



Privacy Notice – Rights of Way

Introduction

Communities, Rights of Way have provided this privacy notice to help you understand how we collect, use and protect your information whilst we either:

- Provide you, an applicant or other owner, occupier and/or lessee affected by the application, with a service to divert, extinguish or create public rights of way (PRoW) within our district
- If you are consulted on or make an objection or representation on a Public Path Order (PPO) or agreement
- If you make a report concerning a blocked PRoW, maintenance or position of a Right of Way.

The document below will describe how we may collect and process your personal information.

The purpose of this document is to clearly acknowledge the Council's responsibilities in relation to the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

Definitions

Personal Data means any information related to an identified or identifiable natural (living) person ('**data subject**') i.e. a person that can be directly or indirectly identified by reference to a name, ID reference number, email address, location data, or physical, physiological, genetic, mental, economic, cultural or societal identifier

Special Personal Data previously known as 'sensitive personal data', relates to race, ethnic origin, politics, religion, trade union membership, genetic data, biometric data, health, sex life or sexual orientation. Records of criminal personal data must also be treated in a similar way.

Data Controller determines the purposes and means of processing personal data.

Data Processor is responsible for any operation which is performed on personal data on behalf of the controller e.g. collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or making available, alignment or combination, restriction, erasure or destruction.

Third Party is someone / somebody who is not the Data Controller, the Data Processor or the Data Subject.

Who we are

East Suffolk Council has powers to make a variety of Public Path Orders (PPOs) and to make public path creation agreements.

The Council is the 'data controller' for the information which is collated and processed. This means we are responsible for deciding how we can use your information. If you want more information regarding the services delivered, please go to our [website](#).

The Council regards lawful and correct treatment of personal information as critical to their successful operations, maintaining confidence between the Council and those with whom they carry out business. The Council will ensure that they treat personal information correctly in accordance with the law.

The services to provide PPOs and Agreements are statutory and are governed under either the Highways Act 1980 or the Town and Country Planning Act 1990.

The Data Protection Officer for ESC is Siobhan Martin, Head of Internal Audit, and can be contacted at dataprotection@eastsuffolk.gov.uk

How the law protects you

GDPR says that we are allowed to use personal information only if we have a proper reason to do so. More information on how the law protects you can be found on the [East Suffolk website](#).

Our Responsibilities

GDPR provides us with main responsibilities for processing personal data.

All personal information provided by you is held securely and in confidence by us in our computerised and other records. When we process your personal information, we do so in compliance with GDPR.

For further information on our responsibilities, please see the [East Suffolk website](#).

Your Rights

The GDPR provides you with the following rights:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making
9. The right to withdraw consent
10. The right to complain

Requests in relation to your rights with regards to the personal data we hold should be made verbally or in writing to the Data Protection Officer.

For further information on your rights, please see the [East Suffolk website](#).

Your responsibilities

You are responsible for making sure you give us accurate and up to date information, and to let us know if any personal information we hold is incorrect.

When do we collect information about you?

We only collect information about you from you, and not from any other sources.

What information do we maintain?

The information about you which we will maintain for your applications for PPOs and agreements will include:

- Name
- Postal address
- Phone number(s)
- Email Address
- Data about land and property owned in relation to your application

The information about you which we will maintain if you are a consultee, objector or representative for a PPO or agreement will include:

- Name
- Contact details that you have provided us with
- Comments about the application

The information about you which we will maintain if you make a report to us about a PRoW will include:

- Name
- Contact details that you provided us with
- The report

How do we use your information?

We will be using your information to:

- Process your application
- Process an application which you have been consulted on or made an objection or representation to
- Pass reports about PRoWs to SCC.

We will not use your personal data for other purposes other than for what it was collated unless we have obtained your consent or for other lawful purposes (e.g. detection and prevention of fraud).

How long do we keep your information?

Statutory information: We will hold your personal information indefinitely. The reason for this retention period is because the Council is the only organisation to hold this data about PPO's and agreements and therefore it is considered to be of historical importance for use in the future if discrepancies arise or for research purposes.

Discretionary information: We will hold your personal information for six months in order to ensure that it has been dealt with correctly and you can request that your personal information is deleted at any time.

Data Sharing

We will share your personal information with:

- Mid Suffolk District Council (MSDC). ESC has an agreement with MSDC to carry out the specialist work involved in processing an application to change a public right of way.
- As permitted by law, an applicants name will be written on the Public Path Order and is therefore available for third parties and the public to see.
- If the Council makes an order to which an objection is received and upheld it can only proceed with the order by referring it to [The Planning Inspectorate](#) for determination. This may mean that a public inquiry is held.
- Suffolk County Council (SCC) to enable them to attend site meetings and produced the required certificates of work.
- A specialist professional adviser (non Rights of Way). It may occasionally be necessary to seek specialist professional advice in order to determine an application, e.g. in regards to ecology.
- SCC to pass on reports about existing PRoWs or Definitive Map enquiries as SCC is the authority responsible for maintaining and protecting PRoW and maintaining the Definitive Map.

Transferring your information overseas

Currently, we do not transfer any personal information outside of the European Economic Area (EEA).

National Fraud Initiative (NFI)

We may share information provided to us with other bodies responsible for auditing, or administering public funds, or where undertaking a public function, in order to prevent and detect fraud. For further information, see the [East Suffolk website](#).