

**Privacy Notice  
Durham County Council  
EHCP Service Area  
Consumer Protection**

**1. Who we are and what we do**

**Durham County Council  
Environment, Health and Consumer Protection  
Consumer Protection  
Trading Standards and Licensing Enforcement Teams  
Regeneration and Local Services**

For the purposes of Data Protection, Durham County Council is the Data Controller for your information.

Our registration number is  
Z1808275. You can check our registration online at <http://www.ico.gov.uk>.

**What we do**

The Consumer Protection Team, undertake statutory duties to regulate goods and services provided by traders and businesses to consumers to ensure compliance with legislation falling under the umbrella of consumer protection.

This broadly relates to the description, safety, quality and quantity of goods and services. The accuracy of weighing and measuring equipment used by traders also falls within the remit of our service. Licensable activity such as taxis and the licenced trade is within the enforcement activity of the consumer protection team.

Our service, investigates complaints relating to alleged breaches of the criminal law in relation to the legislation that we enforce. Certain breaches of the law can also give rise to civil enforcement action and injunctive action through the courts and administrative committees and tribunals.

Information is received from the public, traders and other law enforcement agencies, which is used to undertake our duties of inspection, testing and sampling of goods, services and testing equipment, taxis and the licensed trade.

Where breaches of the law are detected, a number of options are open to dealing with the matter under the Enforcement Policy. This includes guidance to bring the trader back into compliance, through to a prosecution in the criminal courts.

**2. What type of personal information do we collect and how do we collect it?**

We may collect the following types of personal information about you:

- Your name, address, e-mail, phone numbers and other contact information.
- Details of your complaint and your dealings with any business or person under investigation including details of that other party.
- Details of any other witnesses or persons that you may be aware of who have information relevant to the investigation.
- If you are the subject of an investigation into you, we may also collect information about your identity, current and previous activities held by other agencies.
- Details of any vehicles , properties owned by you

- Details of any previous convictions
- Personal details and contact information relevant to processing a licence application e.g. fireworks or request for calibration and verification work to be undertaken.
- Personal details and contact information, in relation to certification of weighbridge operators and exemption certificates from packer's duties under the Weights and Measures Act 1985.
- Contact information and account details for suppliers of goods and services who we contract with.
- In limited circumstances, Special Category Data (**see details at section 3**)\*

**We may collect information about you in a number of ways:**

- Information may be provided directly by you, when you contact us, during a telephone call, by letter, e-mail, through a face-to-face meeting, interview or making an application for a licence.
- This information may be formalised within a witness statement, which could be used in legal proceedings against another person or a business and shared with our agencies or in court or other tribunal.
- Information may be obtained through the exercise of our statutory powers to obtain information about you, from other parties holding the information. The legislation under which officers are granted these powers is listed within the Durham County Council scheme of delegation within the Constitution, which can be found on the DCC website.

**3. What is our power to obtain and use the personal data?**

Much of the work of Consumer Protection relates to activities conducted for the purposes of the prevention and detection of crime, the apprehension and prosecution of offenders and ongoing suitability of licence holders.

***When we collect and use your personal information we rely on one of the following:***

**Lawful Basis (Article 6)**

- (a) Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into the contract. ( For example we contract with suppliers of goods and services to carry out our investigations and duties. Suppliers of materials, experts to examine goods , training providers.)
- (b) Processing is necessary for compliance with a legal obligation to which the controller is subject. ( For example, where we have a legal duty to supply business information to HMRC )
- (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 . ( For example our investigation of complaints, licensing of businesses and regulatory functions under legislation ).
- (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.( For example where our investigations identify safeguarding issues relating to vulnerable or young people.)

**On limited occasions, the Consumer Protection Service may come into possession of special category data.**

**\*Special Category Data**

Special Category Data, and criminal convictions data, which our service may obtain, is any personal information that may include one or more of these categories.

- Criminal Convictions
- Racial or ethnic origin
- Political Beliefs
- Genetic Data
- Biometric Data ( for example, fingerprints, facial images)
- Health Data

**Article 9**

Applicable Conditions for processing special category data are covered under Article 9.

When we collect special category personal information we rely on one of the following:

- Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.

