

# Privacy Notice

This document describes how and why we collect, store, protect, process and share the data you give to us as part of our investigations into whether or not public rights of way exist, and details such as their width or limitations, which can lead to Definitive Map Modification Orders to modify the legal record of public rights of way.

Date of Issue:

Update History:

16 June 2019	First issue of a new Privacy Notice

Directorate: Economy & Environment  
Service: Transport & Countryside  
Team: Public Rights of Way (Countryside)

## 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

The Data Protection Officer for West Berkshire Council is:

**James Gore AMBCS BA**

Contact details can be found here: <http://info.westberks.gov.uk/dpofficer>

## **What data will we collect about you?**

We will collect:

- Your name
- address
- signature
- year of birth
- email address and
- telephone number.

We will also collect the information that you provide about your use of the route in question as evidence to help assess whether or not a public right of way exists, or any details relating to it.

## **What will we use your data for?**

The information you provide will be used during our investigation into the existence and particulars of public rights of way. This is a part of a statutory duty to maintain the local Definitive Map and Statement of public rights of way, held by WBC under section 53 and Schedule 14 of the Wildlife and Countryside Act 1981. We may use your personal contact details to contact you with any questions about the matter.

## **Who will see your data?**

The information will be examined by WBC officers. The information you give cannot be treated as confidential. The information, including your name, address, year of birth and signature (but not your telephone number, email address or date of birth) will be available for viewing by interested parties, such as landowners and their representatives, parish/town councils/meetings, West Berkshire elected Councillors, and public rights of way user group representatives.

If a Definitive Map Modification Order is made to modify the legal record of local public rights of way, then the information you provide (aside from your telephone number, email address and date of birth) will be available for general public viewing, along with all the other evidence examined in the case.

If an order is made and then receives objections then your evidence and name, address, signature and year of birth (but not your telephone number, email address or date of birth), will be submitted to the Planning Inspectorate for determination along with the rest of the case. The Planning Inspectorate has its own Rights of Way Privacy Statement available online: <https://www.gov.uk/government/publications/rights-of-way-guidance-booklet>.

## **Your legal basis for Processing**

We are legally processing your data under the requirements of the Wildlife and Countryside Act 1981 (Schedule 14 and/or section 53).

As such, if you choose to present evidence then there is no legal right to refuse processing as we are legitimately required to process it by UK law.

There's more on your rights below (see "Your Rights").

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

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

## **How is your data stored and processed?**

Your data will be held on the West Berkshire Council internal computer network and will be protected using up-to-date technical and organizational security measures. The information you provide will be included as evidence that will be used by WBC for determining whether to make an order on the basis of the evidence. The evidence will be available for public viewing if an order is made, but we will omit your telephone number, email address, date (but not year) of birth and signature.

If an order is made and opposed then the case, including your evidence and personal information, will be submitted to the Planning Inspectorate for determination. The Planning Inspectorate has its own Rights of Way Privacy Statement available online: <https://www.gov.uk/government/publications/rights-of-way-guidance-booklet>.

## **Transfer overseas**

Your data will not be stored or sent outside of the UK.

## **Your rights**

You have a number of rights when it comes to the data we hold about you. These are detailed on our request form ([www.westberks.gov.uk/dprequest](http://www.westberks.gov.uk/dprequest) ) that also allows you to make a request for us to take action about something.

## **Complaints**

If you've already told us we need to do something, but we haven't responded in a way you're satisfied with, you can complain to the Information Commissioner's Office (the ICO). It's easiest to do this online via the ICO website (<https://ico.org.uk/concerns/handling/> ), but you can also do so in writing to:

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

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