

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Preparation and revision of a National Development Framework for Wales.
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6423973

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

*Details:*

**Proposals to reform the planning system in Wales that will comprise of the following elements as described below:-**

- **Preparation and revision of a National Development Framework (NDF) for Wales.** *This provision requires Welsh Ministers to produce a national development plan to be known as the National Development Framework. It will allow the Welsh Ministers to prepare and publish the National Development Framework for Wales. The Framework will set out policies and land use allocations Welsh Ministers consider appropriate for development planning in Wales.*

*Before publishing the National Development Framework for Wales, the Welsh Ministers must consult such persons as they consider appropriate on a published draft of this document over a 12 week period. The consultation will involve an extensive consultation process. The National Development Framework will be subject to a Sustainability Appraisal which must include assessing any impact on Welsh Language via an Impact Assessment. Subsequent to consultation, the draft must be laid before the National Assembly for Wales alongside a published report which summarises the*

## Privacy Impact Assessment (PIA) – Screening Tool

*consultation responses received and explains how they have taken the representations into account. After consideration by the Assembly and having regards to any resolutions or recommendations made, the Welsh Ministers may publish the National Development Framework for Wales. The above process would also apply to any subsequent revisions of the Framework.*

*The process of consulting on the draft National Development Framework and the publication of a consultation report (including consulting on a draft for any subsequent revisions) will result in the processing of personal data with regards to any representations that have been submitted. The consultation report will be publicly available and therefore 3<sup>rd</sup> parties should be able to access this data. However, it is considered that those submitting representations may be able to request their personal data be omitted from the consultation report, if they wish this to be the case.*

- **The NDF must state when it comes into effect and when it ceases.** *This provision will not involve the handling of personal data.*
- **Duty to consider whether to review Local Development Plan.** *This provision will allow for a local planning authority to consider whether to carry out a review of their Local Development Plan following the publication or revision of the National Development Framework for Wales and at such other times the Welsh Ministers prescribe. This provision will require the local planning authority to take into account relevant development plans in their deliberations, but is not considered to involve the handling of personal data.*

### 2. Will the proposal involve the processing<sup>1</sup> of information that could be used to identify individuals (personal data)?

No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

### 3. Has privacy impact screening or assessment already been carried out?

Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

N/A

<sup>1</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.

# Privacy Impact Assessment (PIA) – Screening Tool

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	<input checked="" type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
	<input checked="" type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input checked="" type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input checked="" type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
	<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
	<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
	<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
	<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
	<input type="checkbox"/> Physical / mental health or condition	<input type="checkbox"/> Tax, benefits or pensions records
	<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
	<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

*Details:*

Although we collect the name, address, email details of individuals etc. as part of this process, it is unlikely we would publish these. A consultation report would only set out the persons name and organisation or if they are an individual unless they have ticked the box to say they wish their comments to be anonymous. Therefore third parties would only have access to the name, organisation, if they are an individual and not the detailed information such as address, email, phone number etc.

## 5. For the personal data being processed, please indicate:

Who the Data Controller is: <i>Welsh Government Planning Division on behalf of Welsh Ministers.</i>	<i>Details: Will oversee the processing of data with regards to receiving representations containing personal data when consulting on draft versions of the National Development Framework. Also</i>
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## Privacy Impact Assessment (PIA) – Screening Tool

	<i>will oversee the use of this personal data in the publication of a subsequent consultation report for the National Assembly.</i>
Any Data Processors: N/A	<i>Details: N/A</i>
Will the data be shared?	<i>Details: The consultation report will be published for the National Assembly of Wales to scrutinise. As this report may contain personal data, this data will be publicly available for other parties to view. However, there is expected to be an option when allowing representations to be submitted on the NDF for people to request that their personal details are anonymised (as is the case for other Government consultations on planning matters – e.g. when we have consulted on the draft Planning Bill documentation).</i>

### 6. What is the legal basis for processing the data?

*Details:*

*Section 2 of the Planning (Wales) Bill requires the Welsh Ministers to consult on a draft of the National Development Framework before publication with such persons as they consider appropriate.*

*Section 2 of draft Planning (Wales) Bill requires the Welsh Ministers to lay before the National Assembly for Wales a report which summarises the representations they received during the consultation and explains how they have taken the representations into account.*

*The above Sections make up the new Section 60A to the Planning and Compulsory Purchase Act 2004.*

### 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*

*New processing of individual data along standard lines as to what currently occurs when publishing a consultation report on planning matters within Welsh Government.*

### **Data Handling**

### 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.       No – Go to Q9.

# Privacy Impact Assessment (PIA) – Screening Tool

*Details:*  
N/A

## 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.       No – Go to Q10.

*Details:*  
New data collection - Data on those individuals who have commented on drafts of any proposed National Development Framework for Wales.

## Technology

### 10. Will the proposal involve the introduction of privacy-intrusive technologies such as:

Yes – Please provide details below.       No – Go to Q11.