We collect and use personal data to deliver trading standards and licensing services to the public and businesses, in providing a consumer protection service, this activity is considered as being in the public interest and for reasons of official authority.

**4. What is your personal information used for?**

The Consumer Protection Team, collects and processes information about you for the following purposes:

- To deliver our services to the public and business
- To prevent, detect and prosecute criminal offences and take civil enforcement action in appropriate cases.
- To identify potential witnesses who may be able to assist with investigations undertaken by our service
- To process licence applications and ongoing suitability.
- For monitoring and analysis purposes of complaints against specific traders.
- To investigate complaints about the delivery of our services.

**5. Will your personal information be shared?**

We do share your personal data as necessary to provide any service that we deliver. We also share personal information when required by law, to respond to legal process and to protect the public.

We may be legally required to disclose your details if required by other law enforcement agencies for regulatory reasons and is disclosed via a lawful gateway. For example, lawful requests from the Police, HMRC, other local authority regulatory services.

Any information sharing is covered by an information sharing agreement and managed in accordance with relevant privacy and data protection legislation. Copies of these are held by our service and further information is available on request. Use of secure methods of transmission, secure e-mail, and restricted access closed systems.

Any secure sharing will be necessary and proportionate.

#### **6. How do we keep your personal information secure?**

The security of your personal information is important to us. This is why we follow a range of security policies and procedures to control and safeguard access to and use of your personal information.

Where information is held on / shared with systems external to DCC, user access to systems is controlled, to systems and networks, to make sure that people who are not allowed to view it cannot get access to your personal information. Some systems require details to be anonymised prior to sharing.

Training for staff is undertaken to make them aware of how to handle information and how and when to report when something goes wrong.

#### **7. How long will we keep your personal information?**

Our service investigates complaints, advises businesses and undertakes investigations into breaches of the law. After we undertake an enquiry or investigation, or deliver a service to you, we have to keep your information as a business record of what was delivered.

By law we retain information relating to requests for service and complaints received and investigated, where it constitutes a record for a period of 6 years after closure of the enquiry. Document retention is in accordance with corporate and service specific retention guidelines.

Other information which is not deemed a record, such as an e-mail may only be kept for as long as necessary and deleted before the expiry of the 6 year period.

#### **8. Is your personal information processed outside the European Economic Community (EU)?**

We do not regularly process your personal information outside the EU.

Where investigations are cross border and extend beyond the EU, in individual cases, this would be for law enforcement purposes. In individual cases for a legal purpose.

#### **9. Marketing (if applicable)**

At no time will your information be passed to organisations external to us and our partners for marketing or sales purposes or for any commercial use without your prior express consent.

## 10. What are your Information Rights?

Your Information Rights are set out in the law. Subject to some legal exceptions, you have the right to:

- to have any inaccuracies corrected;
- to have your personal data erased;
- to place a restriction on our processing of your data;
- to object to processing; and
- to request your data to be ported (data portability).
- Where there has been a breach of your personal data – loss, unlawful disclosure, deletion, unauthorised access, and it is likely to be a high risk to your rights and freedoms, you have the right to be informed.

Some Exceptions -

- The right to this information is a qualified right, subject to restrictions that prevent any prejudice to an ongoing investigation or compromise to operational techniques.
- Information may also be restricted, to avoid prejudicing the prevention, detection, and investigation of criminal offences or the execution of criminal penalties.

**To exercise any of these rights please contact the relevant service in the first instance.**

You also have the right to request a copy of the personal information council holds about you. To do this, you can apply on line or download an application form from [the DCC website](#) or you can contact the data protection team at [dataprotection@durham.gov.uk](mailto:dataprotection@durham.gov.uk)

To learn more about these rights please see the [ICO website](#).

If something goes wrong with your personal information, or you have questions about how we use it, please contact our **Data Protection Officer** at [DPO@durham.gov.uk](mailto:DPO@durham.gov.uk) or alternatively write to:

DPO,  
Floor 4 Room 143-148,  
Durham County Council  
County Hall,  
Durham  
DH1 5UF

If we have not been able to deal with your complaint, you can also contact the [Information Commissioner's Office](#)

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow

Cheshire

SK9 5AF

**Telephone:** 0303 123 1113 (local rate) or 01625 545 745

**Fax:** 01625 524 510