



Ministry of Housing,
Communities &
Local Government

Proposal to enable Harrogate Borough Council to use the general power of competence to host the race finish line for the 2019 UCI Road World Championships on the Stray

Consultation



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Scope of the consultation

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| Topic of this consultation: | This consultation seeks views on the proposal to enable Harrogate Borough Council to use the general power of competence to host the race finish line for the 2019 UCI Road World Championships on the Harrogate Stray. |
| Scope of this consultation: | We are seeking views of all parties with an interest in this proposal. |
| Geographical scope: | These proposals relate to the use of the Harrogate Stray only but the announced routes for the races are Yorkshire wide. |
| Impact Assessment: | The potential impacts are considered at annex B. |

Basic Information

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| To: | <p>Anyone with an interest in the proposal may respond. In addition, the Secretary of State has identified the following consultees:</p> <ul style="list-style-type: none"> - Harrogate Borough Council - The Duchy of Lancaster - The Stray Defence Association - Harrogate Civic Society - Bradford Council - Craven District Council - Doncaster Council - East Riding of Yorkshire Council - Hambleton District Council - Leeds City Council - North Yorkshire County Council - Richmondshire District Council - Selby District Council |
| Body/bodies responsible for the consultation | This consultation is the responsibility of the Ministry of Housing, Communities and Local Government. |
| Duration: | This consultation will last for 8 weeks from Thursday 22 November 2018 to Thursday 17 January 2019. |
| Enquiries: | For any enquiries about the consultation please contact Siobhan Smyth; Stray2019@communities.gov.uk |
| How to respond: | <p>You may respond by completing the enclosed form in writing or online at https://www.surveymonkey.co.uk/r/stray2019</p> <p>You can also email your response to the questions in this consultation to Stray2019@communities.gov.uk</p> |

| | |
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| | <p>You can send a written response to:</p> <p>Siobhan Smyth Ministry of Housing, Communities and Local Government Fry Building 2 Marsham Street London SW1P 4DF</p> <p>If you reply in writing or by email, it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:</p> <ul style="list-style-type: none"> - your name, - your position (if applicable), - the name of organisation (if applicable), - an address (including postcode), - an email address, and - a contact telephone number |
|--|---|

About this consultation

Harrogate Borough Council (the Council) has applied for the Secretary of State for Housing, Communities and Local Government to disapply certain legal restrictions to allow a major cycling event to be held on the Stray.

The Council has asked for the Secretary of State to temporarily lift restrictions in the Harrogate Stray Act 1985 (the 1985 Act) to allow the 12 races of the 2019 UCI Road World Championships (the Championships) to end at a finishing hub on the Stray.

The event would take place for nine days, from 21 to 29 September. The part of the Stray involved would be closed for 26 days, from 9 September to 4 October 2019, to include preparatory and restoration work.

This consultation asks for your views on the proposal to use the Stray for the event.

What are the 2019 UCI Road World Championships?

The Championships are described as the pinnacle event in the international road cycling calendar and will include a range of men's and women's races, across age groups from junior to elite, starting in different towns and cities throughout Yorkshire and each finishing in the main competition town of Harrogate. The planned routes have already been publicised together with the announcement that, for the first time, a Para-cycling race will take place alongside the Championships. The 12 races will take place over 9 days. Further information can be found here: <https://worlds.yorkshire.com/>

What is the Council proposing?

The Council considers they have invaluable expertise and experience in the organisation of such events following their role in hosting the 2014 Tour de France Grand Départ and the finish of the 2017 Tour de Yorkshire.

The Council also considers that following the success of previous events, the Stray is the most suitable and prestigious showcase venue for the finish hub of the Championships. The organisers have specifically requested that the iconic Stage 1 finish of the 2014 Tour de France on the Stray is replicated for the Championship finishes in 2019.

The Council expects that the Championships will bring significant and lasting economic, cultural, tourism, sporting and health benefits to Harrogate and the wider region.

In order to host the championships on the Stray, the Council needs certain 1985 Act provisions, which restrict the Council's flexibility to act, to be temporarily disapplied for a short period.

How would the Stray be affected?

The areas of the Stray that would be directly impacted by this proposal are identified in the attached map. The majority of the Stray would remain open to the public to freely access it throughout the event.

