

Privacy Notice – Right of Way Investigation

The Data Controller who are processing your personal data is Dumfries and Galloway Council.

Who are we?

Dumfries and Galloway Council is a local authority established under the Local Government etc. (Scotland) Act 1994. Our head office is located at Dumfries and Galloway Council Headquarters, English Street, Dumfries, DG1 2DD. You can contact our Data Protection Officer by post at this address or by email at: dataprotection@dumgal.gov.uk, and by telephone on 0303 333 3000.

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

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

We need you to give us your personal information to allow us to deliver our duties to you as the local authority for Dumfries and Galloway.

What is our legal basis for using your information?

We provide these services to you as part of our statutory function as your Local Authority.

Article 6(1)(e) of the EU General Data Protection Regulation (GDPR):

‘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’.

We need you to give us your personal information to allow us to deliver our duties under Section 46(1) of The Countryside (Scotland) Act 1967 namely, “It shall be the duty of a local planning authority to assert, protect and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area, and they may for these purposes institute and defend legal proceedings and generally take such steps as they may feel expedient “

Also, to undertake our statutory duties under The Land reform (Scotland) Act 2003

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 and across the Council services to prevent fraud- and we may share this information with other public bodies for the same purpose.

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. In general, we will also comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate.

Your information is also analysed internally to help us improve our services.

Information is also shared across Council services.

Almost all Council data is held within the UK. Any overseas data transfers require additional internal approvals. If we need to transfer your personal information overseas in relation to an activity, this will be explained in a specific privacy statement relating to that function along with a description of the protective measures we have in place to keep it secure.

How long do we keep your information for?

We only keep your personal information for the minimum of time necessary. Sometimes this time is set out in the law, but in most cases, it is based on our business need. We maintain a records retention schedule which sets out how long we hold different types of information for.

What are your rights under data protection law?

Access to 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.

Deleting your information - you have the right to ask us to delete personal information about you where:

1. You think that we no longer need to hold the information
2. We are using that information with your consent and that you have withdrawn your consent
3. how we may use your information' below
4. 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 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 relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Withdrawing consent to use your information - where we use personal information with your consent, you may withdraw that consent at any time, and we will stop using your personal information for that purpose(s) for which consent was given.

Please contact the Data Protection Officer if you wish to carry out any of these rights.

We may use automated decision-making processes but very little use of profiling. Where these techniques are used, this will be explained in the specific privacy statements relating to those functions, together with a description of the reason involved in any automated decision making.

We aim to directly resolve all complaints about how we handle personal information, you can contact the Council's Data Protection Officer by email dataprotection@dumgal.gov.uk or by telephone 0303 333 3000.

You also have the right to lodge a complaint about data protection matters with the Information Commissioner's Office, who can be contacted at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

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

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

If your complaint is not about a data protection matter you can find details on how to make a complaint at www.dumgal.gov.uk/complaints or email: commentsandcomplaints@dumgal.gov.uk