

From mountain to sea

# Privacy Notice

## Existing Food Business Establishments

Aberdeenshire Council and Food Standards Scotland (FSS) are Joint Data Controllers of the personal information you have provided to us when you registered your business with your Local Authority. The information we collect about you includes name, postal address, email address and telephone number.

The Data Protection Officer for Aberdeenshire Council can be contacted at Town House, 34 Low Street, Banff, AB45 1AY.

Email: [dataprotection@aberdeenshire.gov.uk](mailto:dataprotection@aberdeenshire.gov.uk)

For the Food Standards Scotland's please contact the Data Protection Officer at:  
[dataprotection@fss.scot](mailto:dataprotection@fss.scot).

Your information is being collected to use for the following purposes:

- As Joint Data Controllers, we need to collect this information for the purposes of Food Law Enforcement
- Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with Food Law, requires that **Aberdeenshire Council** and FSS coordinate effectively in the field of environmental and health protection, carrying out their activities with a high level of transparency, making relevant information available to the public as soon as possible.
- Each Local Authority is required to maintain an up to date list of registered Food Business Establishments in its area and divulge this information for the purposes of ensuring public health and the effective enforcement of Food Law.
- The Food (Scotland) Act 2015, enables FSS to set performance standards, report on enforcement action by others and require relevant information from **Aberdeenshire Council**.
- The Official Feed and Food Controls (Scotland) Regulations 2009, allows the exchange and provision of information by FSS and **Aberdeenshire Council** for the execution and enforcement of relevant Food Law, and makes provision for **Aberdeenshire Council** to provide FSS with Food Business information.
- **Aberdeenshire Council** and FSS are required to fulfil the statutory obligations required by Article 44 of Regulation (EC) No 882/2004, which places a requirement on Local Authorities and FSS to provide the information specified in that Article and to report to the European Commission.
- FSS maintains a national database that can be accessed by both Food Standards Scotland and the Local Authority to which the information pertains. The reporting toolset allows information to be strategically analysed, allowing both organisations to adhere to the principles of the Scottish Regulators' Strategic Code of Practice.
- We will only collect the data that we need as required by the above regulations and legislations, and not collect any personal information from you that we do not need.



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Your information is:

• Being collected by Aberdeenshire Council	X
• Has been provided to Aberdeenshire Council by Food Standards Scotland (FSS)	X

*Please pick the applicable option*

The Legal Basis for collecting the information is:

Personal Data		Special categories of personal data	
Consent		The data subject has given explicit <b>consent</b> to the processing	
Performance of a Contract		Processing is necessary for the purposes of carrying out the obligations of the controller or of the data subject in the field of employment, social security social protection law	
Legal Obligations	X		
Vital Interests		Processing is necessary to protect the <b>vital interests</b> of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent	
Task carried out in the Public Interest		Processing relates to personal data which are made <b>public</b> by the data subject	
Legitimate Interests <sup>1</sup>		Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity	
		Processing is necessary for reasons of <b>substantial public interest</b>	
		Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of <b>health or social care</b> or treatment, or the management of health or social care systems	
		Processing is necessary for reasons of public interest in the area of <b>public health</b>	
		Processing is necessary for archiving purposes in the <b>public interest</b> , scientific or historical research purposes or statistical purposes	

*Please tick all that apply*

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Where the Legal Basis for processing is either Performance of a Contract or Legal Obligation, please note the following consequences of failure to provide the information:

The information is required to ensure the verification of compliance with Food Law,

Your information will be shared with the following recipients or categories of recipient:

The information may be shared with other Regulators in line with the principles of the Scottish Regulators Strategic Code of Practice for compliance and risk mitigation purposes. This is limited to circumstances where the law allows such sharing of information by regulators with common interests or activities and will not include personal information.

Your information will be transferred to or stored in the following countries and the following safeguards are in place:

Aberdeenshire Council and FSS have put in place appropriate and adequate technical and organisational measures to protect your personal information. Aberdeenshire Council's and FSS data is located within the European Union, on cloud based services procured through the government framework agreements, and assessed against the national cyber security centre cloud security principles.

We want to assure you that no third parties have access to your personal information unless the Law allows them to do so.

The retention period for the data is:

The information collected on this form will be retained by Aberdeenshire Council for six years for Freedom of Information purposes. Food Standards Scotland collects food business information from Aberdeenshire Council on a regular basis for the purposes of Food Law Enforcement. The information will be retained by FSS for 6 years, also for Freedom of Information purposes.

The following automated decision-making, including profiling, will be undertaken:

*Please detail any automated decision-making or profiling that will take place or state "Not applicable".*

Please note that you have the following rights:

- to withdraw consent at any time, where the Legal Basis specified above is Consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);



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- to request access to your personal data;
  - to data portability, where the legal basis specified above is:
    - (i) Consent; or
    - (ii) Performance of a Contract;
  - to request rectification or erasure of your personal data, as so far as the legislation permits.
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