To host this event, it will be necessary to install temporary facilities and infrastructure on the Stray. This will include ground protection, a spectator and VIP hospitality zone with a marquee for up to 1000 people, large screen televisions and broadcast platforms, a secure enclosed technical zone, temporary WC facilities, first aid points, a fan park with entertainment, including retail stalls and merchandising units, catering points, parking facilities, and any security requirements as advised by the police.

The preparation work would take place from 9 – 20 September 2019. The races would take place from 21 – 29 September 2019 with the finish line for each race hosted on the Stray. Following the event, the Council would ensure that all land is returned to its original state for recreation and free

access to the public, with the cleaning and restoration work taking place from 30 September – 4 October 2019.

What is the role of the Secretary of State?

The Council has asked the Secretary of State to make an Order using powers in the Localism Act 2011 that will temporarily disapply the restrictive provisions in the 1985 Act. This would allow the race finish line for the Championships to be held on the Stray.

The Secretary of State is seeking your views on this proposal. Your views will be carefully considered alongside the statutory conditions that the 2011 Act says must be satisfied when making an Order. The decision of the Secretary of State will then be considered by Parliament.

Further information on the statutory conditions and the Parliamentary process is provided in annexes B and C.

Questions

Use this form to let us know your views on the proposal for the Harrogate Stray. You can answer all or some of the questions, depending on the issues that are most important to you. Most questions will present you with a statement, to which you rate your response from 'strongly agree' to 'strongly disagree'. There is also the option to say 'Don't know'. Some questions ask for written answers.

You must submit your response by 23:45 on Thursday 17 January 2019.

Thank you for taking the time to let us know your views.

1. Harrogate should be able to stage the race finishes on the Stray:

- | | |
|----------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |
| Don't know | <input type="checkbox"/> |

Please let us know your reasons and any other views:

2. The Stray is the best location for the races to finish:

- | | |
|----------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |
| Don't know | <input type="checkbox"/> |

Please let us know your reasons and any other views:

3. It is fair to temporarily remove the restrictions on the use of the Stray so that the race finishes can take place there.

- | | |
|----------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |
| Don't know | <input type="checkbox"/> |

Please let us know your reasons and any other views:

4. I am confident in Harrogate Borough Council's ability to return the Stray to its original condition after the event.

- | | |
|----------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |
| Don't know | <input type="checkbox"/> |

Please let us know your reasons and any other views:

5. I will still be able to freely access the Stray during the event.

- | | |
|----------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |
| Don't know | <input type="checkbox"/> |

Please let us know your reasons and any other views:

- 6. If you have any other views you would like the Secretary of State to consider please tell us here:**

About you

We would be grateful if you could answer the following questions about your interest in this consultation. This information will help us to categorise responses and understand your views. (Annex D and E in our consultation document explain how we will use and handle your information and your data.)

7. Personal details

Your Name:

Organisation:

Address:

Postcode:

Email address:

