

From mountain to sea

# Privacy Notice

The Data Controller of the information being collected is Aberdeenshire Council.

The Data Protection Officer can be contacted at Town House, 34 Low Street, Banff, AB45 1AY.

Email: [dataprotection@aberdeenshire.gov.uk](mailto:dataprotection@aberdeenshire.gov.uk)

Your information is being collected to use for the following purposes:

- To process the report you made to the Council concerning either archeological artifacts, human remains or damage to Scheduled Monuments.

Your information is:

Being collected by Aberdeenshire Council	X
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The Legal Basis for collecting the information is:

Personal Data		Special categories of personal data
Consent		The data subject has given explicit <b>consent</b> to the processing
Performance of a Contract		Processing is necessary for the purposes of carrying out the obligations of the controller or of the data subject in the field of employment, social security social protection law
Legal Obligations	X	
Vital Interests		Processing is necessary to protect the <b>vital interests</b> of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent
Task carried out in the Public Interest	X	Processing relates to personal data which are made <b>public</b> by the data subject
Legitimate Interests <sup>1</sup>		Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity
		Processing is necessary for reasons of <b>substantial public interest</b>

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		Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of <b>health or social care</b> or treatment, or the management of health or social care systems	
		Processing is necessary for reasons of public interest in the area of <b>public health</b>	
		Processing is necessary for archiving purposes in the <b>public interest</b> , scientific or historical research purposes or statistical purposes	

*Please tick all that apply*

Where the Legal Basis for processing is either Performance of a Contract or Legal Obligation, please note the following consequences of failure to provide the information:

The Council has a statutory duty under the Scots common law of 'Bona Vacantia' to report to the Crown any ownerless objects (with the exception of modern objects, e.g. Victorian coins and machinery fragments) found by chance or through activities such as metal-detecting, field-walking, or archaeological excavation. Such objects may be claimed as treasure trove..

Furthermore if the artefact/s found by chance are significant then details may be passed on to Historic Environment Scotland to enact a call-off contract to record the findspot and remove the artefacts.

Failure to process your data and report the find would breach this duty. It could also mean that artifacts of historical interest and importance are lost as well as the objects not being claimed as treasure trove.

For human remains the Council has a statutory duty under Scots common law whereby all human remains have 'the right of sepulchre' to provide information to Police Scotland.

Furthermore if the remains have been found by chance then details may be passed on to Historic Environment Scotland to enact a call-off contract to record and remove the remains.

Failure to process your information and provide it to the statutory authorities could result in a breach of common law duty as well as historical remains being lost to the nation

For Scheduled Monuments the Council has a duty under the Ancient Monuments and Archaeological Areas Act 1979 to help protect such structures and is required to notify and assist Historic Environment Scotland and Police Scotland to take any appropriate enforcement action or prosecutions against any unauthorised works or damage to the Scheduled Monuments.

Failure to process your information and to provide it to the appropriate authorities could result in the destruction of historic sites and Scheduled Monuments and the failure to prosecute those people responsible for this unauthorised work or damage.



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Your information will be shared with the following recipients or categories of recipient:

*As applicable your personal data may be shared with:-*

- Treasure Trove who are responsible for all ownerless objects in Scotland (with the exception of modern objects).
- Police Scotland who are responsible for all discoveries of human remains.
- Police Scotland should the asset that has been damaged be owned by the Council.
- Historic Environment Scotland who are responsible for the designating of Scheduled Monuments, and the monitoring and enforcement against any unauthorised works or damage to a Scheduled Monument.
- Historic Environment Scotland who are responsible for archaeological call-off contracts dealing with unexpected human remains or unexpected significant artefact discoveries outwith the Planning system

Your information will be transferred to or stored in the following countries and the following safeguards are in place:

*Not Applicable*

The retention period for the data is:

5 years upon which it will be reviewed.

The following automated decision-making, including profiling, will be undertaken:

*Not applicable*

Please note that you have the following rights:

- to withdraw consent at any time, where the Legal Basis specified above is Consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- to data portability, where the legal basis specified above is:
  - (i) Consent; or
  - (ii) Performance of a Contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.