Regulation
Contact Details:	01443 811300 tradingstandards@caerphilly.gov.uk
Privacy Notice Name:	Business Advice and Enforcement
Description of Privacy Notice:	This privacy notice will explain how Caerphilly County Borough Council's Trading Standards will use the information you have provided about yourself (personal data) when Trading Standards have contacted you to give business advice, or taken any action in relation to enforcing the law.

How we will use your information

Source and type of information being processed

Caerphilly County Borough Council's Trading Standards may provide you / your business or the business that employs you with business advice following receipt of:

- An enquiry by you or your company
- As the result of an inspection visit
- As a result of a consumer complaint being received.
- A notification that you keep poultry/captive birds

In respect of inspections and consumer complaints we may also take enforcement action against you / your business or the business that employs you.

Categories of personal data obtained

If Caerphilly County Borough Council's Trading Standards receives a consumer complaint about you / your business or a business that you are employed by, this section will explain the categories of personal data that may be recorded by us about you / your business or a business that you are employed by:

- Name
- Address
- Contact Details
- Position within business
- Name of Business
- Details of consumer issue / complaint
- Health issues

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 Subject Access Request.

Purpose and legal basis for using your information

Purpose of processing

1. To assist you or your employer to comply with legislation enforced by Trading Standards, and in relation to complaints, to establish whether Caerphilly Trading Standards can assist you with resolving the matter.
2. If the advice you require is outside the scope of Trading Standards, we may share your information with other Council Services such as Environmental Health.
3. If your business or employer 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 Consumer Protection legislation by yourself or your employer.
5. When your business or employer trades outside the physical boundaries of Caerphilly County Borough Council, your details may be shared with Trading Standards 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 Environmental Health, other Local Authority Trading Standards and enforcement bodies such as the police, Her Majesty's Revenue and Customs (HMRC) and the Animal and Plant Health Agency.
7. Where formal action is taken through the Courts, your details will be shared with Her Majesty's Courts and Tribunals Service (HMCS).
8. Statistical analysis, both within Caerphilly County Council and externally, however the results of this analysis are compiled in such a way that your personal details are not revealed.
9. To contact you for the purposes of business satisfaction surveys, in order to assess and improve the service we provide.

To lawfully process your personal data in this instance we will be relying on the UK General Data Protection Regulations 2016 (UK GDPR) and Part 2 of the Data Protection Act 2018 when processing **for general purposes**. When processing your data **for law enforcement purposes**, we will be relying on Part 3 of the Data Protection Act 2018.

Legal basis for processing personal data for general purposes

There is a public task obligation to process your information detailed below:

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

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;

Legal basis for processing for law enforcement purposes

Additionally, when processing under part 3 of the Data Protection Act 2018 for law enforcement purposes, the processing of personal data for any of the law enforcement purposes is lawful only if and to the extent that it is based on law, and either —

(35)(2)(a) the data subject has given consent to the processing for that purpose, or

(35)(2)(b) the processing is necessary for the performance of a task carried out for that purpose by a competent authority.

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:

Mr Carl Evans

Corporate Information Governance Manager / Data Protection Officer

Email: 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 Trading Standards 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.

Details of any sharing of your information within Caerphilly county borough council

If it is felt that another Caerphilly County Borough Council service area is better placed to assist you, your personal details will be passed to them. These areas include Environmental Health, Planning, Community Safety, Highways, Customer Services and Public Protection.

Details of any sharing of your information with other organisations

Your information may be shared with the National Anti-Fraud Network (NAFN) via the Sanctions Information Database (SID).

Details of any data processors

- Your details may be shared with law enforcement bodies 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 Trading Standards 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 Consumer Protection legislation.
- Your details will be shared with the Courts if criminal or civil proceedings are initiated as a result of formal action.

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 Data Protection legislation.

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.

Details of the cases would be entered on to the Public Protection database and records kept in line with the Public Protection Document Retention Policy which in this case is 7 years (6 years for any civil action plus one).

Your Rights (Inc Complaints Procedure)

Your rights under the Data Protection

When processing under part 3 of the Data Protection Act 2018 for law enforcement purposes, legislation 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 to rectification;
- The right to erasure
- The right to restrict processing
- The right not to be subject to automated decision-making.

Additionally, when processing under the General Data Protection Regulations 2016 for general purposes, legislation gives data subjects additional rights:

- The right to object
- The right to data portability

Further information on your rights is available from: 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