

Privacy Notice for Community Infrastructure Levy (CIL) Draft Charging Schedule and representations from the public 2023

This privacy notice was completed in February 2023 and will be regularly reviewed. When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

Why is information being collected

The Council is undertaking public consultation to support progress towards adoption of the CIL Draft Charging Schedule, and the examination of the Draft Charging Schedule and evidence base, which will ensure the Council meets its statutory requirements.

What information will be collected

We will collect information such as

- Your name
- Your comments on the consultation material
- Your contact details
- Organisation name, address, and email

How do we collect your information

We will collect information when you complete your representations about the CIL Draft Charging Schedule either electronically or on paper. We are using Survey Monkey, you can find out how they use your information, at http://www.surveymonkey.com/mp/legal/privacy-policy/?ut_source=footer

If you complete on paper, once you complete and return it to us, we will transfer the information you have given us onto the council's secure network.

What will we do with your information

We will use the information you give us to support progress towards examination and adoption of the CIL Draft Charging Schedule and it will be included in presentations, statistics, and reports such as to the independent examiner as part of their process in assessing the CIL Draft Charging Schedule.

As part of this process, the Council needs to make information available for public inspection, which we do by publishing on our website and also making paper copies available on request. We will only make available or publish the information we have to do to meet our legal obligations. This includes:

- Your name, or the name of the Organisation you represent.
- Your comments/representations

We are also required by law to share information with the Planning Inspectorate. This includes:

- Your name
- Organisation (where relevant)
- Your comments

You can find information on how the Planning Inspectorate uses your personal data, in their privacy notice:

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice/customer-privacy-notice>

We will ask for your consent to contact you if you want to

- be notified of the submission of the CIL Draft Charging Schedule for examination, the publication of the Inspectors' recommendations and the adoption of CIL.
- take part in future surveys about the CIL.

You can withdraw your consent at any time by contacting localplan@york.gov.uk

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e., other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

What is our legal basis for collecting/sharing your personal information

Any personal data including special category data that we process as part of this process is done in accordance with Article 6, 9 and 10 of the UK GDPR and Schedule 1 of the Data Protection Act 2018 (DPA 2018).

The legal basis for processing your personal data is in accordance with the following:

- Article 6(1)(a) – your consent
- Article 6(1)(c) UK GDPR – Legal Obligation
- Article 6(1)(e) UK GDPR - where processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

This is supported by the following legal framework:

- Community Infrastructure Levy Regulations 2010 (as amended). (Regulations 17, 19, 20, 21 relating to the submission of representations and consideration by the examiner).

The legal basis for processing your special category data is in accordance with the following:

- Article 9(2)(b) of the UK GDPR - Employment, social security and social protection

- Article 9(2)(g) of the UK GDPR –substantial public interest on the basis of Union or Member State law which is proportionate to the aim pursued and which contains appropriate safeguards

This is supported by Sch.1, Part 2 (6) of the Data Protection Act 2018 and the following:

- Community Infrastructure Levy Regulations 2010 (as amended). (Regulations 17, 19, 20, 21 relating to the submission of representations and consideration by the examiner).

Some of the Schedule 1 conditions for processing special category require an Appropriate Policy Document to be in place that sets out and explains the procedures for securing compliance with the principles in Article 5 and policies regarding the retention and erasure of such personal data. This document explains this processing and satisfies the requirements of Schedule 1, Part 4 of the DPA 2018 and supplements this privacy notice. You can find this at [Our Appropriate Policy Document – City of York Council](#)

Third parties

The Council does not pass or sell personal data to third parties for marketing, sales, or any other commercial purposes

Storage of information

We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

Transferring personal data abroad

We may process your personal data using services hosted outside the UK or European Economic Area, but only where there are safeguards in place e.g., a data processing agreement etc. that complies with obligations equivalent to the principles of UK data protection legislation

How long will we keep your information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely.

Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing

If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever

necessary, we will seek your consent prior to the new processing.

Your rights

To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk or on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.