- |  |   |
|--|---|
| <input type="checkbox"/> Smart cards                                   | <input type="checkbox"/> Digital image and video recording  |
| <input type="checkbox"/> RFID tags<br>(radio-frequency identification) | <input type="checkbox"/> Profiling, data mining or logging of electronic traffic<br>(process to identify patterns in large data sets) |
| <input type="checkbox"/> Biometrics                                    | <input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)   |
| <input type="checkbox"/> Visual surveillance (e.g. CCTV)               | <input type="checkbox"/> Other (please specify Details below)   |

*Details:*

## Identity

### 11. Will the proposal involve new or changed identity management or authentication processes?

Yes – Please provide details below.       No – Go to Q12.

*Details:*

### 12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?

Yes – Please provide details below.       No

*Details:*  
Only in terms of the names of those individuals and organisations who have commented on any proposed National Development Framework for Wales.

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## **Notes**

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

# Privacy Impact Assessment (PIA) – Screening Tool

## For completion by IRU:

Is a formal PIA assessment required for this proposal?

Yes       No

A formal PIA is not required for this proposal because the privacy expectations of the data subject (those responding to consultation) can be managed by providing them with appropriate fair processing.

Has advice on DPA compliance been provided?

Yes       No

Whenever personal data is processed, the data controller needs to ensure that it is compliant with the DPA. The DPA sets out 8 [data protection principles](#) that need to be satisfied, but in respect of this proposal, the key issue is complying with the fair aspect of the first data protection principle.

The first data protection principle states:

*Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –*

- (a) at least one of the conditions in [Schedule 2](#) is met and,*
- (b) in the case of sensitive personal data, at least one of the conditions in [Schedule 3](#) is also met.*

The fair aspect of the first principle will be satisfied by ensuring appropriate fair processing is provided to those data subjects whose personal data is being processed. Fair processing should include details of who the data controller is, what personal data is needed, why, who will have access to it (this includes the use of a data processor and / or details of any sharing with third parties), what use will be made of it and how long it will be retained. The Welsh Government has [rules and guidance](#) in place for consulting and this includes fair processing to cover the use of personal data including the publication of responses.

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

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IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Strategic Planning
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6427240

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

*Details:*

**Proposals to reform the planning system in Wales that will comprise of the following elements as described below:-**

- **Designation of strategic planning areas and establish strategic planning panel.** *These provisions will enable the setting up of a strategic planning tier to the planning system in Wales. They will enable the Welsh Ministers to, by order to designate an area in Wales of more than one local planning authority as a strategic planning area. They will also enable the Welsh Ministers to establish a strategic planning panel for that area. Consultation would be required by the lead authority (i.e. those authorities directed to prepare a proposal for a strategic planning area) on the proposal for a strategic planning area; a report on the consultation carried out must be submitted to the Welsh Ministers. The Welsh Ministers must review the proposal and consult on any proposal for a strategic planning area if they differ from the lead authority or the lead authority has not submitted a proposal for a strategic planning area to the Welsh Ministers.*

*The process of consulting on strategic planning areas and the publication of a consultation report will result in the processing of personal data with regards to any representations that have been submitted. The consultation report will*



## Privacy Impact Assessment (PIA) – Screening Tool

*be publicly available and therefore 3<sup>rd</sup> parties should be able to access this data. However, it is considered that those submitting representations may be able to request their personal data be omitted from the consultation report, if they wish this to be the case. The consultation report will be the responsibility of the lead authority – i.e. the local planning authority – rather than the Welsh Government. However, if the Welsh Ministers consult on an alternative proposal rather than the lead authority, it is likely the responses to the consultation would also be made publicly available (including to 3<sup>rd</sup> parties).*

- **Preparation of strategic development plans.** *This provision will enable the preparation of development plans for strategic planning in Wales. It will require a strategic planning panel set up for any strategic planning area to prepare a development plan, to be known as a strategic development plan. The provisions to be applied will take a similar approach to those that are currently applied in relation to preparing a local development plan. In addition, the Sustainability Appraisal will be required to include a Welsh Language Impact Assessment. Matters such as the nature and extent of consultation with members of the public would be set out in regulations, as currently occur for local development plans.*

*Based on the above, these proposals are likely to require the processing of personal data when consulting on a strategic development plan. It is considered that this data would only be processed on those who submit representations on strategic development plans. This is likely to be in the form of a consultation report – similar to the processing of data when lead authorities consult on the strategic planning areas.*

- **Duty to consider whether to review Local Development Plan.** *This provision will allow for a local planning authority to consider whether to carry out a review of their Local Development Plan following the publication or review of a Strategic Development Plan for a strategic planning area and at such other times the Welsh Ministers prescribe. This provision will require the local planning authority to take into account relevant development plans in their deliberations, but is not considered to involve the handling of personal data.*

### 2. Will the proposal involve the processing<sup>2</sup> of information that could be used to identify individuals (personal data)?