8. What do you consider yourself to be? (Tick all that apply)

A resident of Harrogate ☐

A user of the Stray ☐

A cycling enthusiast ☐

A business representative ☐

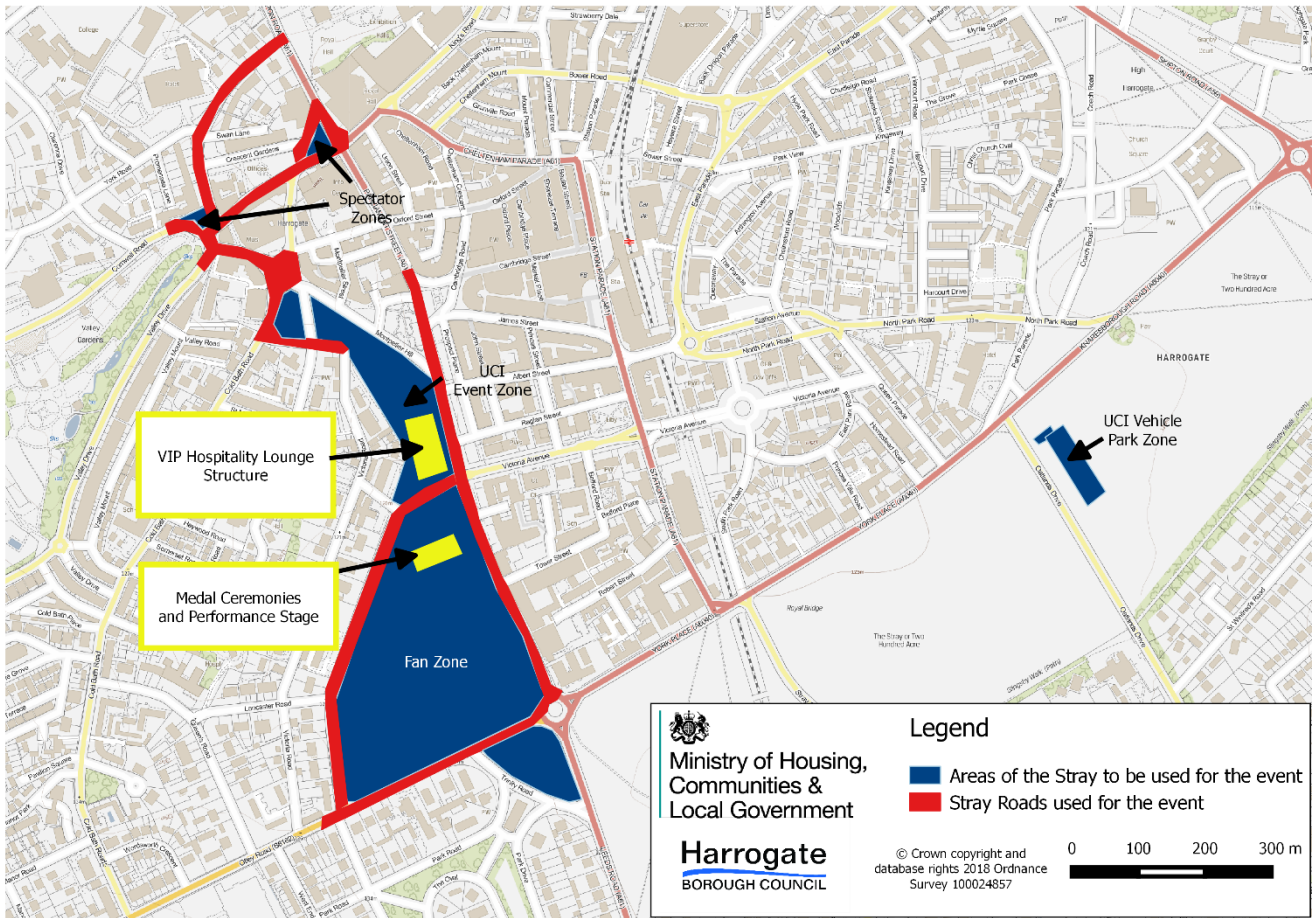
A community group representative ☐

Other interested party, please describe:

9. How did you hear about the consultation?

- | | |
|------------------------|--------------------------|
| A council letter | <input type="checkbox"/> |
| Local press | <input type="checkbox"/> |
| A notice on the Stray | <input type="checkbox"/> |
| Social media | <input type="checkbox"/> |
| Word of mouth | <input type="checkbox"/> |
| Other please describe: | |

Annex A: Map of the Stray



Annex B: Statutory conditions

1. When making a Localism Order, the Secretary of State must decide if certain statutory conditions are met:

“The effect of the provision is proportionate to the policy objective intended to be secured by the provision”

