

Privacy Notice

Worcestershire Trading Standards Service (WTSS) is not a legal entity. It is part of Worcestershire County Council but its website is hosted separately due to the close links the service maintains with the district councils' shared Regulatory Service.

WTSS discharges a range of duties that the County Council is required by law to undertake. These relate to Weights and Measures Law enforcement, Food law enforcement, Animal Feed Law enforcement, the enforcement of Product Safety laws including the licensing of premises that sell petroleum and explosives, and the laws relating to Animal Health, the control of animal diseases and the proper identification of livestock and horses. Worcestershire County Council also has a legal duty to enforce Fair Trading law, which is a very broad area and includes:

- Laws against misleading actions, descriptions or omissions in relation to goods or services provided to consumers by businesses,
- Laws that protect businesses from misleading marketing,
- Laws that make it illegal to supply certain products to persons under 18 years of age,
- Laws that protect trade-marks or copyright in relation to goods, and laws controlling the supply of illicit products like counterfeit or incorrectly labelled tobacco and alcohol,
- Laws relating to the fair operation of estate agency businesses,
- Some laws relating to financial services and consumer credit,
- Laws that deal with poorly performing businesses, where their conduct is likely to undermine the collective interests of consumers.

Where appropriate WTSS will use core criminal legislation to ensure the Courts have full sentencing options available to them to match the crimes identified (e.g. Fraud Act 2006, Forgery and Counterfeiting Act 1984, Proceeds of Crime Act 2002.) Officers may also be authorised to use surveillance tactics to gather evidence about criminal activities. This is regulated by the Regulation of Investigatory Powers Act 2000 and Worcestershire County Council has a process in place to ensure these activities only occur when they are necessary and proportionate.

A full list of the legislation currently enforced by WTSS can be made available on request to: TSEnquires@worcestershireTS.gov.uk

The Privacy Notice below explains how WTSS uses information about you and the ways in which we protect your privacy.

What is Personal Data?

Personal data means data which relates to a living individual who can be identified from that data, or from that data and other information which is in the possession of, or is likely to come into the possession of the County Council, of which Trading Standards is a part.

What are your rights?

You have the right to request the following from Worcestershire County Council and this will include anything relevant held by WTSS. The council will consider any request in line with the current regulations.

- - The right to be informed
- - The right of access
- - The right to rectification
- - The right to erasure
- - The right to restrict processing
- - The right to data portability
- - The right to object

Why we use personal information and what level of information do we process?

The council may need to use some information about you to:

- deliver services and support to you;
- manage services;
- train workers;
- help investigate any worries or complaints you have about your services;
- keep track of spending on services;
- check the quality of services; and
- help with research and planning of new services.

WTSS collects personal information in order to perform the services which the council has to deliver as part of its statutory functions. Where services are not part of these functions, WTSS may seek your consent to collect and process your personal information.

What type of information will we keep about you?

At WTSS, if you are a member of the public, you are most likely to have contacted us via the Citizens Advice Consumer Service (CACS.) CACS is funded by central government to provide advice to consumers in relation to any issues they may have with businesses. They act as the contact point for the vast majority of Trading Standards services in England and Wales. They will tell you that they share your information with WTSS if you are resident in Worcestershire or if you are a non-Worcestershire resident who has a contract with a business based in Worcestershire.

WTSS will use your information to create a case record for you and, following this, they are responsible in law for decisions relating to the security and use of your personal information. Not all cases are investigated, only those which are serious. The rest are used as intelligence to help determine if businesses are generally trading fairly and whether any intervention may be necessary to protect the collective interests of consumers. Worcestershire County Council has a statutory duty to deal with problematic businesses in these circumstances under the Enterprise Act 2002.

If WTSS does investigate a matter that you have brought to their attention, they are likely to need to know at least the following:

- Details about you such as your full name and date of birth,
- Contact details such as address, telephone number, and e-mail address where available;
- Information relevant to the services being provided, for instance details about your complaint or the incident that you wish to bring to our attention including;
 - The dates and location of relevant events,
 - The names and addresses of any perpetrators,
 - A description of the impact this incident has had on you including any personal injuries you may have suffered if, for example, the incident related to an accident at work,
 - Any symptoms you may have, for example in relation to an allergic reaction to food or from an injury sustained from a faulty or unsafe product,
 - Any financial loss you may have suffered due to the incident you are raising.