- No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)
- Yes – Please complete the remainder of the form.

### 3. Has privacy impact screening or assessment already been carried out?

- Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

N/A

<sup>2</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.

# Privacy Impact Assessment (PIA) – Screening Tool

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	<input checked="" type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
	<input checked="" type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input checked="" type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input checked="" type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
	<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
	<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
	<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
	<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
	<input type="checkbox"/> Physical / mental health or condition	<input type="checkbox"/> Tax, benefits or pensions records
	<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
	<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

**Details:**

Although the details of names, addresses, email of individuals etc. are anticipated to be collected as part of this process, it is unlikely they would be published. A consultation report would only set out the person's name and organisation or if they are an individual unless they have ticked the box to say they wish their comments to be anonymous. Therefore third parties would only have access to the name, organisation, if they are an individual and not the detailed information such as address, email, phone number etc.

To note: lead authorities may also ask for telephone contact details in order to be able to contact an individual who has submitted representations on strategic planning matters, but this is up to the lead authority. In accordance with the previous paragraph, it is unlikely this data would be published.

# Privacy Impact Assessment (PIA) – Screening Tool

## 5. For the personal data being processed, please indicate:

<p>Who the Data Controller is: <i>Lead authority for strategic planning areas or Welsh Ministers.</i></p>	<p><i>Details: Will oversee the processing of data with regards to receiving representations containing personal data when consulting on strategic planning matters. Will also oversee the use of certain elements of this personal data in the publication of any consultation reports (i.e. name and organisation as explained above) with regards to consulting on strategic planning matters.</i></p>
<p>Any Data Processors: <i>N/A</i></p>	<p><i>Details: N/A</i></p>
<p>Will the data be shared?</p>	<p><i>Details: Any consultation on strategic planning matters is likely to require the publication of consultation reports which may contain personal data relating to names of individuals and organisations who have commented on the proposals; this data will be publicly available for other parties to view. However, it is expected that people can request for their personal details to be anonymised (as is the case for other Government consultations on planning matters – e.g. when we have consulted on the draft Planning Bill documentation - or as part of usual consultation practices).</i></p>

## 6. What is the legal basis for processing the data?

*Details:*

*Sections 3 to 5 of the Planning (Wales) Bill provide Welsh Ministers with the power to establish a strategic planning tier for Wales; namely – the power to designate a strategic planning area, establish a strategic planning panel and direct the preparation and revision of strategic development plans. These provisions will allow / facilitate for consultation/s on strategic planning matters and the processing of personal data with regards to responses received to such consultation/s.*

*The above Sections form Sections 60C to 60H of the Planning and Compulsory Purchase Act 2004.*

## 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*

*New processing of individual data along standard lines as to what currently occurs*

# Privacy Impact Assessment (PIA) – Screening Tool

*when publishing a consultation report on planning matters within Welsh Government or as undertaken by a local planning authority.*

## **Data Handling**

**8. Will the personal data be consolidated, linked or matched with data from other sources?**

Yes – Please provide details below.       No – Go to Q9.

*Details:*  
N/A

**9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?**

Yes – Please provide details below.       No – Go to Q10.

*Details:*  
New data collection - Data on those individuals who have commented on any proposed strategic planning matters for Wales (i.e. strategic planning areas and strategic development plans).

## **Technology**

**10. Will the proposal involve the introduction of privacy-intrusive technologies such as:**

Yes – Please provide details below.       No – Go to Q11.

<input type="checkbox"/> Smart cards	<input type="checkbox"/> Digital image and video recording
<input type="checkbox"/> RFID tags <i>(radio-frequency identification)</i>	<input type="checkbox"/> Profiling, data mining or logging of electronic traffic <i>(process to identify patterns in large data sets)</i>
<input type="checkbox"/> Biometrics	<input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)
<input type="checkbox"/> Visual surveillance (e.g. CCTV)	<input type="checkbox"/> Other (please specify Details below)

*Details:*

## **Identity**

**11. Will the proposal involve new or changed identity management or authentication processes?**

Yes – Please provide details below.       No – Go to Q12.

*Details:*

## Privacy Impact Assessment (PIA) – Screening Tool

**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

Yes – Please provide details below.       No

*Details:*

*Only in terms of certain elements of personal data of those individuals who have commented on any proposed strategic planning area or strategic development plan within Wales.*

# Privacy Impact Assessment (PIA) – Screening Tool

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## Notes

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

# Privacy Impact Assessment (PIA) – Screening Tool

## For completion by IRU:

Is a formal PIA assessment required for this proposal?

Yes       No

A formal PIA is not required for this proposal because the privacy expectations of the data subject (those responding to consultation) can be managed by providing them with appropriate fair processing.

Has advice on DPA compliance been provided?

Yes       No

Whenever personal data is processed, the data controller needs to ensure that it is compliant with the DPA. The DPA sets out 8 [data protection principles](#) that need to be satisfied, but in respect of this proposal, the key issue is complying with the fair aspect of the first data protection principle.

