

Tonbridge & Malling Borough Council

Local Plan Examination

Privacy Notice (How we use your information)

This notice relates to the management of, and live streaming of, Tonbridge & Malling Borough Council (the Council) Local Plan Examination Hearing meetings which are being held in a virtual environment due to the lockdown for the Covid-19 pandemic.

This privacy notice explains how the Council collects, uses and shares your personal data, and your rights in relation to the personal data we hold. The Council is the data controller for your personal data which means that we are responsible for deciding how we hold and use personal information about you. The Council is registered with the Information Commissioner's Office Registration number [Z5576542](#). We are required under data protection legislation to notify you of the information set out in this privacy notice.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

The Council will use your audio and visual data from your participation in the Local Plan Examination Hearing meetings to broadcast a live stream of the meeting.

The categories of information that we collect, process, hold and share include:

If you would like to participate in the hearing meetings, the Programme Officer will ask you for your:

- name
- email or postal address
- telephone number

In order to make a video recording of the examination hearing meetings, we will collect, store, and use the following categories of personal information about you:

- Your voice will be recorded if you speak at the hearing meeting
- Your image will also be recorded if you use a video feed to speak at the meeting
- Your name will be recorded when invited to speak and shown on the video wall during the meeting.

We collect personal information about you by email, in writing or by telephone contact before the meetings in order to manage your participation. Your voice and image will be collected from the recording of the meeting which is being captured by the Council. The meeting itself is held within the Microsoft Teams software approved by the Planning

Inspectorate. For more information on the arrangement between the Council and the Planning Inspectorate please see appendix A to this notice.

Why we collect and use this information

Your contact details will be used by the Programme Officer to manage your request to participate in the meetings and facilitate your taking part.

We will live stream the Local Plan Examination Hearing meeting using the Council's YouTube account to allow public access to view the meeting. In order to achieve this, the Council uses Open Broadcaster Software to capture the Microsoft Teams meeting and transmit through the YouTube platform. Live stream recordings may be used at the time of the event and the recording will be retained online as a record of the event whilst the Local Plan is being adopted and for a period of 12 weeks from the final adoption of the Plan (and disposal of any related legal proceedings including any appeals) to address any subsequent legal challenge of the Local Plan.

The lawful basis on which we use this information

We must have a lawful basis for processing your information. The lawful basis for processing your personal data is:

- The processing is necessary for the Council to perform a task in the public interest or for its official functions, and the task or function has a clear basis in law. This is required by Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Section 20 of the Planning and Compulsory Purchase Act 2004

Please note, there is no statutory obligation on an interested party to participate in the examination hearings.

The situations in which we will process your personal information are listed below.

- To invite you to participate in a Hearing meeting
- When we record the Hearing meeting
- When we livestream the Hearing meeting

Collecting this information

Your personal information will be processed by The Planning Inspectorate for the purposes of conducting the examination through hosting a specific Virtual Hearing (Local Plan Event).

Storing this information

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

The recording will be held whilst the Local Plan is adopted by the Council and for a period of 12 weeks from the final adoption of the Plan (and disposal of any related legal proceedings including any appeals) to address any subsequent legal challenge of the Local Plan.

Who we share this information with

We will only share your personal data with third parties where required by law.

All of the Council's third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal information for their own purposes and they may only process your personal information for specified purposes and in accordance with our instructions. For more information on our arrangement with the Planning Inspectorate please see Appendix A to this notice.

If you wish to participate in the meeting, then names and email addresses of those invited and participating may be viewable by others taking part in the meeting.

We will also share the live stream with the following social media sites:

- Youtube

Hence the data is also shared with

- Any member of the public that listens to, or views, the live stream through YouTube.

Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about them that we hold. To make a request for your personal information please contact Adrian Stanfield, the Council's Data Protection Officer at foi@tmbc.gov.uk.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Further information

If you would like further information about this privacy notice, please contact Adrian Stanfield, the Council's Data Protection Officer at foi@tmbc.gov.uk.

The Council collects and uses personal information for a number of purposes across all of its departments and functions. To find out more about how the Council uses the personal information it collects, please refer to the Corporate Privacy Notice <https://www.tmbc.gov.uk/privacy-notice>

Changes to the privacy notice

We keep this privacy notice under regular review. This notice was last updated on 18 September 2020.

