

## WATER INDUSTRY COMMISSION FOR SCOTLAND

### LICENCE APPLICANTS: HOW WE USE YOUR PERSONAL INFORMATION

We, the Water Industry Commission for Scotland, (the Commission), registered at Water Industry Commission for Scotland, First Floor, Moray House, Forthside Way, Stirling, FK8 1QZ, are committed to collecting and using data fairly and in accordance with the requirements of the General Data Protection Regulation (EU) 2016/679 and the Data Protection Act 2018 (the Data Protection Laws).

We are the controller of the personal information that we hold about you. This means that we are legally responsible for how we hold and use personal information about you. It also means that we are required to comply with Data Protection Laws when holding and using your personal information. This includes providing you with the details contained within this statement of how we hold and use your personal information, who we may share it with and your rights in relation to your personal information.

We have appointed a Data Protection Officer (DPO), who ensures that we comply with Data Protection Laws. If you have any questions about this statement or how we hold or use your personal information, please contact the DPO via email at: [DPO@watercommission.co.uk](mailto:DPO@watercommission.co.uk).

### WHAT PERSONAL INFORMATION DO WE HOLD AND USE ABOUT YOU?

We hold and use the personal information that you provide to us as part of your licence application and other personal information that we may obtain about you, for example, during a meeting and / or consultations on licence applications. This includes:

- name;
  - contact information (for you, each person concerned in the direction or management of the applicant and the same for any ultimate controller of the applicant (if applicable));
  - responses to questions in the application form, including details of any relevant experience;
  - with regard to the persons who are noted in the application as being involved in the direction or management of the applicant, details of: any restrictions imposed by a competent court or other authority; any current litigation; any cases during the past 3 years where they have plead or been found guilty and / or been subjected to a civil penalty; and / or any insolvency event;
  - criminal records information;
  - any additional information that you provide within your application; and
  - consultation responses to the application.
- If you do not provide us with this personal information, we may not be able to evaluate your application successfully and / or take it further.

### WHY DO WE HOLD AND USE THIS PERSONAL INFORMATION ABOUT YOU?

We hold and use this personal information to:

- evaluate your application for a water services licence and / or a sewerage services licence;
- allow us to determine what, if any, further information may reasonably be required by us to carry out a fair and thorough evaluation of your application;
- verify the criminal records information provided by you;
- communicate with and inform you of the outcome of your application; and
- protect and defend our legal rights in the case of a dispute between us.

## **WHAT IS OUR LEGAL BASIS FOR HOLDING AND USING YOUR PERSONAL INFORMATION?**

Data Protection Laws require us to have a legal basis for holding and using your personal information. Our legal basis for holding and using your personal information is that it is necessary for us to comply with our legal and regulatory obligations that apply to us, such as access to information laws. Also, we use your personal information in the exercise of our official authority vested in us with regard to the evaluation of applications received for water services and / or sewerage services licences in terms of the Water Services etc. (Scotland) Act 2005 and associated legislation.

## **WHO DO WE SHARE YOUR PERSONAL INFORMATION WITH?**

We may share your personal information with the following organisations for the purposes described in section 2 of this statement:

- our consultants, advisers and IT service providers;
- our solicitors;
- the Scottish Government; and
- Disclosure Scotland.

## **HOW LONG DO WE KEEP YOUR PERSONAL INFORMATION?**

We keep the personal information that we obtain about you during the application process for no longer than we need to meet any legal, accounting, reporting or regulatory requirements.

More information is contained in our data retention policy, which is available by contacting our DPO.

## **HOW DO WE KEEP YOUR PERSONAL INFORMATION SECURE?**

The security of your personal information is of important to us and we use technical and organisational measures to safeguard your personal information. Our servers are located within data centres which are info security and quality accredited.

## **WHERE IS YOUR PERSONAL INFORMATION TRANSFERRED TO?**

Our servers are located in the European Union and the information that we collect directly from you will be stored in these servers. We may also transfer parts of your personal information, where reasonably necessary, to our third-party service providers who may be located outside of the EU or who may engage sub-processors located outside of the EU.

## **WHAT RIGHTS DO YOU HAVE IN RELATION TO YOUR PERSONAL INFORMATION THAT WE HOLD AND USE?**

It is important that the personal information that we hold about you is accurate and current. Please keep us informed of any changes. Under certain circumstances, the law gives you the right to request:

- a copy of your personal information and to check that we are holding and using it in accordance with legal requirements;
- correction of any incomplete or inaccurate personal information that we hold about you;
- deletion of your personal information where it is no longer necessary for us to continue to hold and use it;

# TRANSPARENCY STATEMENT: LICENCE APPLICANTS

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- temporarily suspend the use of your personal information, for example, if you want us to check that it is correct or the reason for processing it or to stop us from using your personal information altogether if we have committed a breach of Data Protection Laws;
- the transfer of the personal information that you have provided to us or that is required to enter into contract with you to you or another organisation; and
- that you are not subject to a decision solely taken by computer which produces legal consequences for or otherwise significantly affects you.

You can also object to us holding and using your personal information on grounds relating to your particular situation, unless we have overriding and compelling legitimate grounds for holding and using your personal information in certain situations.

Please contact our DPO if you wish to make any of the above requests. When you make a request, we may ask you for specific information to help us confirm your identity for security reasons. You will not need to pay a fee when you make any of the above requests, but we may charge a reasonable fee or refuse to comply if your request for access is clearly unfounded or excessive.

## FEEDBACK AND COMPLAINTS

We welcome your feedback on how we hold and use your personal information, and this can be sent to our DPO.

You have the right to make a complaint to the Information Commissioner, the UK regulator for data protection, about how we hold and use your personal information. The ICO's contact details are as follows:

Telephone: **0303 123 1113**

Website: **<https://ico.org.uk/concerns/>**

If you would like to receive this statement in alternative format, for example, audio, large print or braille, please contact us.

## UPDATES TO THIS STATEMENT

We may update this statement at any time, and we will provide you with an updated version when required to do so by law.

Last updated: January 2020