2. Harrogate Borough Council has a general power of competence under Section 1 of the Localism Act 2011 to do anything that a person is able to do, provided there is no restriction in legislation. The Council says that it is restricted from exercising its general power of competence to host the Championships on the Stray due to statutory provisions found in the Harrogate Stray Act 1985, a private Act of Parliament which makes provision for the management of the Stray.
3. The Council considers that, following the precedent set by the Tour de France 2014 and Tour de Yorkshire 2017 Orders, there is an appropriate relationship between the proposal to enable the Council to host the 2019 Championships using the general power of competence, and the means that has been chosen to achieve it and that there are no other less onerous ways to achieve this objective.
4. Due to the scale of the event, and the nature of the infrastructure that will need to be installed on the Stray for spectators and participants, the Council considers that it is not possible to host the event without a legislative solution. The Council expects that the necessary infrastructure is likely to enclose 14.5 hectares of the Stray. This will include but not be limited to; a VIP tent for 1000 people with catering points, a secure technical zone and parking for media and team vehicles, first aid points and hygiene facilities, a spectator zone including an entertainment stage and stalls for food and merchandise and any necessary safety measures including spectator barriers.
5. The Council identifies several provisions in the 1985 Act and byelaws made under the Act, which will restrict their ability to host this event. These provisions include but are not limited to a maximum enclosure of 3.5 hectares; the duty to maintain and preserve the “aspect” and the soil and plants; the limitation of the construction of temporary roads and footpaths; restrictions on vehicles and aircraft; maintaining free access for people at all times; and restrictions on the use of public address systems and amplifiers.
6. The Council’s view is that a Localism Order is the only way to enable the Council to use their general power of competence to make the necessary arrangements for the Stray to be used for the specific purpose of the 2019 Championships.
7. The Council and the organisers are of the view that the only location suitable for staging the finish line of the 2019 Championship races is the Stray. They maintain that this location will build on the success of the previous racing events that have been held on the Stray and provide a location of suitable reputation for such a prestigious international event.
8. Following Parliamentary scrutiny of the previous Orders, the Department advised Harrogate Borough Council that a more permanent solution should be sought to enable them to host these types of larger sporting and entertainment events in the future. The process for making these temporary Orders requires an investment of public resources and Parliamentary time and a permanent solution would provide greater certainty when planning for similar large events and prevent the need for repeated requests to the Secretary of State.
9. In 2016, Harrogate Borough Council conducted an extensive consultation exercise to explore views on a permanent modernisation of the 1985 Act with a view to enabling the Council, as manager of the Stray, to host larger events. The Council published the outcome of this consultation here:
https://www.harrogate.gov.uk/downloads/file/3090/stray_act_consultation_2017
10. Having considered the views put forward, the Council concluded that there is no support for a permanent change to the 1985 Act, but there is support for a limited number of larger scale high profile events.

11. The Council have said that they are responding to this view by accommodating the Championships as far as possible within existing provisions of the 1985 Act. The 1985 Act limits the number of days on which events can be held on the Stray to 35 days and the 2019 Championships will be accommodated within that restriction. However, due to the scale of this event, the Council considers that in this case, several further provisions of the 1985 Act will need to be disapplied for the event to take place.
12. Looking to the future, the Council has resolved unanimously not to request any further temporary Orders. The Council intends to manage future events within the existing provisions in the 1985 Act and recognises that this will restrict the types of events that can be held on the Stray making it very unlikely that such a large event could be held again.
13. Given the significant economic, social and health benefits to Harrogate and the surrounding districts that are expected from hosting this event, it is very likely that on balance, making an Order to host this event is proportionate. However, to satisfy this statutory condition, and to provide for a decision to the Parliamentary committees, the statutory consultation will seek views on the level of support that exists for this event to take place on the Stray and consequently, for a Localism Order to be made to enable that to happen **(reference Q1, Q2)**.

“The provision, taken as a whole, strikes a fair balance between the public interest and the interests of any person adversely affected by it”

14. It is likely that the interests of some persons could be adversely affected by the proposal. This is particularly likely to be an issue for persons who use the areas of the Stray which are impacted by the event, and the residents, businesses and community members in the immediate area.
15. However, given the significant benefits to Harrogate and the wider public that are expected to accrue from the event, and that the proposal is limited so as to ensure that the impact will be for the shortest time necessary, for the smallest area necessary and only for the purpose of the Championships, we expect that the impact of the Order will achieve a fair balance. The statutory consultation will help identify any other impacts **(reference Q3)**.

