

# 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 will need to collect personal data to enable us to undertake the examination hearings for the Minerals and Waste Local Plan (MWLP). We will only use your data to enable public participation in the MWLP examination hearing sessions as required by the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning Regulations (2012).

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:

<i>November 2021</i>	First issue of a new Privacy Notice

Directorate: Environment  
Service: Planning  
Team: Planning Policy – Minerals & Waste

## 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:

In undertaking the examination hearings for the MWLP, we will need to collect personal data about you in order for the hearings to be held effectively, in accordance with statute and to comply with current covid guidance. Depending on pandemic restrictions the examination hearings may be 'physical', 'virtual', or a 'hybrid' version combining both physical and virtual elements.

In order to facilitate the examination hearings, we will collect the following information:

### *Physical hearing sessions –*

To support NHS Test and Trace (which is part of the Department for Health and Social Care) in England, we have been mandated by law to collect and keep a limited record of staff, customers and visitors who come onto our premises for the purpose of contact tracing. A separate privacy policy covering the requirements of Test and Trace for people visiting Council Offices has been produced and is available on request.

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

We may also require you to pre-book a space for attending physical examination hearing sessions and to complete an attendance form on arrival. Information we will collect in case we need to contact you about your attendance will include:

- Names of people attending
- Contact telephone number and/or email for each attendee or representative
- Details of hearing sessions you attend

### *Virtual hearing sessions –*

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

- Name
  - Email address to send meeting invite
  - Phone number – this will be used if necessary to contact you about your participation in the hearing sessions.
  - 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
  - Any personal data you voluntarily disclose during the course of the hearings session.
-

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

### **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 enable you to participate in the MWLP 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 the MWLP.</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><b>Legal Obligation:</b> Article 6c of the GDPR namely processing is necessary for the compliance with a legal obligation to which the controller is subject</p> <p><b>Public Task:</b> Article 6e of the GDPR namely the processing is necessary for the performance of a task carried out in the public interest. Under Planning Act 2008, Planning and Compulsory Purchase Act 2004, Town and Country Planning (Local Planning) (England) Regulations Act 2012 and other relevant legislation</p> <p><b>Consent:</b> 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>

### **SHARING YOUR PERSONAL DATA**

Council officers will use your data where necessary to facilitate the running of the MWLP examination hearing sessions.

If you attend the examination hearing sessions, your image may be captured and displayed via livestream on the Council's YouTube channel. The recordings of hearing sessions may also be uploaded to the Council's YouTube channel and/or MWLP examination website. You should bear this in mind before choosing to disclose any personal information while taking part in the hearing sessions.

We will share some of your information with the Planning Inspectorate where this is necessary to facilitate the examination process. The PINS privacy notice is available [here](#).

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 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. Your data will be kept only for the duration of the MWLP Examination, and/or in accordance with the Council's retention schedule (whichever is the longer) in case we need to contact you about your attendance and/or involvement. Any recordings of the hearing sessions will only be kept until the end of the second week of the MWLP Examination hearings to enable public participation in the event. The Council's retention schedule can be found at [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 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.
  - **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 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](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.

---