



## Data Protection Impact Assessment October 2021

### 1. The Proposal

#### About this Assessment

Title of Project:	<b>West Lancashire Local Plan 2023 – 2040 Scope, Issues &amp; Options Consultation.</b>
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Summary and description of the project:

#### Context:

We are preparing a new Local Plan for West Lancashire to cover the period 2023-2040. Once adopted, this will supersede the current West Lancashire Local Plan 2012-2027. Preparing a new Local Plan requires a number of consultation events at different stages to ensure we have complied with national regulations relating to the creation of a Local Plan document, and with the West Lancashire Statement of Community Involvement 2020.

This Scope, Issue & Options consultation comes under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

#### Nature:

This consultation seeks to obtain the views and opinions of residents, community representatives, businesses, landowners, developers, neighbouring authorities, 'statutory consultees' and other stakeholders on the content of the new Local Plan. This covers everything from housing provision to nature recovery, transport to the economy, health to climate change. Therefore it is important to ensure that the consultation reaches as many individuals as possible.

#### Scope:

The consultation intends to reach all residents within West Lancashire as the issues raised within the Local Plan affect everyone. It is our intention to consult using a variety of different methods. However all data and responses will be fed into the 'Bang the Table' software recently procured (September 2021) by West Lancashire Borough Council's Customer Engagement team.

Processing:

The data collected during this consultation will be processed by individual officers and will be used to help undertake consultation for the subsequent stages of Local Plan preparation. Personal data will not be reported upon, but will be used internally to determine which sections of the population of West Lancashire we have managed to reach through the consultation process.

**2. DPIA Risk Assessment**

**High Risk Processing**

Does the processing meet the criteria of “high risk” processing?	No
Comments:	
<p>The consultation will use the recently-procured internet-based platform 'Bang the Table' to collate responses from members of the public and interested parties. 'Bang the Table' has built-in data protection measures which align with the GDPR, therefore there is no risk to data from within the consultation software.</p> <p>The relevant Privacy Notice will be included within the consultation and consent will be required from the respondents, prior to them being able to complete the survey.</p>	

### 3. The Data

Types of Data						
<i>Tick the relevant boxes to indicate the type(s) of data which will be processed:</i>						
Personal	<input checked="" type="checkbox"/>	Special Categories	Religion or beliefs	<input type="checkbox"/>	Criminal Convictions	<input type="checkbox"/>
			Race or ethnic origin	<input type="checkbox"/>		
			Political opinions	<input type="checkbox"/>		
			Trade-union membership	<input type="checkbox"/>		
			Genetic data	<input type="checkbox"/>		
			Health	<input type="checkbox"/>		
			Sex life or orientation	<input type="checkbox"/>		

Categories of Data Subject					
<i>Tick the relevant boxes to indicate the categories(s) of data subject whose data will be processed:</i>					
Customers	<input checked="" type="checkbox"/>	Complainants (& reps)	<input checked="" type="checkbox"/>	Suspected Offenders	<input type="checkbox"/>
Suppliers	<input type="checkbox"/>	Advisors/ Consultants	<input checked="" type="checkbox"/>	Licence/ Permit Holders	<input type="checkbox"/>

Offenders	<input type="checkbox"/>	Benefits Recipients	<input type="checkbox"/>	Inspected Persons	<input type="checkbox"/>
Claimants	<input type="checkbox"/>	Carers (& reps)	<input type="checkbox"/>	Captured on CCTV	<input type="checkbox"/>
Students/ Pupils	<input type="checkbox"/>	Incident witnesses	<input type="checkbox"/>	Employees of other Organisations	<input checked="" type="checkbox"/>
Landlords	<input type="checkbox"/>	Employees/ Contractors	<input type="checkbox"/>	Holder of Public Office	<input checked="" type="checkbox"/>