“The provision does not remove any necessary protection”

16. The notion of necessary protection can extend to economic protection, health and safety protection, and the protection of civil liberties, the environment and national heritage. The 1985 Act provides protection to the land and to public access to the land as part of the heritage of Harrogate. The proposal will not remove this protection as the Order will be in force for a limited period of time, impact on a specific part of the Stray and only for the specific purpose of the Championships.
17. The 1985 Act already permits that the Stray may be used for events, and part of the land included in the proposal has been used for many years for a range of community events including pleasure fairs and circuses, the Christmas market, and the annual bonfire.
18. Harrogate Borough Council will ensure that the land is returned to its original state following the event. The Council has given assurances that the contractual arrangements with Yorkshire 2019 Limited who are responsible for delivering the event will set out that the responsibility for the restoration work remains with the Council. The Council has made plans to complete the clean-up and restoration work within the period of time for which the Order will apply. Arrangements are also in place to install protective ground covering which will limit the impact on the environment.
19. The Council is confident in its ability to ensure appropriate measures are in place, as for previous years, to limit the environmental impact, restore the land, and that any disruption will be for a limited period. The consultation seeks views on this **(reference Q4)**.

“The provision does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise”

20. This condition recognises that it would be unfair to take away from people certain rights with the use of an Order. Any right conferred or protected by the European Convention on Human Rights

is a right that a person might reasonably expect to keep. The proposed disapplication would not affect rights or freedoms protected by the European Convention on Human Rights.

21. The proposal will disapply for 26 days the provision in the 1985 Act that provides the inhabitants of the borough to have free access to the Stray and a privilege at all times of enjoying recreation upon the Stray without payment. This right is subject to the provisions of the 1985 Act.
22. As events do take place on the Stray that require similar enclosure, and Harrogate Borough Council periodically restricts access in exercising its management powers to maintain the Stray, the public do not have a reasonable expectation that their rights and freedoms will always be exercisable to their fullest extent across the entirety of the Stray, since this is already restricted by the Act itself. The majority of the Stray will remain open to all for free access throughout the event.
23. Any interference with the public's rights and freedoms is minimal, time limited, and reasonable in achieving a proportionate proposal. The consultation will help identify any other restrictions to rights or freedoms (**reference Q5**).

“The provision made is not of constitutional significance.”

24. As this proposal is a local matter with local impact and of a temporary nature and for the sole purpose of one event, the provisions in the Order are unlikely to have constitutional significance and that this statutory condition is likely to be satisfied.
25. As for each of the statutory conditions above, the consultation will help to identify any further matters which should be considered.

Other potential impacts

Equality and diversity

26. The proposals from the Council do not raise any specific equality and diversity issues.
27. Groups of people who regularly use West Park on the Stray will be most affected alongside those in the neighbouring streets, but the impact will be limited and proportionate and the design of our statutory consultation will directly reach out to these groups to hear their views on the proposals through direct letter drops and through notices posted on the Stray itself.
28. The Council expects that the event will enable the Harrogate community to access initiatives which support the local community including a grant programme and an event volunteer programme which will provide training in key skills.
29. The construction of the statutory consultation itself will accord with the department's accessibility guidance. We will work with the Council to ensure that where ever possible any issues that arise during the course of the consultation are addressed in the plans that are being developed with Yorkshire 2019 Limited as the event organisers.

Health impact

30. Restricting access to an area of the Stray for a limited period will not present any significant health issues for local people. Local people will still be able to access approximately 80% of the Stray for recreation and derive health benefits as they choose.
31. The Council considers that holding the event in Harrogate will engage local people entirely new to the sport and building on the legacy of previous cycling events, encourage the continuing growth of enthusiasm for cycling in the area for leisure and to work, delivering lasting benefits to the transport network and public health.

Business impacts

32. By managing the 26 days required to host the event within the number of days permitted in the 1985 Act, the Council will be reducing the number of tenders available to other businesses in 2019. The 1985 Act provides for the Council to manage the number of events that are held on the Stray, and the Council has said that there is no local expectation that any tenders which have expired in 2018 would be renewed in 2019.

33. The event will bring significant opportunities for businesses in the local area, in particular increasing the contribution of tourism to the local economy with anticipated full booking for all nearby hotels. The Council has described an inward investment campaign using funding from the Leeds City Region Business Rates Pool with expected outputs of 154 jobs, 2,800 indirect jobs and a potential uplift in gross value added of between £60 and £100 million. The event will secure full use of the Harrogate Convention Centre bringing income directly to Harrogate.