The first data protection principle states:

*Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –*

- (a) at least one of the conditions in [Schedule 2](#) is met and,*
- (b) in the case of sensitive personal data, at least one of the conditions in [Schedule 3](#) is also met.*

The fair aspect of the first principle will be satisfied by ensuring appropriate fair processing is provided to those data subjects whose personal data is being processed. Fair processing should include details of who the data controller is, what personal data is needed, why, who will have access to it (this includes the use of a data processor and / or details of any sharing with third parties), what use will be made of it and how long it will be retained. The Welsh Government has [rules and guidance](#) in place for consulting and this includes fair processing to cover the use of personal data including the publication of responses.

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Provisions to amend Local Development Plan legislation
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6482231

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

*Details:*

**Proposals to reform the planning system in Wales with regards to the existing Local Development Plan system that will comprise of the following elements as described below:-**

- **Period for which Local Development Plan has effect.** *This provision will allow for Local Development Plans to have an end date for their duration, beyond which they will cease to be the extant development plan for that particular area. As this provision requires the local planning authority to specify the period a Local Development Plan is to have effect, it will not involve the handling of personal data.*
- **Withdrawal of Local Development Plan.** *This provision sets out a notification process if a local planning authority resolves to withdraw their Local Development Plan; allowing the Welsh Ministers to be notified and consider where to use their intervention powers before the Local Development Plan can be withdrawn. This is a procedural modification with regards to preparation of Local Development Plans and will not involve the handling of personal data.*
- **Sustainability Appraisal Process.** *Currently local planning authorities are only encouraged to consider the effects of a Local Development Plan on the*



## Privacy Impact Assessment (PIA) – Screening Tool

*Welsh Language. The Planning (Wales) Bill will make it compulsory for local planning authorities to consider impacts on Welsh language through the sustainability appraisal process. Any personal data that is collected as a result will be done - via current consultation procedures and is therefore already Data Protection Act compliant.*

- **Welsh Ministers’ power to direct preparation of Joint Local Development Plans.** *This provision will allow Welsh Ministers to direct two or more local planning authorities to prepare a Joint Local Development Plan, stating their reasons for doing so (i.e. based on evidence). As this provision is a direction by the Welsh Ministers to local planning authorities regarding the preparation of their development plans, it will not involve the handling of personal data.*

### 2. Will the proposal involve the processing<sup>3</sup> of information that could be used to identify individuals (personal data)?

No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

### 3. Has privacy impact screening or assessment already been carried out?

Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

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<sup>3</sup> The term ‘processing’ includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.

# Privacy Impact Assessment (PIA) – Screening Tool

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	}	<input type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
		<input type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
		<input type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
		<input type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
		<input type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
		<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	}	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
		<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
		<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
		<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
		<input type="checkbox"/> Physical / mental health or condition	<input type="checkbox"/> Tax, benefits or pensions records
		<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
		<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
		<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

<i>Details:</i>
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## 5. For the personal data being processed, please indicate:

Who the Data Controller is: <i>(see notes section for the definition of a Data Controller)</i>	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: <i>(see notes section for the definition of a Data Processor).</i>	<i>Details: In the case of data processors, please indicate the personal data each has responsibility for.</i>

## Privacy Impact Assessment (PIA) – Screening Tool

Will the data be shared?	<i>Details: Please specify if the data will be shared internally with other parts of the Welsh Government or externally with third parties. Also indicate if the personal data being shared is non-identifiable / anonymised.</i>

### 6. What is the legal basis for processing the data?

*Details:*

*All of the Welsh Government's powers are derived from statute. Please identify the legal power the Welsh Government is exercising to carry out this proposal.*

### 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*

*For example, have you been collecting personal information from individuals for a particular purpose and would now like to use that information for a different purpose?*

### Data Handling

### 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.       No – Go to Q9.

*Details:*

*For example, are you planning to compare or link the data that you collect with data held in another database?*

### 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.       No – Go to Q10.

*Details:*

# Privacy Impact Assessment (PIA) – Screening Tool

## **Technology**

**10. Will the proposal involve the introduction of privacy-intrusive technologies such as:**

Yes – Please provide details below.       No – Go to Q11.

<input type="checkbox"/> Smart cards	<input type="checkbox"/> Digital image and video recording
<input type="checkbox"/> RFID tags <i>(radio-frequency identification)</i>	<input type="checkbox"/> Profiling, data mining or logging of electronic traffic <i>(process to identify patterns in large data sets)</i>
<input type="checkbox"/> Biometrics	<input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)
<input type="checkbox"/> Visual surveillance (e.g. CCTV)	<input type="checkbox"/> Other (please specify Details below)
<i>Details:</i>	

## **Identity**

**11. Will the proposal involve new or changed identity management or authentication processes?**

Yes – Please provide details below.       No – Go to Q12.

