# North Lanarkshire Licensing Board

## **Privacy Notice**

North Lanarkshire Licensing Board is constituted under Section 5 of the Licensing (Scotland) Act 2005 and Section 2 of the Gambling Act 2005 as the relevant Licensing Board for the local authority area of North Lanarkshire

The Board is responsible for administering the liquor licensing system under the Licensing (Scotland) Act 2005 Act and certain gambling licensing under the Gambling Act 2005 within North Lanarkshire. In particular, the Board is responsible for processing applications for the following:

* grant/renewal of licences for the sale of alcohol in premises and to individuals to supervise or authorise the sale of alcohol
* grant occasional licences allowing the sale and consumption of alcohol
* grant licences for premises where gambling is to take place
* grant various permits under the Gambling Act 2005

The Board has very close links with North Lanarkshire Council. The Board comprises elected members of the Council and staff working on behalf of the Board are employees of the Council. North Lanarkshire Council is the Data Controller for the purposes of the Board’s functions.

### **Who will process your information?**

The personal information you give to us through any of our forms relating to applications for licences (or accompanying documentation lodged with the Clerk to North Lanarkshire Licensing Board in connection with applications) and any other personal information we hold about you in this context will be processed by officers employed within the Council’s Licensing Team and by members of North Lanarkshire Licensing Board, Civic Centre, Windmillhill Street, Motherwell, ML1 1AB for the purpose of decision making and record keeping in connection with any licences granted.

### **Why do we process your information?**

Your information is processed to help us make decisions on applications for licences and for compliance purposes in connection with any licences granted. Your information may also be shared with other services within North Lanarkshire Council and other organisations for the same purposes and also to

check the information we have is accurate;

prevent and/or detect crime; and

perform a task carried out in the public interest by the Licensing Board.

Other organisations may include other Councils, public sector agencies, government departments, regulatory and law enforcement bodies including Police Scotland and Borders Agency. We may have to share information with foreign agencies if you have not lived in the UK all your life.

### **What is the legal basis for us to process your information?**

Your personal data will be processed in accordance with the General Data Protection Regulation (GDPR) EU 2016/679 and the Data Protection Act 2018. We process your information in order to perform a task carried out in the public interest and in the exercise of official authority, namely the task of administering licensing, in terms of the Licensing (Scotland) Act 2005 and the Gambling Act 2005, to check your immigration status in terms of the Immigration Act 2016 and also to fulfil its legal obligations to ensure proper administration of licences granted in terms of the appropriate legislation

The law gives certain types of information special significance because of its sensitivity e.g. criminal conviction information. If we process this type of information about you in relation to licence applications and licences granted then we do so on the basis that it is necessary for reasons of the prevention or detection of crime and/or substantial public interest.

### **Do you have to provide your information?**

Without complete and correct information your licence application will be rejected or will be unlikely to be granted. If we ask you to provide specific information deliberately providing false information to obtain a licence is also a criminal offence.

### **How do we collect information about you?**

Most of the information the Board holds about you will come from you as an individual. Some of the information may come from third-party sources including other Council services, the Board’s licensing standards officers, other local authorities, Police Scotland, Borders agency, Fire service, objectors and complainers.

Such information includes:-

your name and address

your date of birth

your phone number and email address

your immigration status including a copy of your passport, residency card, birth certificate and national insurance number

your criminal conviction history

dates of residence in particular addresses

details of any past and/or present interest you may have in licences elsewhere

Police Scotland, the Fire Service or Borders Agency officials may also provide information they hold about you to the Board relating to your licence application or licence. This information can be provided for the purpose of determining an application, reviewing or appealing a determination and/or preventing or detecting fraud or an error in connection with an application.

### **How long will we keep your information?**

The Board will hold your information for five years from the date of any rejection of an application and, if granted, for the period of the licence plus five years from the end of the licence. Your information will be destroyed under confidential conditions after this period.