Some of this information may be provided by CACS, whether WTSS investigate a matter you raise or not. If they do not investigate, your information or some of it may provide useful intelligence so it will be retained for a period as long as it is relevant.

If you are a business that WTSS regulates, they may hold a record of your business activities and what you do, which may include personal information about you or people you may employ including:

- Your name and address,
- If your company is a limited company, the name of the contact and/ or the names and addresses of the company's Directors,
- The names and addresses of relevant people in your business, for example the Designated Premises Supervisor for the license to supply alcohol,
- Images of any of your products that you may have asked to be checked,
- Incidents reported to us by members of the public involving your business activities or the conduct of your business.

Generally speaking, WTSS will not use your information without your permission for purposes not directly related to the statutory functions. If your information is to be used for purposes such as training or planning and improving services, your information will be anonymised.

It might be necessary to share your information for a purpose not related to Trading Standards issues if:

- What you reveal indicates that your health or safety, or that of others, is at risk;
- We wish to prevent, or have information that could assist with the investigation of a crime;
- Worcestershire County Council needs to comply with any other legal obligation.

Work with National Trading Standards National Scams team

The service has signed up to a data-sharing protocol with the National Trading Standards National Scams team so that they can provide us with the details of Worcestershire residents identified during the course of their activities who may be the victims of scams. If the evidence suggests you may be a victim, WTSS will contact you with a view to discussing these matters. You would be under no obligation to accept the service's offer of assistance. If you do respond, officers from the service will visit you and try to assist you with dealing with future scam mailings with a view to reducing the likelihood of you becoming a victim in the future. We will give feedback to the NTSNST as to what our work with you yields. Should WTSS consider that your situation is such that there are safeguarding issues associated, the service will share you information with statutory social care services and the Police via the Multi-Agency Safeguarding Hub.

Beyond this, your data would be anonymised if it was used for training purposes or aggregated for the reporting of outcomes of this work-stream.

How can you access the information we hold about you?

You have the right to ask for all the information that Worcestershire County Council has about you and, if you are a sole trader in business, your services. However, the County Council will not let you see any parts of your record which contain:

- Confidential information about other people; or
- Information a care professional thinks will cause serious harm to your or someone else's physical or mental well-being; or
- If we think that providing you with the information will prevent or hinder the investigation of a crime; or reveal investigative techniques that could undermine future regulatory or enforcement activity.

Where the processing of your data is carried out by automated means, you can ask for your personal data to be supplied in a commonly used format. This may be particularly relevant you want to send it to another organisation.

How can you request correction of inaccurate information?

You should let Worcestershire County Council know if you disagree with something written on your file. You may not always be able to change or remove the information. However, factual inaccuracies can be corrected and may include your comments in the records.

To make a request, email the Data Protection Officer identified at the end of this notice if you live or do business in the county.

How can you request for your information to be erased?

If you want the Council to stop processing and erase your information, you are entitled to request this under specific circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- When the individual withdraws consent (where consent was relied upon for the original processing).
- The personal data was unlawfully processed (i.e. otherwise in breach of the GDPR).
- The personal data has to be erased in order to comply with a legal obligation.
- The personal data is processed in relation to the offer of information society services to a child.

To make a request, email the Data Protection Officer identified at the end of this notice if you live or do business in the county.

How can you restrict processing of your information?

You can request for the processing of your personal information to be restricted under the following circumstances:

- Where you contest the accuracy of the information
- It was unlawfully processed but you do not want it to be deleted.
- It is due to be deleted but you require it kept because of a legal claim.
- You have objected to the processing of the data and you are waiting for a decision about the objection.

To make a request, email the Data Protection Officer identified at the end of this notice if you live or do business in the county.

How do we keep information secure?

Worcestershire County Council's services will take appropriate steps to make sure they hold records about you (on paper and electronically) in a secure way and ensure they are up to date. They will only make them available to those who have a right to see them. In order to ensure that your information is used appropriately and that your privacy is respected, your personal information will be held and used in compliance with the requirements of all applicable legislation.

Security measures include:

- Encryption
- Access controls on systems
- Security training for all staff

How long do we keep your personal information?

