

# Data Protection Privacy Notice

## LEZ Enforcement

### Overview

Low Emission Zones (LEZs) are a way of reducing emissions from road transport, to protect public health. We are committed to delivering greener and healthier transport across the city and the LEZ is an important tool to help us achieve our ambitious net zero targets.

In Edinburgh, we introduced a city centre LEZ in 2022, with enforcement from 2024 following a two-year grace period. This LEZ scheme was approved by the City of Edinburgh Council and Scottish Ministers, in accordance with:

- Transport (Scotland) Act 2019
- The Low Emission Zones (Scotland) Regulations 2021
- The Low Emission Zones (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021.

The enforcement we undertake for our LEZ is in the following areas:

- Issuing, collection and pursuing of Penalty Charge Notices (PCN's) issued because noncompliant vehicles have driven into or within the LEZ.

To deliver these enforcement services we need to collect, store, share and dispose of personal information. This is known as data processing.

When we collect personal data, we must tell you what we collect, why we need it, what we will do with it, how long we will keep it for and who we will share it with. This information is called a privacy notice.

This privacy notice explains how we will process your personal information for the purpose of providing LEZ enforcement services and managing our roads safely. If we change the way we process your personal data, what information we collect, how we use it and under what circumstances, if any, we may share it with others, we will bring this change to your attention. This privacy notice may be updated from time to time so by regularly reviewing the notice you will ensure that you are always aware of the latest version of our privacy note about what information we collect, how we use it and under what circumstances, if any, we share it with others.

This notice was last updated on 16/05/2024.

In processing personal information, the City of Edinburgh Council must comply with the UK General Data Protection Regulation (as defined in section 3(10) (as supplemented by section 205(4)) of the Data Protection Act 2018. We refer to this as data protection legislation.

## **Data Controller**

Data Controllers are the organisations or individuals that determine how your personal information will be processed. By law, data controllers must pay a fee to register with the UK Information Commissioner who is the data protection regulator within the UK.

The City of Edinburgh Council data controller registration number – Z5545409.

## **Data collection and personal data categories**

The personal information we hold about you in relation to LEZ enforcement is collected in a variety of ways. We will collect information from cameras about your vehicle; registration number, make and colour along with the date, time and location of the incident for which the enforcement action is taken. We will also collect information from DVLA about the registered keeper of the vehicle if we require to pursue a LEZ Penalty Charge Notice.

When we collect and process your personal information, we are committed to the principles set out in data protection legislation.

## **Data protection principles**

- We only collect information that we need.
- We don't keep your information for longer than we need to.
- We tell you why we need your information and what we will do with it.
- We collect accurate information and, where necessary, keep it up to date.
- We keep your personal information secure.
- We don't use your information for a different reason than the one we have told you about. The exception to this is if we must do so by law.

## **Personal data categories**

We process personal data. Personal data is information which can be used to identify you, such as your:

- Vehicle registration number.
- Name and address of the registered keeper of the vehicle.
- Email address (if this has been provided).
- Blue disabled badge details, in cases where an exemption has been applied for.

## Purpose of processing personal information

Processing personal information in relation to LEZ enforcement allows us to manage these activities and therefore fulfil our legal responsibilities to manage and maintain the city's road network. The introduction of Edinburgh's LEZ aims to improve local air quality to meet the objectives of the scheme.

On occasions, we may keep your personal information within the Council's archives for evidential or historical reasons or use it for research or statistical purposes.

It will sometimes be necessary to process personal information to prevent and detect crime, to comply with legal orders, and to provide information in accordance with a person's rights.

The Council will only process your personal information when it is lawful to do so.

### Reasons

Data is processed by the Council about LEZ enforcement because:

- It is necessary to provide a Council service, which is part of our public task.

We do not require your permission to process personal information for LEZ enforcement as we have a legal obligation to fulfil our public tasks.

### Information Sharing

To meet our legal obligations, we will sometimes share your personal information between teams within the Council, and with external organisations involved in delivering services on our behalf.

The Council may also provide information to third parties, but only where it is necessary, either to comply with the common law or statutory obligation, or where it is permitted under data protection legislation.