<i>Details:</i>
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**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

Yes – Please provide details below.       No

<i>Details:</i>
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# Privacy Impact Assessment (PIA) – Screening Tool

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

## Notes

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

# Privacy Impact Assessment (PIA) – Screening Tool

## For completion by IRU:

**Is a formal PIA assessment required for this proposal?**

Yes       No

No personal data being processed.\*

\*Because consideration of the Welsh Language impact required by the Sustainability Appraisal Process is utilising an existing process, it has not been considered as part of this PIA.

**Has advice on DPA compliance been provided?**

Yes       No

N/A – No personal data being processed.

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Joint Planning Boards to exercise all modern local planning authority functions.
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6498965

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

*Details:*

**Proposals to reform the planning system in Wales that will comprise of the following elements as described below:-**

- **Joint Planning Boards to exercise all modern local planning authority functions.** *There are existing provisions which provide the Welsh Ministers with powers to establish a joint planning board as the local planning authority for two or more areas, each of which is the whole or part of a Welsh county or county borough. Joint planning boards essentially perform the function of a local planning authority for the areas they are designated; however they are currently not able to perform all modern local planning authority functions (for example, currently they cannot prepare local development plans for their designated areas). This provision will allow for joint planning boards to be able to perform all modern local planning functions by making a joint planning board a fully functioning local planning authority for the purpose of its designated area. The Planning (Wales) Bill introduces separate provisions for National Park Authorities and Joint Planning Boards. These provisions enable the Welsh Ministers to extend the scope of the powers for joint planning boards so they are able to carry out development management functions for National Park areas. This would only apply if the provisions are extended by*

## Privacy Impact Assessment (PIA) – Screening Tool

*the Welsh Ministers through regulations that are subject to approval by the National Assembly and would not extend to plan making functions, which will continue to be carried out by the National Park Authorities.*

- *This is a broad provision affecting the governance of local planning authorities that will not affect the processing of personal data.*

### 2. Will the proposal involve the processing<sup>4</sup> of information that could be used to identify individuals (personal data)?

✓ No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

### 3. Has privacy impact screening or assessment already been carried out?

Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

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<sup>4</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.



# Privacy Impact Assessment (PIA) – Screening Tool

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	<input type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
	<input type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
	<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
	<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
	<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
	<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
	<input type="checkbox"/> Physical / mental health or condition	<input type="checkbox"/> Tax, benefits or pensions records
	<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
	<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

<i>Details:</i>
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## 5. For the personal data being processed, please indicate:

Who the Data Controller is: <i>(see notes section for the definition of a Data Controller)</i>	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: <i>(see notes section for the definition of a Data Processor).</i>	<i>Details: In the case of data processors, please indicate the personal data each has responsibility for.</i>

## Privacy Impact Assessment (PIA) – Screening Tool

Will the data be shared?	<i>Details: Please specify if the data will be shared internally with other parts of the Welsh Government or externally with third parties. Also indicate if the personal data being shared is non-identifiable / anonymised.</i>

### 6. What is the legal basis for processing the data?

*Details:*

*All of the Welsh Government's powers are derived from statute. Please identify the legal power the Welsh Government is exercising to carry out this proposal.*

### 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*

*For example, have you been collecting personal information from individuals for a particular purpose and would now like to use that information for a different purpose?*

### Data Handling

### 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.       No – Go to Q9.

*Details:*

*For example, are you planning to compare or link the data that you collect with data held in another database?*

### 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.       No – Go to Q10.

*Details:*

# Privacy Impact Assessment (PIA) – Screening Tool

## **Technology**

**10. Will the proposal involve the introduction of privacy-intrusive technologies such as:**

Yes – Please provide details below.       No – Go to Q11.

<input type="checkbox"/> Smart cards	<input type="checkbox"/> Digital image and video recording
<input type="checkbox"/> RFID tags <i>(radio-frequency identification)</i>	<input type="checkbox"/> Profiling, data mining or logging of electronic traffic <i>(process to identify patterns in large data sets)</i>
<input type="checkbox"/> Biometrics	<input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)
<input type="checkbox"/> Visual surveillance (e.g. CCTV)	<input type="checkbox"/> Other (please specify Details below)
<i>Details:</i>	

## **Identity**

**11. Will the proposal involve new or changed identity management or authentication processes?**

Yes – Please provide details below.       No – Go to Q12.

<i>Details:</i>
-----------------

**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

Yes – Please provide details below.       No

<i>Details:</i>
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# Privacy Impact Assessment (PIA) – Screening Tool

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## Notes

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

# Privacy Impact Assessment (PIA) – Screening Tool

## For completion by IRU:

**Is a formal PIA assessment required for this proposal?**

Yes       No

No personal data being processed.

**Has advice on DPA compliance been provided?**

Yes       No

N/A – No personal data being processed.