WTSS will keep personal information in line with our retention and disposal schedule.

You have the right to request that we stop processing your personal data in relation to any council service including Trading Standards. However, if this request is approved this may cause delays or prevent us delivering a service to you. Where possible we will seek to comply with your request but

we may need to hold or process information in connection with one or more of the County Council's statutory functions.

Who will we share your personal information with?

Worcestershire County Council uses a number of commercial companies and partners to either store personal information or to manage it on their behalf. Where they have these arrangements there is always a contract, memorandum of understanding or information sharing protocol in place to ensure that the organisation complies with data protection law. Arrangements involving sensitive personal data will have been formally assessed in more detail for their compliance with the law.

WTSS may also share your personal information when we feel there is a good reason that is more important than protecting your confidentiality.

For Trading Standards purposes this is most likely to be for the detection and prevention of crime/fraudulent activity; or

- if there are serious risks to the public, our staff or to other professionals;
- to protect a child; or
- to protect adults who are thought to be at risk, for example if they are frail, confused or cannot understand what is happening to them.
- If the issue raised is a serious public health matter that presents a wider risk to the community

For all regulatory services, information and intelligence sharing is key to protecting the public in the modern trading environment. Criminals engaging in activities that fall within WTSS's remit do not respect local authority borders nor do they limit the crimes they commit to one type of activity. To tackle these people, it is important that WTSS shares intelligence with other enforcement bodies in Worcestershire like West Mercia Police, Hereford and Worcester Fire and Rescue Service and the regulatory arms of the 6 District Councils, plus national bodies like National Trading Standards and the Health and Safety Executive. WTSS also shares intelligence where it is relevant with neighbouring local authority regulatory services and more widely with partners where this is relevant.

When using personal data for research purposes, the data will be anonymised to avoid the identification of an individual, unless consent has been given for the use of the personal data.

WTSS do not sell personal information to any other organisation for the purposes of direct marketing.

International Transfers

WTSS would not normally share your data beyond the UK border, however, if you are a sole trader in business engaging in business activities outside of the UK, for example, via your website and the service is contacted by non-UK government or non-UK local government regulators, Trading Standards acting on behalf of the County Council will consider whether there is a suitable legal gateway to allow the sharing of information, particularly where the issues raised relate to criminal activities.

Such sharing of information is likely to be facilitated via the Competition and Markets Authority, the Food Standards Agency or similar national regulatory bodies.

Profiling

Should the data we hold on you lead us to conclude that you may be involved in criminal activity WTSS may look to create a profile of you by requesting information held by other law enforcement agencies to build on that held by the organisation. Profiling requests will only be done when authorised at a Tasking Meeting by an officer of the rank of Team Manager or above, in consultation with the service's Intelligence Officer. Once a profile is created it will be designated Official Sensitive and it will only be seen by officers on a need to know basis. Profiles will only be shared with other criminal enforcement agencies where necessary for the prevention or detection of crime or in relation to legal proceedings/ potential legal proceedings; and when this is in the public interest. The Intelligence Officer will indicate on the completed profile, the list of partners who may have an interest in the intelligence contained in the profile. Data sharing will only occur once approved at a Tasking Meeting by an officer of the rank of Team Manager or above.

This form of profiling is not caught by the new provisions under the revised data protection regime as it is not automated. It is an essential part of modern crime fighting and necessary for the prevention and detection of criminal activity. However, WTSS and its partners will ensure that controls are in place to prevent unnecessary intrusion into people's private lives.

Data Protection Officer (DPO)

Any queries relating to Data Protection matters or requests outlined above should be referred to Worcestershire County Council's designated Data Protection Officer by emailing: dataprotection@worcestershire.gov.uk

Where can I get advice, or lodge a complaint?

For independent advice about data protection, privacy and data sharing issues, or to lodge a complaint if you think your data has been mishandled, you can contact the Information Commissioners Office (ICO) at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Alternatively, visit ico.org.uk or email casework@ico.org.uk.

Data Matching Exercises: Fair Processing

Local authorities are required by law to protect the public funds they administer. They may share information provided to them with other bodies responsible for; auditing, or administering public funds, or where undertaking a public function, in order to prevent and detect fraud.

