

# Privacy Notice

This document describes how and why we in the Planning Policy section of West Berkshire District Council (“the Council”) collect, store, protect, process and share the data you give to us. We collect personal data to help us in the preparation of the West Berkshire Development Plan, along with accompanying and/or supporting documents and evidence.

Date of Issue:

Update History:

24th May 2018	First issue of a new Privacy Notice – Preparation of the West Berkshire Development Plan, along with accompanying and/or supporting documents and evidence.
16 December 2021	Update of Privacy Notice, including details relating to Local Plan Examinations

Directorate: Environment

Service: Development & Regulation

Team: Planning Policy

## About the Organisation

West Berkshire Council is the Data Controller. This means it is ultimately responsible for the data it holds about you.

Contact Address:

West Berkshire District Council  
Market Street  
Newbury  
Berkshire  
RG14 5LD

ICO Registration Number: Z6825178

<https://ico.org.uk/ESDWebPages/Entry/Z6825178>

## The Data Protection Officer

Contact details for the Data Protection Officer at the Council can be found at:

[www.westberks.gov.uk/dpofficer](http://www.westberks.gov.uk/dpofficer)

## The Personal Data we hold about you

### Preparing the Development Plan

In preparing the West Berkshire Development Plan, statute requires the Council to gather information and evidence, to consult widely and publish the information and responses received. Typically but not exclusively, plans and documents will include Local Development Documents, Supplementary Planning Documents, Housing and Economic Land Availability Assessments, Sustainability Appraisals, Neighbourhood Planning Documents etc.

When you submit information, comment or ask to be kept informed on a document comprising the West Berkshire development plan along with any accompanying / supporting documents and / or evidence we may collect for that purpose:

- your name;
- the nature of your interest in land (if applicable)
- company name and position held (if applicable);
- individual or agent acting on behalf of an organization or other individual (if applicable);
- address; ☐ email address;
- telephone number.

If you are registering directly on the [Local Plan Consultation Portal](#) we may also collect the following metadata:

- your age;
- whether you have a disability;
- sex/gender;
- ethnic group;
- religion or belief;
- sexual orientation.

This additional metadata allows us to fully understand if our consultations are reaching all sectors of the community. It is not shared further internally nor externally in any way that an individual can be identified.

### Local Plan Examinations

All statutory development plan documents are subject to examination. In order for the hearings to be held effectively we will need to collect personal data about you, in accordance with statute. Hearings may be 'physical', 'virtual' or a 'hybrid' version combining both physical and virtual elements.

#### Physical Hearing Sessions:

As a customer/visitor of West Berkshire Council you will be asked to provide some basic information and contact details. The following information will be collected:

- The names of all customers or visitors
  - A contact phone number for each customer or visitor
  - Date of visit and arrival time and departure time
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### Virtual Hearing Sessions:

In order for us to be able to undertake hearing sessions virtually it will be necessary to collect some personal data for those attending, including:

- Name
- Email address to send meeting invite
- Phone number – if you need to join a virtual meeting by phone
- IP address – this may be captured by virtual meeting technology but will not be used by the Council
- Display name- this is collected from the participant’s joining details
- Self-image

Your data will be held in paper format, on the Council’s servers and/or on the Council’s electronic database. The data will be protected using up-to-date technical and organisational security measures.

### **What is the purpose and legal basis for processing your personal data?**

In accordance with the data protection laws, we need “legal basis” for collecting and using information about you. There are a variety of different legal bases for using personal data which are set out in the data protection laws.

We have set out below the different purposes for which we collect and use your personal data, along with the legal basis we rely on to do so:

Why we use your information	Our legal basis for using your information
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<p>We will only use your personal data for the preparation of the West Berkshire Development Plan and/or accompanying / supporting documents and evidence.</p> <p>We need your name and contact details in order to keep in touch with you and to enable you to submit information and make comments during public consultations which may be frequent and cover a number of years. This allows us to attribute information correctly and to ensure comments are duly made.</p> <p>We will use your data to enable you to participate in Local Plan examination hearings. The Council is required by the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning Regulations (2012) to enable public participation in the examination of Local Plans.</p>	<p>Legal Obligation: Article 6c of the GDPR namely processing is necessary for the compliance with a legal obligation to which the controller is subject</p> <p>Public Task: Article 6e of the GDPR namely the processing is necessary for the performance of a task carried out in the public interest.</p> <p>We are required to collect and process your data to fulfil the purposes of the Planning and Compulsory Purchase Act 2004 (as amended), the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), the Localism Act 2011, the Neighbourhood Planning Act 2017, the Local Government (Access to information) Act 1985, the Environmental Information Regulations 2004 and the Environmental Assessment of Plans and Programmes Regulations 2004.</p> <p>Consent: Where you have provided your consent for us to use your personal data in this way. If you do not wish the Council to</p>
	<p>process your personal data, it will be unable to establish a contract to provide the service for you.</p>

### Sharing your personal data

As part of the plan making process we may detail your name and your submitted comments on the [Local Plan Consultation Portal](#) and make this information publically available on the Council's website.

If you are promoting specific sites for housing, employment or other uses we may publish your name along with site details including the nature of your interest in the land, a map identifying the boundary of the land being promoted and the site address/location.

If you are an individual or agent acting on behalf of another individual or organisation we may also publish your name, company name and position held, along with your business email address and / or telephone number.

We may share your data with third parties where it is necessary for the delivery of the service. For example we will share some of your information with the Planning

Inspectorate where this is necessary to facilitate the examination process of a Development Plan document. The PINS privacy notice is available at <https://www.gov.uk/government/publications/planning-inspectorate-privacynotices/customer-privacy-notice>.

Where a service or information request requires us to share your data with other parties. A separate privacy notice will describe who that is.

We may also share your data if we are required to do so by law, for example by a court order or to prevent fraud or other crime.

Should you no longer wish to receive updates on the West Berkshire development plan and/or accompanying/supporting documents and evidence you can contact the Planning Policy Team to make your account inactive and we will no longer contact you. However, we will retain your personal data along with information submitted and the comments received in association with that document. This information forms a part of the plan making process by showing how the Council has taken account of the information submitted and comments received.

### **How long will your data be kept?**

Your personal data will not be kept longer than necessary. You can check how long the organisation will keep each type of data against West Berkshire Council's retention schedule ([www.westberks.gov.uk/retention](http://www.westberks.gov.uk/retention)).

### **Your rights**

Under certain circumstances, by law you have the right to:

- Request access to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we lawfully processing it.
  - Request correction of personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
  - Request erasure of your personal information .This enables you to ask us to delete or remove personal information where there is not good reason for us to continue to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (See below).
  - Object to processing of your personal information where we are relying on a legitimate interest (of those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
  - Request for restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
  - Request the transfer of your personal information to another party.
  - Withdraw consent to the processing of your personal data at any time, where processing is based on your consent. To withdraw your consent, please contact our Data Protection Officer using the contact details below. Once we have received notification that you have
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withdrawn your consent, we will no longer process your information for the purpose of purposes you originally agreed to, unless we have another legitimate basis for doing do in law.

### **How to make a request**

If you wish to make a request associated with any of the rights listed above, contact the Council using the contact details at the top of this notice, or using the request form at [www.westberks.gov.uk/dprequest](http://www.westberks.gov.uk/dprequest).

### **Transfer overseas**

Your data will not be processes outside of the UK or by an international organisation.

### **Complaints**

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. Further information can be found at <https://ico.org.uk/make-a-complaint/your-personal-informationconcerns/>

The Information Commissioner can be contacted at:

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

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

### **Changes to this Privacy Notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

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