4. The Principles

A. Processed lawfully, fairly and in a transparent manner

i. Legal basis for processing

Conditions for Processing					
<i>Tick all relevant conditions which provide a legal basis for the processing of personal and special categories data.</i>					
Personal Data			Special Categories		
6(1)(a)	Consent	<input checked="" type="checkbox"/>	9(2)(a)	Explicit Consent	<input type="checkbox"/>
6(1)(b)	Contract	<input type="checkbox"/>	9(2)(b)	Employment, Social Security, Social Protection Law	<input type="checkbox"/>
6(1)(c)	Legal Obligation	<input type="checkbox"/>	9(2)(c)	Vital Interests	<input type="checkbox"/>
	<i>State legislation:</i>				
6(1)(d)	Vital Interests	<input type="checkbox"/>	9(2)(d)	Not-for-profit body	<input type="checkbox"/>
6(1)(e)	Public Interest/ Official Authority	<input type="checkbox"/>	9(2)(e)	Made public	<input type="checkbox"/>
	<i>State legislation:</i>				
6(1)(f)	Legitimate Interests	<input type="checkbox"/>	9(2)(f)	Legal Claim	<input type="checkbox"/>
			9(2)(g)	Substantial Public Interest	<input type="checkbox"/>
			9(2)(h)	Employee Capacity	<input type="checkbox"/>
			9(2)(i)	Public Health	<input type="checkbox"/>
			9(2)(j)	Archiving, Scientific and Historical Research or Statistical Purposes	<input type="checkbox"/>

## Consent

If consent is being relied upon, are the relevant conditions in place?

Yes

Comments:

The consultation survey will require consent to be given by the respondent in order for them to be able to submit a response. That consent will be based upon the privacy notice used for all WLBC online consultations.

## ii. Rights

### The Right to be Informed

Does the processing support this right?

Yes

Comments:

A privacy notice will be made available at the beginning of the consultation.

### The Right of Access

Does the processing support this right?

Yes

Comments:

-

### The Right to Rectification

Does the processing support this right?

Yes

Comments:

The software to be used to collect and record all responses allows a council employee to rectify any inaccuracies in information submitted by an individual.

### The Right to Erasure

Does the processing support this right?

Yes

Comments:

-

### The Right to Restrict Processing

Does the processing support this right?

Yes

Comments:

-

### The Right to Data Portability

Does the processing support this right?

Yes

Comments:

-

### The Right to Object

Does the processing support this right?

Yes

Comments:

-

### Rights related to Automated Decision Making and Profiling

Does the processing support this right?

Yes

Comments:

-

### iii. Consultation

#### Describe any consultation with Data Subjects over appropriate processing of personal data

Has any consultation been undertaken with Data Subjects?

No

Comments:

It is not possible to determine who the data subjects will be in order to consult with them regarding the handling of the data. The consultation is open to all residents, and those living outside of West Lancashire, and we cannot predict beforehand who may / may not submit representations on the plan.

### B. *Collected for specified, explicit and legitimate purposes*

#### State the purpose(s) for which personal data is being obtained

Purpose 1 To allow us to identify where respondents live within West Lancashire.

Purpose 2 To ensure we are able to notify them of the next stage of Local Plan preparation.

Purpose 3 To ensure we are able to contact them to discuss points made in their representations, where required (e.g. a landowner who has submitted their land as a potential development site).

Further Processing

Is any further use to be made of the data?

No

Comments:

-

### C. *Adequate, relevant and limited*

#### Minimising Personal Data

Confirm that the personal data being obtained is a minimal amount necessary to fulfil the purposes at B above

Yes



Confirm if any pseudonymisation or anonymisation processes will take place, and if so, describe them below	No
Comments:	
-	

**D. Accurate and, where necessary, kept up to date**

Accuracy	
Confirm that there is a process in place for ensuring that personal data is accurate and reviewed where necessary	Yes
Comments:	
<p>We envisage contacting representors on a reasonably regular basis as the Local Plan is prepared. Any 'undeliverable' email responses will be noted, and any details provided to us (e.g. if a particular representor (e.g. an agent) has been replaced by another person), we will either update our records, or ask the new person to submit their details to us for the purposes of preparing the Local Plan.</p>	