The Cabinet Office is responsible for carrying out data matching exercises. Data matching involves comparing computer records held by one body against other computer records held by the same or another body to see how far they match. This is usually personal information. Computerised data matching allows potentially fraudulent claims and payments to be identified. Where a match is found it may indicate that there is an inconsistency which requires further investigation. No assumption can be made as to whether there is fraud, error or other explanation until an investigation is carried out.

Trading Standards may be asked to participate in the Cabinet Office's National Fraud Initiative: a data matching exercise to assist in the prevention and detection of fraud. We would be required to provide particular sets of data to the Minister for the Cabinet Office for matching for each exercise. The use of data by the Cabinet Office in a data matching exercise is carried out with statutory authority under Part 6 of the Local Audit and Accountability Act 2014. It does not require the consent of the individuals concerned under the Data Protection Act 1998.

Data matching by the Cabinet Office is subject to a Code of Practice. For further information please see the Cabinet office website

Cookies

Cookies are pieces of data that are often created when you visit a website, and which are stored in the cookie directory of your computer. A number of cookies are created when you visit worcestershireTS.gov.uk.

Cookies do not contain any personal information about you, and they cannot be used to identify an individual user.

You can set your browser not to accept cookies. If you do not know how to do this, contact us, giving details on the type of browser you are using, and we will do our best to help, or use the "How to control cookies" related link. Please note that if you do set your browser not to accept cookies many of the enhanced features may not work correctly.

Your browser accesses the cookie file again when you visit the website that created the cookie file. The browser uses the information stored in the cookie file. This is to help ease your navigation of the website, letting you log in automatically or remembering settings you selected during your earlier visits to the website.

Any particular website cannot access information on your computer other than the cookie it set on your computer. The cookie is not executable code so it doesn't have any "life" of its own other than being used by the website that created it. As explained above, such use is limited to helping your browser process the information located on the website.

Although cookies are merely harmless text files that help your browsing experience, they are not free from controversy. Cookies can be used to track your browser's website browsing history. If you feel this impacts your privacy, you can change your browser's settings to limit the use of cookies on your computer to cut down on its ability to keep records of your browsing history.

Essentially this is the memory of your internet browser where you can find all your cookies stored in a format that facilitates easy retrieval by a browser.

Google Analytics

We use Google Analytics website statistic which uses cookies to help us to gauge the number of people that visit the service's website. We can analyse how people use it (e.g. we can determine which pages on our site are the most popular ones).

The information generated by the cookies about your use of our website (including your IP address) will be transmitted to and stored by Google on servers in the United States.

Google will use this information for the purpose of evaluating your use of our website, compiling reports on website activity and providing other services relating to website activity and internet usage.

Google may also transfer this information to third parties when required to do so by law, or where such third parties process the information on Google's behalf.

Google undertakes not to associate your IP address with any other data held by Google. To opt out of being tracked by Google Analytics across all websites visit

<http://tools.google.com/dlpage/gaoptout>.

Most web browsers allow some control of most cookies through the browser settings. To find out more about cookies, including how to see what cookies have been set and how to manage and delete them, we would recommend looking at <http://www.allaboutcookies.org/>.

The Council does not use Analytic cookies for any other purpose than reporting site use and does not share information with anyone outside of the Council.

Social Media Links

Links in the page footer pass temporary cookies to the social media sites (Facebook, Twitter etc.) which just include the address of the page you wish to share.

These cookies should not be saved to the computer as they are "cached" in the browser

Cookie: Google Analytics

Name: _utma , _utmb, _utmc, _utmz

Purpose: These cookies are used to collect information about how visitors use our site. We use the information to compile reports and to help us improve the site. The cookies collect information in an anonymous form, including the number of visitors to the site, where visitor have come to the site from and the pages they visited.

More information:

[An overview of privacy at Google](#)

Disabling cookies

You can stop cookies being downloaded on to your computer or other device by selecting the appropriate settings on your browser. If you do this, however, you may not be able to use the full functionality of this website.

There is more information about how to delete or stop using cookies on AboutCookies.org. If you wish, you can also opt out of being tracked by Google Analytics.

Further information on the use of personal information can be found at ico.org.uk

<https://www.gov.uk/government/publications/fair-processing-national-fraud-initiative/fair-processing-level-3-full-text>