

Privacy Notice

This privacy notice sets out how West Berkshire District Council (the “**Council**”) will use your personal data, and your rights in relation to that personal data. This document describes how and why we collect, store, protect, process and share the data you give to us. It is written in accordance with the UK data protection legislation.

This notice relates to personal data collected by the Developers Contribution Team within Planning. We will use this information to fulfil the Council’s duties and powers in relation to s106 agreements and Community Infrastructure Levy.

This notice applies to potential, current and former customers of the service and those we have contacted but have opted not to partake in the service. It is important that you read this notice so that you know how and why we use information about you. It is also important that you inform us of any changes to your personal information so that the information which we hold is accurate and current.

Date of Issue:

Update History:

	First issue of a new Privacy Notice

Directorate: Place
Service: Development & Regulation
Team: Planning Policy

About the Organisation

The 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:
<http://info.westberks.gov.uk/dpofficer>

THE PERSONAL DATA WE HOLD ABOUT YOU

We will process the following personal data about you:

We will collect your name, address, telephone number and email address.

In the specific case of a claim for Self Build Exemption, Form 7 (part 2) also requires the submission of all of the following

A compliance certificate for the development under

- regulation 17 (compliance certificates) of the Building Regulations 2010 or
- section 51 of the Building Act 1984 (final certificates)

Title deeds of the property to which the exemption relates

Council tax certificate

In addition under this part 2 claim, 2 further proofs of occupation of the home as sole or main residence are required:

A copy of two of the following items showing your name and address of the property

- Utility bill
- Bank statement
- Local electoral roll registration

One copy of the following

- a) An approved claim from HM Revenue and Customs under VAT431N8: VAT refunds for DIY householders
- b) Proof of a specialist Self Build or Custom Build Warranty for your development
- c) Proof of an approved Self Build or Custom Build Mortgage from a bank or building society for your development

Associated with your contact details will be the Community Infrastructure Levy liability (£), and details of payment.

These details are collected and held on the Council's database designed for 1. Community Infrastructure Levy or 2. Developer's contributions and on a spreadsheet designed for the Developer Contributions Team and will be protected using up-to-date technical and organisational security measures.

SOURCE OF YOUR PERSONAL DATA

We collect the above information about you from the data you provide on s106 agreement you have completed, your planning application or the forms required through the CIL Regulations 2010 (as amended):

PAAIR form (Form 1), Form 2 (Assumption of Liability),
Form 3 (Withdrawal of Liability),
Form 4 (Transfer of Liability),
Form 5 (Notice of Chargeable Development),
Form 6 (Commencement Notice).

In addition, if you are applying for relief from CIL you will be required to provide your name (address, telephone number and email address in the case of Form 2) through the relevant forms:

Form 2 (Assumption of Liability)

- Form 7 (Self Build Exemption Claim Form Part 1 & Part 2)
- Form 8 (Self Build Residential Annex Claim Form)
- Form 9 (Self Build Residential Extension Exemption Claim Form)
- Form 10 (Charitable & Social Housing Relief)
- Form 12 (Further Charitable & Social Housing Relief)
- Form 13 (Further Exemption Claim).

PURPOSE AND LEGAL BASIS FOR PROCESSING YOUR PERSONAL DATA

In accordance with the data protection laws, we need a "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
<p>We will use your data to fulfil the Council's duties under Town & Country Planning Act 1990, Planning Act 2008, Planning and Compulsory Purchase Act 2004, Community Infrastructure Regulations 2010, Local Government (Access to information) Act 1985 and The Environmental Information Regulations 2004.</p> <p>Where a service or information request requires you to submit further personal information, a separate privacy notice will describe how we will use that data.</p>	<p>Legal Obligation: Article 6c of the General Data Protection Regulations ("GDPR") namely processing is necessary for 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>

SHARING YOUR PERSONAL DATA

Your data will be seen by employees of the Council relevant to the service or information request you have made.

S106

The s106 agreement is available for public inspection in accordance with the legislation detailed below relating to the submission of a planning application. This means that we cannot treat the information required in the agreement as confidential and this information will continue to be held as part of the planning file under the s106 agreement documents.

The s106 agreements are also recorded on the Land Charges Register.

We may share your information with other bodies/agencies where we have a statutory requirement to do so and for the purposes of the s106 which may also include enforcement procedures.

CIL

The PAAIR form must be made available for public inspection in accordance with the legislation detailed below relating to the submission of a planning application. This means that we cannot treat the information required in this form as confidential and this information will continue to be held as part of the planning file under the Community Infrastructure Levy.

Community Infrastructure Levy liabilities are also recorded on the Land Charges Register.

We may share your information with other bodies/agencies where we have a statutory requirement to do so and for the purposes of the Community Infrastructure Levy which may also include CIL appeal and enforcement procedures.

Where CIL enforcement action has been taken through a CIL Warning Stop Notice or a CIL Stop Notice, we will detail your information on a white site notice which will be served on the land for the public to view.

We may share your personal data with third parties where it is necessary for the delivery of the service.

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

RETAINING YOUR PERSONAL DATA

Your personal data will not be kept longer than necessary.

You can check how long the Council will keep each type of data against our retention schedule (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 are lawfully processing it.
 - **Request correction** of the 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 no good reason for us continuing 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 (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground.
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You also have the right to object where we are processing your personal information for direct marketing purposes.

- **Request the 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.

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.

INTERNATIONAL TRANSFERS

Your personal data will not be processed outside 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-information-concerns/>

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
0303 123 1113

Email: 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.