**E. Kept no longer than is necessary**

Retention	
Retention of personal data will be effectively managed and is aligned to the Council's Retention & Disposal Schedule	Yes
List the relevant Retention Period(s):	
<p>Personal details of representors will be kept until the new Local Plan is adopted and then deleted as per the Retention &amp; Disposal Schedule. For landowners / submitters of sites that end up being allocated as development sites, we will retain their details until the site is developed.</p>	
Comments:	
-	

**F. Appropriate security**

**i. Organisational Controls**

<b>Contractual Control</b>	
The contract contains the Council's standard contract clauses at PPN28?	N/A
Comments:	
N/A	

<b>Contractual Term:</b>			
Start Date:		End Date:	
Optional extension period:			

<b>Training</b>	
Confirm that employees (and users where relevant) of the system will receive appropriate training:	Yes / No
Confirm that comprehensive written guidance will be available to employees and users:	Yes / No
Comments:	
N/A	

**ii. Technical Controls**

<b>Access</b>	
Confirm that the access controls in place will effectively ensure that only those with a valid need to access the data can do so:	Yes
Confirm that the access controls in place will allow assignment and reviews of appropriate permissions to view, create, amend and delete data:	Yes

Comments:

Access controls are in place within the software which restrict access to specific users. Those users are within the Strategic Planning, Regeneration and Implementation Team and the Customer Engagement Team.

### Security at Rest

Confirm that appropriate technical security is in place to protect the data at rest from threats appropriate to the security classification of the data:

Yes

Comments:

The software 'Bang the Table' has the necessary technical security which will ensure the data is safe.

### Security in Transit

Confirm that appropriate technical security is in place to protect the data in transit from threats appropriate to the security classification of the data:

Yes

Comments:

The data will be held within the 'Bang the Table' software. It will also be held on file within the 'G Drive' on the Council's secure server.

## 5. Non-EU Transfers

### Transfer of Personal Data to Third Countries

No personal data is anticipated being transferred to third countries:

There is an expectation that it may be necessary to transfer personal data to third countries and this activity will meet the required criteria in law (comment below):

Comments:

-

## 6. Risk Management

Title	Potential Effect	Internal Controls	Likelihood	Impact	Current Risk Assessment & Score
Disclosure of respondents' personal details (names, email addresses)	People's personal email addresses could be made available to third parties. Disclosure of names would lead to individuals being identified. Both would be a breach of their privacy.	Personal details are entered onto the 'Bang the Table' software either by respondents, or by WLBC officers (if a paper response is received). 'Bang the Table' has its own controls / safeguards to prevent disclosure of personal details. WLBC officers are trained in data protection matters.	1	2	2

## 7. Reviews

Regularity of Reviews	
The processing does not meet the criteria requiring a review:	<input checked="" type="checkbox"/>
A timetable for reviewing the processing has been identified, taking into account the intended length of the activity and the risk rating:	<input type="checkbox"/>
Comments:	
-	


Review One	
Where items below cannot be ticked, explain why in the comments and explain what action is to be taken	
Date Review Undertaken:	
Confirm that the processing as initially approved in this assessment remains unchanged	<input type="checkbox"/>

All mitigations remain in place and are effective and appropriate to the level of risk	<input type="checkbox"/>
No further action is required as a result of the review	<input type="checkbox"/>
Comments:	
-	
Reviewer	
Name:	
Role:	
Signature:	

## 8. Approvals

<b>Assessment carried out by:</b>	
Name:	Grace Wilson
Role:	Planning Officer
Telephone:	01695 585284
Email:	<a href="mailto:Grace.wilson@westlancs.gov.uk">Grace.wilson@westlancs.gov.uk</a>
Signature:	<i>Grace Wilson</i>
Date	6/10/21

<b>Assessment approved by:</b>	
Name:	Nesan Thirunesan
Role:	Data Protection Officer
Telephone:	01695 583226
Email:	<a href="mailto:Nesan.thirunesan@westlancs.gov.uk">Nesan.thirunesan@westlancs.gov.uk</a>

Signature:	
Date:	08/10/21