Environmental impact

34. The installation of the necessary infrastructure and facilities to support the event will create a degree of disruption and disturbance to the land on the Stray. The Council has provided assurance that the land will be fully restored to a good condition following the event, and protective ground covering has been procured and will be installed to minimise the impact on the land where possible.

Legacy

35. The Council expects a significant legacy from the event;
- Enhance national and international awareness of Harrogate town and district to the benefit of growth in tourism and business
 - Encourage the continuing growth of enthusiasm for cycling in the area for leisure and to work which delivers benefits to the transport network and public health
 - Supporting legacy opportunities around sustainable transport
 - Sporting, entertainment and recreational benefit for locals and visitors
 - The opportunity to build the profile of the Harrogate Convention Centre as a desirable venue on an international platform
 - Support local communities in developing skills and accessing opportunities through the volunteer programme
 - Strengthen partnership working between the Council and public and voluntary sector organisations to the benefit of public services
 - Creating lasting benefits to the town infrastructure and economy

Annex C: Parliamentary process

1. In making a Localism Order under section 1 of the Localism Act 2011, the Secretary of State must recommend to Parliament the procedure which should apply. While a precedent was set by the previous Orders for the Tour de France 2014 and the Tour de Yorkshire 2017, both of which were made under the negative resolution procedure, the decisions that were made in those cases do not guarantee the same outcome or process for this proposal. For each Order made using the section 5(1) powers, the proposal is considered on its own merits having regard to the views put forward in the respective consultation.
2. The Secretary of State's decision on the appropriate recommendation will be influenced by the levels of controversy that emerge during the consultation and if concerns are raised, and the ability of the Council to respond in a satisfactory way to such views. The decision that is taken will then be subject to Parliamentary approval.
3. The options are:
 - Negative resolution procedure: the order may be made unless Parliament either disagrees within 40 days of laying a draft of the Order before Parliament or (within 30 days) recommends upgrading either to the affirmative or super-affirmative procedures. The negative resolution procedure is most suitable for instruments that are not controversial;
 - Affirmative resolution procedure: both Houses of Parliament must expressly approve the draft order before the order can be made. They have 40 days to consider it first. They can also (within 30 days) recommend upgrading the procedure to super-affirmative. The affirmative procedure is more appropriate for instruments that have more extensive impact, but which are still straightforward and about which consultation respondents did not raise any significant concerns;
 - Super affirmative procedure: this requires the Minister to have regard to representations, House of Commons and House of Lords resolutions, and committee recommendations that are made within 60 days of laying a draft of the Order before Parliament, in order to decide whether to proceed with the order and (if so) whether to do so as presented or in an amended form; or
 - Hybrid procedure: this procedure is specific to the House of Lords and gives those who are disproportionately affected by the legislation the opportunity to present their arguments to the appropriate Parliamentary committee before the legislation can be approved by both Houses. The time taken by this procedure is dependent on the volume and nature of petitions received under this procedure.
4. As the impact of the Order will be local and time limited the Secretary of State is likely to recommend, subject to the views put forward in the statutory consultation, the negative resolution procedure.
5. As with the two previous Orders, this Order would not insert any new provisions in the Stray Act 1985.
6. The previous two Orders which enabled the staging of the Tour de France 2014 and the Tour de Yorkshire 2017 on the Stray can be viewed here:
<http://www.legislation.gov.uk/ukxi/2014/1190/contents/made> and
<http://www.legislation.gov.uk/ukxi/2017/34/contents/made>

Annex D: How we will treat your information

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the EU General Data Protection Regulation, and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex E.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

Annex E: Your data

Personal data

The following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Secretary of State has a statutory duty to consult on his intentions to make a Localism Order, subject to Parliamentary Approval, using powers in section 5 of the Localism Act 2011.

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest, e.g. a consultation.

4. With whom we will be sharing your personal data

Where concerns are raised in a consultation response we may share your personal data, if you choose to provide it, with Harrogate Borough Council in order to make an effective response to your concerns.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation.

6. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

7. For responses provided by email/in writing, your personal data will not be sent overseas. Your personal data will be stored in a secure government IT system.

8. The data you provide through the online survey will be stored by Survey Monkey on their servers in the United States. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this. At the close of the consultation period your data will be moved from Survey Monkey systems to a secure government IT system.
9. Your personal data will not be used for any automated decision making.