

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.

We collect personal data to help us to run consultation and engagement exercises on topics that we want the opinion of our residents on.

If you have any questions about how your data is being used please contact the Performance, Research and Risk (“PRR”) Team. Our contact details can be found using the following link: - <https://info.westberks.gov.uk/article/28656/Performance-Research-and-Risk-Team>

Date of first Issue: 25 May 2018

Date of latest issue: 13 October 2021

Update History:

Version 1	First issue of a new Privacy Notice
Version 1.1	Minor amendment to existing Privacy Notice (Who will see your data?)
Version 1.2	Minor amendment to contact details of the Data Protection Officer Inclusion of legal articles to explain the legal basis for using information. Additional contact information for the ICO

Directorate: Resources
Service: Strategy and Governance
Team: Performance, Research and Risk (PRR)

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 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 for West Berkshire Council can be found at: <https://info.westberks.gov.uk/dataprotection>

What personal data will we collect about you?

We may ask for information about you such as:

- Name
- Address

We will use this information to make sure you're entitled to take part in a consultation or engagement exercise, e.g. to check you live in West Berkshire.

We might also ask you your:

- Age
- Gender
- Ethnicity
- Sexual orientation
- Disability, if applicable

We collect this for monitoring purposes and to provide context to your responses. This allows us to make informed and evidence based decisions. The questions are optional and you don't have to respond to them if you don't want to.

We may also ask you if you wish to join West Berkshire Council's Community Panel (<https://www.westberks.gov.uk/communitypanel>) by initially providing your name and email address. If you decide to provide this information, then we will also ask you for additional information at later date (* denotes a mandatory field):

- Title
- Name
- Email address*
- Telephone number
- Gender
- Age at last birthday
- Household composition i.e. number of adults and children
- Disability

Providing this information is optional, however if you choose to tell us, it will be used to ensure we invite you to contribute to consultation and engagement exercises that are applicable to you. You can ask for your details to be removed at any time.

We may also ask you if you wish to be included on a service's information circulation list e.g. a newsletter, by providing your name and email address. If you do choose to sign up, you can ask for your details to be removed at any time by contacting the responsible service.

What is the 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 in order to perform effective consultation and engagement exercises, and to allow us to make informed and evidence-based decisions.</p> <p>We will also use it to provide you with the service or information you have requested, for instance consultation notifications, newsletters or other correspondence.</p> <p>We will never use your data for anything other than the purposes we collect it for.</p>	<p>Performance of a contract: Article 6b of the General Data Protection Regulations (“GDPR”) namely processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.</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>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 process your personal data, it will be unable to establish a contract to provide the service for you.</p>

Who will see your data?

- The West Berkshire Council officer(s) responsible for the consultation (who may be potentially from any service within the council)
- The Principal Performance Research and Consultation (PRC) Officer, PRC Officer and/or Principal Performance, Research and Information Officer, who manage the collection of all West Berkshire Council’s consultation and engagement data where an online survey tool, e.g. Survey Monkey, is used.
- The Applications Development Manager who might assist the responsible officer with the qualitative analysis of the survey results.

We will not share your information with third parties unless you have given us permission to do so or we are required to do so by law, for example by court order or to prevent fraud or other crime

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

Why are we doing this?

The council runs consultation and engagement exercises in its capacity as a public body, in the public interest. Participation is completely voluntary, but in order for your voice to be heard and for us to make sure the consultation is fair and not open to abuse, it’s necessary to collect and process some personal data. Some of the requirement to consult residents may be based in law, but this will depend on the topic and nature of the consultation.

If you join West Berkshire Council’s Community Panel and then change your mind, you can ask the PRR team to remove your details from their list of panel members at any time.

The PRR Team contact details are here:

<https://info.westberks.gov.uk/article/28656/Performance-Research-and-Risk-Team>

How long will your data be kept?

Your data will not be kept any 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).

How is your data stored and processed?

We sometimes use an online survey tool called Survey Monkey to collect your responses to a consultation or engagement exercise. Data collected by this method is stored by the providers. To read about their Privacy Policy and Security Statement visit:

- <https://www.surveymonkey.com/mp/policy/privacy-policy/>
- <https://www.surveymonkey.com/mp/policy/security/>

Data may also be held on the council's electronic systems and will be protected using up-to-date technical and organisational security measures.

Transfer overseas

Survey Monkey may store your data outside of the EU in North America. Companies in the US are considered as having "adequate" status for the purposes of Data Protection by the European Commission where they hold the "Privacy Shield" accreditation. Survey Monkey holds such an accreditation, so your rights are protected. To read about "adequacy decisions" visit:

- https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en

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. 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.
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- **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 withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

How do you make a request?

If you wish to make a request associated with any of the rights listed above, you can do so on our request form (www.westberks.gov.uk/dprequest) that also allows you to make a request for us to take action about something.

Complaints

If you consider that your personal data has been misused or mishandled, you can complain to the Information Commissioner's Office (the ICO), who is an independent regulator. It's easiest to do this online via the ICO website (<https://ico.org.uk/make-a-complaint/>), but you can also do so in writing to:

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

Or email at casework@ico.org.uk

Further information can be found at: <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>

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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