

PRIVACY NOTICE

North Hertfordshire District Council Local Plan – Examination Hearing Sessions - September 2020

This notice relates to the management and live streaming of the North Hertfordshire District Council (the Council) Local Plan 2011 - 2031 Examination Hearing meetings which are being held in a virtual environment due to the lockdown for the Covid-19 pandemic.

This privacy notice explains how the Council collects, uses and shares your personal data, and your rights in relation to the personal data we hold. The Council is the data controller for your personal data which means that we are responsible for deciding how we hold and use personal information about you. The Council is registered with the Information Commissioner's Office Registration number Z7539692.

We are required under data protection legislation to notify you of the information set out in this privacy notice.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

The Council will use your audio and visual data from your participation in the Local Plan Examination Hearing meetings to broadcast a live stream of the meeting and make recordings available digitally.

THE TYPES OF INFORMATION WE COLLECT

If you would like to participate in the hearing meetings, the Programme Officer will ask you for your:

- name
- email address
- telephone number

In order to make a video recording of the examination hearing meetings, we will collect, store, and use the following categories of personal information about you:

- Your voice will be recorded if you speak at the hearing meeting
- Your image will also be recorded if you use a video feed to speak at the meeting
- Your name will be recorded when invited to speak and shown on the video wall during the meeting.

We collect personal information about you by email, in writing or by telephone contact before the meetings in order to manage your participation. Your voice and image will be collected from the recording of the meeting which is being captured by the council. The meeting itself is held within the Zoom software provided by North Hertfordshire District Council.

HOW WE USE YOUR PERSONAL DATA

Your contact details will be used by the Programme Officer to manage your request to participate in the meetings and facilitate your taking part.

We will live stream the Local Plan Examination Hearing meeting using the Council's YouTube account to allow public access to view the meeting. Live stream recordings may be used at the time of the

event and will be retained as a record of the event whilst the Local Plan is being adopted and for a period to address any subsequent legal challenge of the Local Plan.

ON WHAT GROUNDS DO WE PROCESS YOUR DATA

We must have a lawful basis for processing your information. The lawful basis for processing your personal data is:

- the processing is necessary for the Council to perform a task in the public interest or for its official functions, and the task or function has a clear basis in law. This is required by Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Section 20 of the Planning and Compulsory Purchase Act 2004.

Please note, there is no statutory obligation on an interested party to participate in the examination hearings.

The situations in which we will process your personal information are listed below.

- To invite you to participate in a Hearing meeting
- When we record the Hearing meeting
- When we livestream the Hearing meeting

DATA PROCESSING

Your personal information will be processed by North Hertfordshire District Council / The Planning Inspectorate for the purposes of conducting the examination through hosting a specific Virtual Hearing (Local Plan Event).

WHO WE SHARE PERSONAL DATA WITH

We will only share your personal data with third parties where required by law.

All of the Council's third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal information for their own purposes and they may only process your personal information for specified purposes and in accordance with our instructions.

If you wish to participate in the meeting, then names and email addresses of those invited and participating may be viewable by others taking part in the meeting.

We will also share the live stream, and or a recording, with the following social media sites:

- Youtube

Hence the data is also shared with

- Any member of the public that listens to, or views, the live stream or recording through YouTube.

HOW WE KEEP YOUR DATA SAFE

The Council is committed to safeguarding your personal data. Whenever you provide such information, we are legally obliged to use your information in line with all applicable laws concerning the protection of personal information, including the Data Protection Act 2018 and the General Data Protection Regulation 2018.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees and third parties who have a business need to process it. Third parties will only process your personal information on our instructions, and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

HOW LONG IS YOUR INFORMATION KEPT?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

The recording will be held whilst the Local Plan is adopted by the council and for a period to address any subsequent legal challenge of the Local Plan.

YOUR RIGHTS

Under the Data Protection Laws, you have the following rights:

- to obtain access to, and have copies of, the personal data that we hold about you
- to request us to correct the personal data we hold about you if it is incorrect
- to request us to erase your personal data
- to request us to restrict our data processing activities
- to object, on grounds relating to your particular situation, to any of our particular processing activities where you feel this has a disproportionate impact on your rights.

Please note that the above rights are not absolute, and we may be entitled to refuse requests where exceptions apply.

HOW TO EXERCISE YOUR DATA RIGHTS OR RAISE CONCERNS?

If you wish to exercise any of your rights, ask questions about data protection or raise concerns, please contact our Data Protection Officer using the following contact details:

By Email to: FOI2@north-herts.gov.uk

By Post to: Data Protection Officer, North Hertfordshire District Council, Council Offices, Gernon Road, Letchworth Garden City Council, SG6 3JF

If you are not content with the how we handle your information we would ask you to contact our Data Protection Officer to help you. However, you do also have the right to complain directly to the Information Commissioner at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Information about the Information Commissioner is available [online](#).

CHANGES TO THIS PRIVACY NOTICE

This privacy notice may be updated from time to time. The date of the most recent versions will appear on this page (see version control). We encourage you to check our privacy notice from time to time to ensure you understand how your data will be used and to see any minor updates. If material changes are made to the privacy notice, for instance how we would like to use your personal data, we will provide a more prominent notice (including, for certain services, email notification or correspondence of privacy notice changes).

23 September 2020

APPENDIX A – DATA SHARING BETWEEN THE PLANNING INSPECTORATE AND SODC

The Planning Inspectorate (PINS) is an agency sponsored by the Ministry of Housing, Communities and Local Government. Their Inspectors are appointed by the Secretary of State for Housing, Communities and Local Government to carry out an independent examination of local plans which have been submitted.

The council have submitted information to PINS in respect of their proposed local plan and are under a legal obligation to do so. This includes the representations that the council has received on it, and this information is sent to the Inspector who conducts the examination of the local plan. During the examination, the Inspector will hear representations from the parties and consider any further written representations that are accepted during that examination. South Oxfordshire District Council, as the local planning authority provides a Programme Officer to support the Inspector, and representations are exchanged between the local planning authority and the Inspector through the Programme Officer.

The council has in place a Service Level Agreement, which includes a Data Sharing Agreement, with PINS. The council engages PINS as a data processor for the purposes of conducting the examination through hosting a specific Virtual Hearing (Local Plan Event). The council as the data controller will exercise overall control over the purpose for which, and the way your personal data are processed. The Programme Officer will use the PINS platform for the purposes of the administration of attendance at the Virtual Hearing.

This data processing agreement will be for the duration of this specific examination only.