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Pre-Application Consultation (to be carried out by prospective applicant for planning permission)
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6499210

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

*Details:*

**Proposals to reform the planning system in Wales that will comprise of the following elements as described below:-**

- **Pre-Application Consultation (to be carried out by prospective applicant for planning permission).**

This provision will require developers of certain types of development to consult with statutory consultees on their proposals before a planning application is submitted (this element of the provision is dealt with in a separate PIA Screening - “Statutory Consultees”, ref: A6565535) .

It also requires developers of such schemes to publicise their proposals, before submitting a formal planning application, in order to provide neighbours with the opportunity to comment on the scheme.

The type of development proposals affected by this provision will be defined in a development order but will relate to larger scale developments, and is likely to replicate the existing definition of ‘Major Development’\*.

## Privacy Impact Assessment (PIA) – Screening Tool

This provision will therefore only affect proposals for larger scale development (likely to be “major development”, as described below\*). The proposal does not relate to small-scale development proposals, such as individual householder applications.

In cases when the provision applies, the developer is required to publicise the proposed development. Further details will be set out in a development order but this is likely to involve notification by letter and site notice. Given the scale of proposed development, developers will normally employ planning consultants who will be responsible for submitting the planning application and undertaking any pre-application engagement.

It is anticipated that the letter/site notice will provide: a statement explaining the purpose of the notification; a description of the proposed development; an address/web address where comments can be submitted; a web address where the proposed application, plans and other supporting information can be viewed, and a location where hard copies will be made available for viewing; timescales for response; and a statement explaining that there will be a formal opportunity for members of the public to comment on the scheme when an application is submitted and then publicised by the LPA.

There is no statutory duty on members of the public to comment on the proposal – this provision simply provides members of the public with an opportunity to comment on developments before they are submitted to LPAs as planning applications. It should be noted that when the development is submitted as a planning application, it is then subject to statutory publicity – this provides members of the public with an opportunity to provide comments directly to the LPA.

Once the developer has undertaken the pre-application consultation, they will be required to submit a “pre-application consultation report” to accompany all submitted planning applications. This report will need to summarise any comments received as a result of the pre-application publicity. There will not be a requirement to identify the contact details of individual respondents in the report; instead it will simply need to summarise and report the general issues raised.

The scale of development affected by this provision means that the pre-application consultation would generally be undertaken by planning consultants operating on behalf of developers. Planning consultants and developers have experience of handling personal data.

This provision will only affect proposals for larger scale development (likely to be “major development”, as described below). The proposal does not relate to small-scale development proposals, such as individual householder applications.

*\*Major Development is defined under Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012/801 for Wales. The definition for Major Development includes dwellinghouses of 10 or more and the provision of a building or buildings where the floor space to be created by the developments is 1,000 square metres or more.*

## Privacy Impact Assessment (PIA) – Screening Tool

**2. Will the proposal involve the processing<sup>5</sup> of information that could be used to identify individuals (personal data)?**

No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

**3. Has privacy impact screening or assessment already been carried out?**

Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

N/A

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<sup>5</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.



# Privacy Impact Assessment (PIA) – Screening Tool

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	<input checked="" type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
	<input checked="" type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input checked="" type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input checked="" type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
	<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
	<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
	<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
	<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
	<input type="checkbox"/> Physical / mental health or condition	<input type="checkbox"/> Tax, benefits or pensions records
	<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
	<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

<p><i>Details:</i></p> <p>N/A</p>
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## Privacy Impact Assessment (PIA) – Screening Tool

### 5. For the personal data being processed, please indicate:

<p>Who the Data Controller is: <i>The developer/planning consultant</i></p>	<p><i>Details:</i> <i>The scale of development affected by this provision means that the pre-application consultation would generally be undertaken by planning consultants operating on behalf of developers. Planning consultants and developers have experience of handling personal data.</i></p>
<p>Any Data Processors: <i>The developer/planning consultant</i></p>	<p><i>Details:</i> <i>The developer is required to publicise the development proposal in order to raise public awareness of the scheme and to provide the public with the opportunity to provide comment on the scheme.</i> <i><u>There is no duty or statutory requirement for individuals to respond to the publicity,</u> and it should be noted that when the development is submitted as a planning application, it is then subject to statutory publicity – this provides members of the public with an opportunity to provide comments directly to the LPA.</i></p>
<p>Will the data be shared?</p>	<p><i>Details:</i> <i>The developer will be required to provide a “pre-application consultation report” in support of any subsequent planning application. The report will need to summarise any comments provided by the public resulting from the developer’s pre-application publicity.</i> <i>The report <u>will not</u> be required to identify any details of individuals such as name and address.</i></p>

### 6. What is the legal basis for processing the data?

<p><i>Details:</i></p> <p><i>Section 16 of the Planning (Wales) Bill amends the Town and Country Planning Act 1990 in order to provide powers requiring prospective applicants for planning permission to carry out pre-application consultation for certain types of planning applications (“major development”).</i></p>
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# Privacy Impact Assessment (PIA) – Screening Tool

## 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*

No – any comments (data) provided by individuals to developers as a result of pre-application publicity is provided voluntarily.

