

COMMON LAND GUIDANCE SHEET 13:

PRIVACY STATEMENT

This privacy notice provides information about our processing of personal information in respect of common land casework in England.

Who are we?

We are the [Planning Inspectorate](#), an agency sponsored by [the Ministry of Housing, Communities and Local Government](#).

We administer and determine common land casework on behalf of the Secretary of State for Environment, Food and Rural Affairs.

How do we collect information?

The personal information that we use is provided to us by the parties making, or taking part, in that case.

What type of information do we collect?

Typically the personal information will be your name and contact details plus any other personal information (if any) that you provide in your letter of support or objection and other representations that you may provide.

How is that information used?

The information provided to us is used to determine the case. You should be aware that the information provided is copied to other parties and normally made publicly available. We do not normally redact contact information or other information when copying information to other parties - and you should only submit information on that basis.

We do not accept anonymous representations, but where set out in our guidance you may ask for your name and address to be withheld. If you request this then your name and contact information will be removed, including in the version provided to the decision maker, and your representation may receive less weight as a result.

The appointed decision maker will consider the information provided and reach their decision, providing both the outcome of the case and their reasons for it. We normally publish the decision.

Alternatively, where the Secretary of State for Environment, Food and Rural Affairs makes the decision on the case, the Planning Inspectorate will produce a report, and this and the relevant case documents are provided to the Secretary of State for them to make the decision.

What is the legal basis for our processing of information?

Our processing of personal information is necessary for the effective determination of the case and is therefore necessary for the performance of a task carried out in the public interest. There are also explicit statutory/legal obligations on us in respect of that casework.

Our processing of any special category data (if any is provided) is on a similar basis, being necessary for reasons of the substantial public interest in exercise of our official function of administering and determining cases.

What are the consequences of failing to provide your information?

If you fail to provide us with information required to validate your case then we may not be able to consider it. We will normally let you know if this applies.

There is no statutory obligation on interested parties to participate in a case.

How long do we keep your information?

We normally keep copies of the information provided to us on a case for a period of one year following issue of the decision, and keep the decision itself for 10 years.

Who do we share information with?

As set out above and in our guidance, the information we receive is copied to case parties and also made publicly available. We may also provide information to the Department for Environment, Food and Rural Affairs.

We may use third party service providers to assist us in the provision of our service – for instance through the provision of information technology services). Where we do so, contracts will be put in place to ensure that your personal information is processed only as instructed by us (unless otherwise required by law), and that appropriate measures are in place to ensure the security of information.

Transfer of information overseas

The information that we publish is available worldwide. We do not otherwise transfer your information outside of the EU.

Your rights in respect of your personal information

Data protection legislation

Data protection legislation provides you with rights in respect of your personal information. Typically these are:

- the right to be informed;
- the right of access;

- the right to rectification;
- the right to erasure;
- the right to restrict processing;
- the right to data portability
- the right to object;
- rights in relation to automated decision making and profiling.

Given our lawful basis for processing information, your rights to erasure, data portability and to object to the processing of your information may not apply and we do not use automated decision making or profiling.

Your other rights may also not be absolute and, as our legal basis for processing information is not normally dependent on your consent, withdrawal of this is not normally applicable. However, if you have concerns over the use of your personal information, or wish to exercise your rights, then please contact us at the address below.

Complaints about the processing of your personal information

When we process your personal information we will comply with the Data Protection Act.

If you are unhappy with the way the Inspectorate processes your personal information then you should first contact the Inspectorate's Data Manager: dataprotection@pins.gsi.gov.uk.

Data Manager
The Planning Inspectorate
3rd Floor Temple Quay House
2 The Square, Temple Quay
Bristol
BS1 6PN

Alternatively, you can contact our respective sponsor's Data Protection Officer directly (please make clear that your query/complaint relates to the Planning Inspectorate)

MHCLG: dataprotection@communities.gsi.gov.uk

If you are still not happy, or for independent advice about data protection, privacy and data sharing, you can contact:

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

Telephone: 0303 123 1113 or 01625 545 745
<https://ico.org.uk/>