



Data Protection and Freedom of Information Policy

VERSION 3

Date	Author	Change	Version No.
May 2018	CC	Final for Publication	0.2
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DATA PROTECTION AND FREEDOM OF INFORMATION IN THE PLANNING APPEALS COMMISSION AND THE WATER APPEALS COMMISSION (PACWAC)

The UK General Data Protection Regulations regulates the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information. PACWAC are fully committed to complying with the Regulations and associated legal provisions. This policy should be read in conjunction with the Commissions' Privacy Notice.

When processing information, the Commissions receive a range of personal data from a number of sources, which falls within the remit of data protection. This includes documentation, evidence, and letters of representation received from a variety of parties. The information received by the Commissions varies but may include:

- details of an individual's name, contact details, and occupation;
- information about the health, personal or family circumstances of an individual; and
- an individual's opinions about an application or appeal.

This information is processed by PACWAC in accordance with the principles set out in the legislation. The lawful basis for processing is set out in our Privacy Notice and is provided by under Article 6 (1)(e) of the UK GDPR as necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. Data is only used by the Commissions for considering the issues arising in the case in hand. It is only retained on file as long as reasonably necessary, usually no longer than three years from the completion of the Commission's work.

In many cases information which falls under the scope of special categories of personal data is submitted. Special categories of personal data are set out in the UK GDPR as 'personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation'. Given the nature of PACWAC's work it will be processed under the remit of substantial public interest and the fact that the data has been made public. As all Commission reports and decisions must have clear reasons for the conclusions reached it may be necessary to refer to an individual's special categories of personal data, such as personal or family circumstances, in a report or decision, which may be retained indefinitely and will be available on our website.

An individual should therefore only provide personal or special categories of data that they accept will be available to the public. No-one should present personal or special categories of information about other people without their consent. Information provided will not be

redacted by the Commission because of its role to carry out its functions as an independent decision maker in an open, fair and transparent manner.

The Commissions are tribunals and must operate openly, fairly and impartially. Names of participants will be included at the end of decision letters and reports. All documents on casework files can be viewed by any member of the public, electronically or in hard copy. An exception will be made for files which contain special categories of personal data which will not be made available for public viewing three months after the decision has been made.

Under the UK GDPR an individual can request access to his/her personal information held by PACWAC. Details of how to make a request are provided in our Privacy Notice. Any complaints about how the Commissions dealt with requests about information will be processed in accordance with the Commissions' Complaints System which is published under Publications on the Commissions' website. These complaints will not be reviewed by the Complaints Audit Panel. If you remain dissatisfied with the Commissions' response to your information request you may wish to contact the Information Commissioner at

Information Commissioner's Office
51 Adelaide Street
BELFAST
BT2 8FE

www.ico.gov.uk

Telephone number: (028) 9029388

Email: ni@ico.gsi.gov.uk

The Commissions will review their procedures regularly to ensure continued compliance with the legislation.

Freedom of Information Act

The Commissions are not identified as Public Authorities under the Act. The Environmental Information Regulations 2004 apply to any body that has public responsibilities relating to the environment, exercises functions of a public nature relating to the environment or provides public services relating to the environment. This could include the Commissions but the Regulations do not apply to the extent that the Commissions are acting in a judicial capacity. Nonetheless, as tribunals which operate openly fairly and impartially, the Commissions seek to comply with the spirit of the Act and Regulations.