Organisations who we may share your information with include:

- Police Scotland.
- DVLA.
- Transport Scotland/Scottish Government.
- Private sector contractors engaged by the Council to undertake LEZ enforcement duties and for the purposes of debt collection.
- Public and Private sector organisations for the purpose of data analytics.

We will only share your information with partners or suppliers who have sufficient measures and procedures in place to protect your information and can meet their legal

obligations under data protection legislation. These requirements will be set out in contracts or data sharing agreements.

We will never share your information for marketing purposes, unless you have specifically given us permission to do so.

### **Details of transfers to third country and safeguards**

Your information will normally be stored and processed on servers based within the UK. While it may sometimes be necessary to transfer personal information overseas, any transfer will be in full compliance with data protection legislation.

## Retention periods and your rights

### **Retention periods**

We will not keep your information for any longer than it is needed and will dispose of both paper and electronic records in a secure way. The length of time we need to keep information collected for providing Transport & Infrastructure services varies and will depend on the purpose for which it is collected. The Council has a Record Retention Schedule which sets out how long we keep records and the reason why. For more information, please visit [Records management arrangements – The City of Edinburgh Council](#)

You have rights under data protection legislation including:

- Right to be informed about how we collect and use your personal information through privacy notices such as this.
- Right to request the information we hold about you. This is known as a Subject Access Request and is free of charge. We must respond within one month, although this can be extended to three months if the information requested is complex.
- Right to rectification. You are entitled to have your information rectified if it is factually inaccurate or incomplete. We must respond to your request within one month. If we decide to take no action, we will tell you why and let you know about your right of complaint to the UK Information Commissioner.
- Right to erasure. You have the right to ask us to delete your information or stop using it. It will not always be possible for us to comply with your request, for example if we have a legal obligation to keep the information. If we decide to take no action, we will tell you why and let you know about your right of complaint to the UK information Commissioner.
- Right to restrict processing. You have the right to restrict how your data is processed in certain circumstances, for example, if the data is not accurate. If a restriction is applied, we can retain just enough information to ensure that the restriction is respected in future. If we decide to lift a restriction on processing, we must tell you.

- Right to object. You can object to your information being used for profiling, direct marketing or research purposes.
- Right to not be subject to a decision based solely on automated processing, including profiling, to reduce the risk that a potentially damaging decision is taken without human intervention.

While a right to data portability exists under data protection legislation because we process information for LEZ enforcement as part of our public task or because of legal obligations, you cannot ask us to transfer this information to another data controller so they can use it.

To make a subject access request, or to exercise any of your rights, please contact the Information Rights Team. If you have any questions on any of your rights under the UKGDPR, or if you need any assistance to exercise any of your rights listed above, you may also find it helpful to contact our Information Rights Team on [informationrights@edinburgh.gov.uk](mailto:informationrights@edinburgh.gov.uk)

### **Collecting information automatically**

We use cookies to collect data automatically when you are using our website. The cookies page on the website gives further information about this. For more information, please visit [How we use cookies – The City of Edinburgh Council](#)

## **Incidents, complaints and comments**

### **Date Protection Incident**

If you are concerned about what we do with your data, or think something has gone wrong, for example you have received correspondence from the Council which is not addressed to you, contact the Council's Data Protection Officer to report a data protection incident.

### **Complaints and comments**

If you wish to make a complaint or comment about how we have processed your personal information, you can do so by writing to the Council's Data Protection Officer.

If you are still unhappy with how the Council has handled your complaint, you may contact

UK Information Commissioner's Office,  
Wycliffe House, Water Lane, Wilmslow,  
Cheshire, SK9 5AF  
Tel: 0303 123 1113  
Website: [www.ico.gov.uk](http://www.ico.gov.uk) (external link)

## **Data Protection Officer**

The Council must appoint a Data Protection Officer to make sure it is complying with data protection legislation. The Council's Data Protection Officer is:

Kevin Wilbraham, Information Governance and Strategic Complaints Manager,  
Information Governance Unit, 2.1, 4 East Market Street,  
Edinburgh  
EH8 8BG  
Email: [DataProtection.Officer@edinburgh.gov.uk](mailto:DataProtection.Officer@edinburgh.gov.uk)  
Tel: 0131 2002 340