

# Shetland Islands Council

## Short Term Let Licensing Data Protection Privacy Statement

### Who we are?

Shetland Islands Council is a local authority established under the Local Government etc. (Scotland) Act 1994. Its office headquarters is located at 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ, United Kingdom.

You can contact our Data Protection Officer by post at this address, by e-mail at: [dataprotection@shetland.gov.uk](mailto:dataprotection@shetland.gov.uk) and by telephone on (01595) 744 550.

The Data Protection Officer for Shetland Islands Council is the Executive Manager – Governance and Law.

### Why do we need your personal information and what do we do with it?

You are giving us your personal information to allow us to process your application for a Short Term Let Licence and to provide ongoing support to you after your application has been granted or refused.

We also use your information to verify your identity where required, contact you by post, email or telephone and to maintain our records.

### Legal basis for using your information

We provide these services to you as part of our statutory function as your local authority. You can find more details of our role on our website. Processing your personal information is necessary for compliance with a legal obligation to which the council is subject.

If you do not provide us with the information we have asked for then we will not be able to provide this service to you.

Where we are relying on task carried out in the public interest or legal obligation as the lawful basis for processing, we rely on various pieces of legislation. In this instance, we are carrying out our statutory functions under the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

### What personal data we hold, and how we obtain it?

The types of personal data we hold and process about you can include:

- Name and current address
- Your date and place of birth
- Address history for the last five years
- Contact information including telephone number and email
- The name and address of any agent or day to day manager or joint owner
- The date of birth of any agent, manager or joint owner
- Address history of any agent, manager or joint owner over the last five years
- Contact information including telephone and email of any day to day manager or joint owner

- Details of any convicted offences, including unspent convictions for those named on the application.
- Objections – We will hold the name and address of any individuals that place an objection.

All personal data is held within a secure information management system.

### **Who do we share your information with?**

We are legally obliged to safeguard public funds so we are required to verify and check your details internally for fraud prevention. We may share this information with other public bodies (and also receive information from these other bodies) for fraud checking purposes.

We are also legally obliged to share certain data with other public bodies, such as HMRC and will do so where the law requires this. We will also generally comply with request for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate.

Your information is also analysed internally and externally to help us improve our services and to comply with legislations. We provide an internal audit service because the law states we must do so. The law also states we must be audited externally. The external auditors are appointed by Audit Scotland. Our internal audit team and the external auditors may process any personal information held within the Council for its contractors and partners) in order to assess and provide assurances on the arrangements for governance, risk management and internal control within the service area. External audit will also ensure that the financial position stated in the annual accounts give a true and fair view in accordance with the law and codes of practice.

Information will be shared with:

- other Council departments; for clarification of information supplied and to ensure all commercial obligations are being adhered to,
- elected members; should an objection/representation be received and a report is submitted to the Licensing committee,
- Police Scotland , to carry out a fit and proper person check and
- the Scottish Fire and Rescue Service, to check your fire safety submission.

Some information will also be shared with the public via the Licensing Register and we provide the register to other public bodies to support a national register of licences.

### **Will we send your information outwith the UK?**

We do not transfer your information outwith the UK. If it becomes necessary to do so, we would ensure that the appropriate safeguards are in place.

### **How long do we keep your information for?**

We only keep your personal information for the minimum amount of time necessary. Sometimes this time period is set out in the law, but in most cases it is based on the business need. We maintain a records retention and disposal schedule which sets out how long we hold different types of information for. You can view this on our website at <http://www.shetland.gov.uk/information-rights/InformationManagement.asp> or you can request a hard copy from the address above.

### **Your rights under data protection law**

## **Access to your information**

You have the right to request a copy of the personal information that we hold about you.

## **Correcting your information**

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

## **Deletion of your information**

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

- you think that we no longer need to hold the information for the purposes for which it was originally obtained
- you have a genuine objection to our use of your personal information – see *Objecting to how we may use your information* below
- our use of your personal information is contrary to law or our other legal obligations.

## **Objecting to how we may use your information**

You have the right at any time to tell us to stop using your personal information for direct marketing purposes.

## **Restricting how we may use your information**

In some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information that we hold about you or we are assessing the objection you have made to our use of your information.

This right might also apply if we no longer have a basis for using your personal information but you don't want us to delete the data. Where this right is realistically applied will mean that 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.

Please contact us as stated above if you wish to exercise any of these rights.

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

If you have provided anyone else's details to the Council, please make sure that you have told them that you have given their information to Shetland Islands Council. We will only use this information for a specific purpose, e.g. to contact those people in the event of an emergency, to assess your own entitlement to a service or to contact them in order to take up references in the event that you are successful in your job application.

If they want any more information on how we will use their information they can visit our web site at <http://www.shetland.gov.uk/information-rights/DataProtection.asp> or email [dataprotection@shetland.gov.uk](mailto:dataprotection@shetland.gov.uk).

## Complaints

We aim to directly resolve all complaints about how we handle personal information. If your complaint is about how we have handled your personal information, you can contact the Council's Data Protection Officer by E-mail at [dataprotection@shetland.gov.uk](mailto:dataprotection@shetland.gov.uk) or by Phone on (01595) 744 550.

However, you also have the right to lodge a complaint with the Information Commissioner's Office, who can be contacted by post at:

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

Phone: 0303 123 1113 (local rate) or 01625 545 745.

Visit their website for more information at- <https://ico.org.uk/concerns>

Please note if your complaint is not about a data protection matter or does not concern the handling of personal information, please contact us using the Council's Complaints Handling Procedure.