### **Data Handling**

## 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.       No – Go to Q9.

*Details:*

N/A

## 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.       No – Go to Q10.

*Details:*

No - any comments (data) provided by individuals to developers as a result of pre-application publicity is provided voluntarily.

### **Technology**

## 10. Will the proposal involve the introduction of privacy-intrusive technologies such as:

Yes – Please provide details below.       No – Go to Q11.

- |  |   |
|--|---|
| <input type="checkbox"/> Smart cards                                   | <input type="checkbox"/> Digital image and video recording  |
| <input type="checkbox"/> RFID tags<br>(radio-frequency identification) | <input type="checkbox"/> Profiling, data mining or logging of electronic traffic<br>(process to identify patterns in large data sets) |
| <input type="checkbox"/> Biometrics                                    | <input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)   |
| <input type="checkbox"/> Visual surveillance (e.g. CCTV)               | <input type="checkbox"/> Other (please specify Details below)   |

*Details:*

# Privacy Impact Assessment (PIA) – Screening Tool

## **Identity**

**11. Will the proposal involve new or changed identity management or authentication processes?**

Yes – Please provide details below.      ✓  No – Go to Q12.

*Details:*

**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

Yes – Please provide details below.      ✓  No

*Details:*

*No - any comments (data) provided by individuals to developers as a result of pre-application publicity is provided voluntarily and the developer is only required to provide a “pre-application consultation report” to the LPA that summarises any comments provided, the report will not enable identification of individuals.*

# Privacy Impact Assessment (PIA) – Screening Tool

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

## Notes

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

# Privacy Impact Assessment (PIA) – Screening Tool

## For completion by IRU:

Is a formal PIA assessment required for this proposal?

Yes       No

*On the basis that the proposals are aimed at large scale;/corporate developers and are not going to require individual citizens to carry out consultation work for domestic work, then I don't think a PIA will be required in relation to the obligation on those corporate developers to consult. Further, as individuals can choose whether or not they are going to respond, then any provision of personal data by them will be voluntary rather than mandatory. As far as that goes, I'd suggest that the regulations clearly set out that the developers are the data controller for any information received and the obligation to comply with the Data Protection Act in relation to that data rests with them.*

Has advice on DPA compliance been provided?

Yes       No

*On a reading of the proposal, it does not look like Welsh Government will be controlling or processing any personal data.*

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Pre-Application Services (Advice) (to be provided by local planning authority or Welsh Ministers).
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6559790

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

*Details:*

**Proposals to reform the planning system in Wales that will comprise of the following elements as described below:-**

- **Pre-application service / advice to be provided to a prospective applicant for planning permission.** *This provision will allow for a prospective applicant who is looking to submit a planning application to request advice from the determining body on their proposals before the application is formally submitted for consideration. The determining authority will be under a legal duty to provide the prospective applicant with advice on their proposals, where requested. The scope of this service will be set out in subordinate legislation. The determining authority could be the Welsh Ministers, the Planning Inspectorate on behalf of the Welsh Ministers, or the local planning authority depending on the type of proposal.*

*The process will require instances of the processing of personal data, such as the determining authority keeping records of the pre-application service they have provided and to whom. Our proposed primary legislation prescribes that the particulars of the keeping of such records, including personal data, are to*

## Privacy Impact Assessment (PIA) – Screening Tool

*be set out in subordinate legislation. 3<sup>rd</sup> parties should therefore be able to access this personal data, if they formally request to do so. The option of whether the prospective applicant can request their personal details are anonymised in the keeping of such records may be feasible. Any such request for personal data and taking into account prospective applicant's anonymity would be considered on a case by case basis by the determining authority with regards to Data Protection and commercial confidentiality. The intention is that this data will not be published by the determining authority but, as is currently the case, it will be subject to the Freedom of Information Act 1998, the Data Protection Act 1998 and the Environmental Information Regulations 2004, subject to any commercial confidentiality exemptions.*

**2. Will the proposal involve the processing<sup>6</sup> of information that could be used to identify individuals (personal data)?**

No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

**3. Has privacy impact screening or assessment already been carried out?**

Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

N/A

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<sup>6</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.



