

Data Protection Impact Assessment Pavement Licensing Policy

Explain broadly what project aims to achieve and what type of processing it involves. You may find it helpful to refer or link to other documents, such as a project proposal. Summarise why you identified the need for a DPIA.

Winchester City Council's introduction of a Pavement Licensing Policy aims to clearly define the procedures for processing and determining applications for Pavement Licences under the Business and Planning Act 2020. The policy outlines processes as defined by the relevant legislation, and local procedures as decided by Winchester City Council to ensure the fair and transparent administration of these applications.

The application procedure requires the applicant to submit personal data, such as their full name, address, contact telephone number and email address. The legislation requires these details to be submitted in electronic format only.

Winchester City Council also requires applicants to provide evidence of public liability insurance cover, proof of their right to occupy the premises to which the application relates, and written consent from owners/occupiers of potentially affected residences/businesses. These documents may include personal data.

The legislation also requires the City Council to publish notice of the application in the public domain (i.e. on its website). There is potential for personal data to be published in doing so, if the application details are not correctly redacted.

I have identified the need for a Data Protection Impact Assessment as the application process includes the collection and publication of personal data; this needs to be controlled

Describe the scope of the processing: what is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

Personal data collected for each application

Full name of applicant; home/business address of applicant; telephone number and email address for applicant.

The applicant is required to prove that they hold adequate public liability insurance to cover the proposed activities under the Pavement Licence, and provide evidence that they have the right to occupy the premises. Depending on the documentation that they submit to evidence these requirements, these may contact personal data.

The applicant must also provide written consent from any owners/occupiers of residences/businesses that could be affected by the proposed activities under the Pavement Licence. As a minimum, this evidence would include the name and address of the owner/occupier. It may also include their contact details, although these are not required.

Data retention

The above data will be retained for the duration of the Licence (typically 12 months), including renewed licences. Email correspondence relating to the application or licence will be retained in accordance with the City Council's Mailmeter system (2 years).

Frequency of data collection

It is difficult to say how often this type of data will be collected, as there is no limit on who can apply

for a licence and when this application will be made.

Individuals affected

Personal data is collected from the applicant (an individual or company). Personal data of additional individuals may be present on supplementary documents required with the application. Owners/occupiers of affected residences/businesses will provide personal data within their response to the application. Persons making representations may volunteer personal data within their representation.

Geographical area affected

Applicant for Pavement Licences must own or occupy a premises within the Winchester District. The applicant, however, does not need to be based within the District. Owners of affected residences/businesses, and persons making representations in relation to the application, may also not live within the district.

Describe the context of the processing: what is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in? Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?

Personal data is collected and retained purely for the purposes of administering the application process for a Pavement Licence. The application form includes a statement confirming that personal data may be passed to other agencies in the processing and determination of the application (i.e. Hampshire County Council).

Applicants must declare that they are over the age of 18 at the time of making the application. Applications which do not include this declaration will be rejected.

Describe the purposes of the processing: what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing – for you, and more broadly?

Personal data is collected and retained purely for the purposes of administering the application process for a Pavement Licence.

A full name and address is required to ensure that any licence granted is assigned to an individual. These details are printed on the licence paperwork.

Contact details for the applicant are retained to assist with undertaking enforcement action (i.e. delivery of remediation notices or notice of revocation of the licence).

The main benefit from processing this personal data is that it allows an individual or business to obtain a Pavement Licence, which will ultimately assist with the success of their business.

Consider how to consult with relevant stakeholders: describe when and how you will seek individuals' views – or justify why it's not appropriate to do so. Who else do you need to involve within your organisation? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

The full application and any supplementary documents are forwarded to Hampshire County Council's Highways Authority via email for their consideration. The application is not redacted for the purposes of this consultation.

Notification of the application is sent via email to relevant Ward Councillors, Parish Council(s) and Hampshire Constabulary's Counter Terrorism Unit for their information. This notification is limited to the location and day/times of the proposed activities under a Pavement Licence; the application form and any supplementary documents containing personal data are not shared. A site plan is included (as provided by the applicant) to provide context to these parties. No personal data is included on the site plan.

The application undergoes a public consultation period of 7 days. During this time, any person may submit representations in relation to the application. Representations can be submitted in hard copy or electronic format.

The City Council's Data Protection Officer will review this DPIA.

Describe compliance and proportionality measures, in particular: what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

Winchester City Council's lawful basis for collecting and processing personal data in these circumstances is the requirement for it to process applications for Pavement Licences under the Business and Planning Act 2020. Winchester City Council has specified the form of application in accordance with the relevant legislation, whilst requesting as little personal data as possible for the purposes of processing the application.

Function creep: Prevented by each application for a Pavement Licence having its own unique reference number on Uniform. The type of reference number specifically relates to applications for Pavement Licences and is not shared with any other type of application.

Data minimisation: All data will be adequate to fulfil the requirements for processing applications, relevant only to that type of application, and limited to only what is necessary for processing said applications.

Data quality: The accuracy, completeness and reliability of the data collected depends on the applicant's ability to provide quality data. However, the application form includes mandatory fields for name, address and contact details that must be completed before the application is submitted. Furthermore, the applicant must declare on the application form that they understand that any false statement made in connection with the application will result in the application being refused or the licence revoked. Only relevant data will be collected; Winchester City Council has specified the form of application in such a way to reduce the amount of personal data collected to the bare minimum required for processing the application. The consultation and determination periods for this type of application is limited to a total of 14 days, and therefore the timeliness of data is unlikely to be affected.

Identify and assess risks			
Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm	Severity of harm	Overall risk
Illegitimate access to personal data held in connection with an application	Possible	Significant	Medium
Loss of personal data by City Council	Possible	Minimal	Medium
Modification of personal data by City Council or third party	Possible	Significant	Medium

Identify measures to reduce risks				
Risk	Options to reduce or eliminate risk	Effect on risk	Residual risk	Measure approved
Illegitimate access to personal data held in connection with an application	<ul style="list-style-type: none"> - City Council has secure network, can only be accessed with staff username/password. - All applications submitted electronically (no hard copies accepted) - Personal data only forwarded to Hampshire County Council for consultation purposes. HCC have own data protection policies/procedures as a local authority to prevent illegitimate access to data. - All personal data redacted from application before publication on City Council website - All personal data redacted from application and supplementary documents before provided to third parties upon request (e.g. Ward Councillors, members of public) 	Reduced	Low	
Loss of personal data by City Council	- Data is subject to organisation's data retention policies. No deletion of data is necessary as the data retention tools in Outlook and IDOX do this automatically.	Reduced	Low	
Modification of personal data by City Council or third party	<ul style="list-style-type: none"> - Data does not need to be amended by case officer or any other City Council staff member during the processing of the application, unless the applicant specifically requests that details are updated (i.e. change of address). - Uniform has function that allows officers to record changes to name/address/contact details to ensure an audit trail. 	Reduced	Low	

Sign off and record outcomes		
Item	Name/position/date	Notes
Measures approved by:		Integrate actions back into project plan, with date and

		responsibility for completion
Residual risks approved by:		If accepting any residual high risk, consult the ICO before going ahead
DPO advice provided:		DPO should advise on compliance, step 6 measures and whether processing can proceed
Summary of DPO advice:		
DPO advice accepted or overruled by:		If overruled, you must explain your reasons
Comments:		
Consultation responses reviewed by:		If your decision departs from individuals' views, you must explain your reasons
Comments:		
This DPIA will kept under review by:		The DPO should also review ongoing compliance with DPIA