

Guidance on the Data Protection Act 2018 for Neighbourhood Planning Groups

We have produced this guide in response to requests from neighbourhood planning groups on how to ensure the personal data they hold meets the new Data Protection Act 2018 (GDPR). It is also intended to help groups as they prepare their consultation statements, so they are clear on the data they can share with the council and the examiner.

For more information on the Data Protection Act (2018) please go to the council website for [South](#) and [Vale](#) or the [Information Commissioner's Office website](#).

Do we need to tell people how we will use their details?

Yes, you need to make sure that people know they can give you their details and they will be kept safe, as well as understanding how you will share their name and views.

Your communication should make clear why you are collecting personal details and how long they will be securely stored (see page three).

For formal consultations, you need to explain that their name and views may be available on your website and included in your consultation statement; this is a public document and is submitted to the district council as part of your neighbourhood plan. Please note you should not share people's addresses in your consultation statement.

As your town/parish council is your governing body, you should use their privacy statement in your communications. A sample privacy statement is available for members of the [Oxfordshire Association of Local Councils](#). This should be added to the Parish and Town Council Register of Processing Activity (ROPA).

Neighbourhood planning groups that do not have a town/parish council are responsible for holding the data.

What data do we need to collect?

The type of data collected depends on the subject you are consulting on.

For informal engagement activities, such as public events and pop-up stalls, people should feel free to share their views without needing to give their contact details. It may be an idea to ask people where they live or work so you can evidence that the information collected is from people with an interest in your area. This could be through placing a dot on a map.

You can also advertise that you are looking for people to help and ask people to leave their details with an organiser. In this case you need to be clear about how their details will be shared and used.

For household surveys, it is advisable to collect demographics and the first four post code letters/digits so response level can be analysed and feedback evidenced.

Activities where you need people's personal details can include:

- recruiting new members to your steering group
- asking people to help with the plan making process
- site allocation information
- tracking household response levels (for example in a household survey)
- monitoring demographics of respondents (for example in a household survey)

What information should we make available to others?

To promote openness and transparency, you should share the results to engagement events and surveys at the earliest opportunity. This can be shared through your website, at public events and in any of your group promotional materials.

For your pre-submission consultation, it's good practice for responses to be available on your website and for the public to view; you must redact any personal contact details.

A summary of the pre-submission responses must be included in your consultation statement. You need to be clear in your pre-submission literature how information will be shared and remember to refer to your town/parish council privacy statement.

What information do we need to share in our consultation statement?

Your consultation statement must include a summary of comments received and how you have responded to the comments.

You should only publish the contact details of public bodies and companies. Contact details of individuals (emails, addresses, phone numbers) should not be included in your consultation statement.

Remember the consultation statement will be a public document, available to view on our website, in public places and at our offices, so you need to make sure you have consent for any views that are shared.

What about using photographs from our public events?

If you want to include photographs of children or young people under the age of 16, you must have parent or guardian consent.

You should have a sign at your public events, saying that photographs are being taken and where their images may be shared (e.g. via website, publicity documents). You must make it clear that people can say if they don't want their photograph to be taken.

Please note: if you submit a consultation statement with photographs of children, you must provide evidence of parent / guardian consent.

Do we need to include our emails in the consultation statement?

No, because emails are not an example of consultation activity. If people raise concerns about the emerging plan, you should encourage them to raise these via your public consultation.

Emails should only be included if the content has a significant impact on the draft plan. Unless the communication is from a public body or company, you must redact contact details and make clear to the person concerned that their comments will be included in the consultation statement.

Do we need to share the minutes to our steering group meetings?

Yes, to ensure the plan making process is open and transparent we advise you to have agendas and minutes available on your website. The minutes should note any conflicts of interest; your protocol for this must be the same as your parish council.

More information is available in our Neighbourhood Planning Steering Group Guidance Note for [South](#) and [Vale](#).

Who is responsible for holding the data?

Your town/parish council, as governing body, is responsible for holding your data. This is known as the data controller under the Data Protection Act 2018. You need to liaise with your data controller on data storage and you must use the town/parish council privacy statement.

If you do not have a parish council then as qualifying body you are the data controller.

For more information go to the [ICO webpages for small organisations](#) or call the [ICO helpline](#).

How long do we need to keep the data for?

Consultation responses along with respondent details must be kept securely for a maximum period of six years following adoption of the plan. This is required under local government guidance on retention periods.

What data does the council hold?

We are legally required to undertake a publicity period on the submitted plan, and where necessary the area designation. All our communications state how we store and use data.

Please note, your consultation needs to be in line with your governing body's privacy statement rather than the district council.

For more information on how we use your data please see our website page on data protection for [South](#) and [Vale](#).

Contact our neighbourhood planning team

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