### **Who is your information shared with?**

Your information will be accessed by officers employed within the Council’s Licensing Team and members of the Board who may need to do so to administer licensing. If such administration is provided on the Board’s behalf by an external agency, that agency will also have access to your information but only for purposes relation to your licensing application. Some of your information will form part of a public register open to the public to view. This is a statutory requirement which we must perform but information on the public register will be restricted to the minimum required and no criminal conviction information will be released ( except on an anonymous basis) nor will any identifying phone number or email information, passport or immigration status information be released

We will also generally complies with requests for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate.

### **Do we transfer your information outside the UK?**

In general, we do not transfer personal information outside the UK but if you have not resided in the UK since birth then we have to check for good behaviour in other countries you have lived in. Usually we ask you to provide the information which we will then keep for the retention period.

### **Profiling and automated decision-making**

We do not use profiling or automated decision-making to decide if a licence is granted or not. Some processes are semi-automated but a human decision-maker or members of the Board will always be involved before any decision is reached in relation to you.

### **Information you have given us about other people**

Where an occasional licence is being applied for in connection with a booking for a private function or event we may ask you for confirmation of the name, address and contact telephone number of the individual responsible for the booking. If you have provided anyone else’s details in your application please make sure that you have told them that you have given their information to North Lanarkshire Licensing Board. The individual responsible for the booking may be contacted by officers employed within the Licensing Team to confirm that the booking has been made. Their information will only be used for the purposes of making contact with them in relation to the booking and will not be used for other incompatible purposes other than required by law. The name, address and telephone contact number of the individual responsible for the booking will be held for one calendar month and thereafter deleted from our records.

### **Your rights**

You have the right to:

1. **Be informed of the Board’s use of your information**

This notice is intended to give you relevant information to meet this right.

2. **Access personal data held about you**

You have the right to access personal information we hold about you by making what is known as a subject access request. You can receive a copy of your personal data held by us, details on why it is being held, who it has been or will be shared with, how long it will be held for , the source of the information and if we use computer systems to profile or take decisions about you.

3. **Request rectification of your personal data**

We want to make sure that your personal information is accurate, complete and up to date. You have the right to ask us to correct any personal information about you that you believe does not meet these standards.

4. **Request that the Board restricts processing of your personal data**

In some cases, you may ask us to restrict how your personal information is used. This right might apply while we are dealing with a request for correction of your data or assessing an objection you have made to the use of your information. This right might also apply if we no longer have a legal basis for using your personal information but you don't want us to delete the data. When you successfully exercise this right we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

5. **Object to the processing of your data**

You have the right to object to the use of your personal data. We will generally have to demonstrate why it is appropriate to continue to use your data but you have an absolute right to tell us to stop using your personal information for direct marketing purposes.

6. **Ask us to delete your information** –

You have the right to ask us to delete personal information about you where:

I. you think that we no longer need to hold the information for the purposes for which it was originally obtained

II. you have a genuine objection to our use of your personal information

III. our use of your personal information is contrary to law or our other legal obligations.

Please contact us at the address below if you wish to exercise any of these rights.

### **Complaints**

If you are not satisfied with the way the Board uses your information or you wish to exercise any of the above rights in respect of your information you can contact North Lanarkshire Council’s Data Protection Officer by post at:

The Data Protection Officer

North Lanarkshire Council

Civic Centre

Windmillhill Street

MOTHERWELL ML1 1AB

or by email at DataProtection@northlan.gov.uk

You have the right to complain directly to the Information Commissioner’s office (ICO).

The address of their head office is: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5EF

Telephone: 0303 123 1113

Alternatively, you can report a concern via their website at www.ico.org.uk

The ICO also have a regional office at 45 Melville Street, Edinburgh EH3 7HI

Telephone: 0303 123 1115 e-mail: scotland@ico.org.uk

While you can go directly to the ICO, we would encourage you to contact us directly in the first instance to provide an opportunity to address any issues which you may have.