# Privacy Impact Assessment (PIA) – Screening Tool

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	<input checked="" type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
	<input checked="" type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input checked="" type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input checked="" type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
	<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
	<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
	<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
	<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
	<input type="checkbox"/> Physical / mental health or condition	<input type="checkbox"/> Tax, benefits or pensions records
	<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
	<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

<p><i>Details:</i></p> <p>N/A</p>
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## Privacy Impact Assessment (PIA) – Screening Tool

### 5. For the personal data being processed, please indicate:

<p>Who the Data Controller is: <i>Welsh Ministers</i></p>	<p><i>Details: Welsh Ministers, by regulations, will set out provisions requiring a pre-application service provider to keep records of any pre-application services that have been provided.</i></p>
<p>Any Data Processors: <i>The pre-application service provider – i.e. Welsh Ministers or the local planning authority.</i></p>	<p><i>Details: The pre-application service provider will have responsibility for keeping records of pre-application services that have been provided to a prospective applicant for planning permission. This is expected to include personal data on the prospective applicant.</i></p>
<p>Will the data be shared?</p>	<p><i>Details: The keeping of records of pre-application service carried out will result in data on prospective applicants – for example, names and addresses – being recorded. However, those who are requesting a pre-application service could request for their personal details to be anonymised (i.e. blanked out in the keeping of records on pre-application services provided); this would be considered on a case by case basis by the determining body taking into account Data Protection and commercial confidentiality. The intention is that this data will not be published by the determining authority but, as is currently the case, it will be subject to the Freedom of Information Act 1998, the Data Protection Act 1998 and the Environmental Information Regulations 2004, subject to any commercial confidentiality exemptions.</i></p>

### 6. What is the legal basis for processing the data?

<p><i>Details:</i></p> <p><i>Section 17 of the Planning (Wales) Bill allows Welsh Ministers to make regulations for local planning authorities to make provision for pre-application services.</i></p> <p><i>New procedure which is expected to involve the processing of personal data on a prospective applicant for planning permission if they request a service (i.e. advice) from the determining body before the application has been formerly submitted.</i></p>
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# Privacy Impact Assessment (PIA) – Screening Tool

## 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*

*New procedure which will record personal data on prospective applicants for planning permission before they formerly submit proposal for determination, only if they request a service from the determining body to discuss their proposals at this pre-submission stage.*

### **Data Handling**

## 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.       No – Go to Q9.

*Details:*

N/A

## 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.       No – Go to Q10.

*Details:*

*Collation of personal data on prospective applicants for planning permission, if they request a service from the determining body to discuss their proposals.*

### **Technology**

## 10. Will the proposal involve the introduction of privacy-intrusive technologies such as:

Yes – Please provide details below.       No – Go to Q11.

- |  |   |
|--|---|
| <input type="checkbox"/> Smart cards                                   | <input type="checkbox"/> Digital image and video recording  |
| <input type="checkbox"/> RFID tags<br>(radio-frequency identification) | <input type="checkbox"/> Profiling, data mining or logging of electronic traffic<br>(process to identify patterns in large data sets) |
| <input type="checkbox"/> Biometrics                                    | <input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)   |
| <input type="checkbox"/> Visual surveillance (e.g. CCTV)               | <input type="checkbox"/> Other (please specify Details below)   |

*Details:*

# Privacy Impact Assessment (PIA) – Screening Tool

## **Identity**

**11. Will the proposal involve new or changed identity management or authentication processes?**

Yes – Please provide details below.       No – Go to Q12.

*Details:*

**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

Yes – Please provide details below.       No

*Details:*

In terms of the personal data (e.g. names and addresses) of those individuals or organisations who are working up development proposals for which they wish to obtain planning permission. This personal data will be recorded if the individual or organisation requests a service (i.e. advice) from the determining body before formerly submitting their proposals for consideration.

# Privacy Impact Assessment (PIA) – Screening Tool

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

## Notes

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

# Privacy Impact Assessment (PIA) – Screening Tool

## For completion by IRU:

Is a formal PIA assessment required for this proposal?

Yes       No

A formal PIA is not required for this proposal because the privacy expectations of the data subjects (the prospective applicant) can be managed by providing them with appropriate fair processing. Furthermore, as the decision to request advice is made by the prospective applicant, any personal data provided is done so with the consent of the data subject meaning they have full control over whether to provide personal data and the extent to which they do.

If the prospective applicant is a company, then the data subject submitting the personal data will be doing so because they are either an employer or employee and the personal data (name; business address; email address) will relate to their work role. Where this is the case, the Information Commissioner recognises that there is a distinction between personal data relating to an individuals professional life (public / work role) and their private life. The Information Commissioner also recognises that within an individuals' public role some information would be more sensitive or genuinely personal than other e.g. an individuals contact details for a job compared with details of an individuals sickness absence. The personal data identified above is in the former category and so does not impact adversely on the privacy expectations of the individual (data subject). A formal PIA would not be warranted in such a case.

Has advice on DPA compliance been provided?

Yes       No

Whenever personal data is processed, the data controller needs to ensure that it is compliant with the DPA. The DPA sets out 8 [data protection principles](#) that need to be satisfied, but in respect of this proposal, the key issue is complying with the fair aspect of the first data protection principle.

The first data protection principle states:

*Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –*

- (a) at least one of the conditions in [Schedule 2](#) is met and,*
- (b) in the case of sensitive personal data, at least one of the conditions in [Schedule 3](#) is also met.*

The fair aspect of the first principle will be satisfied by ensuring appropriate fair processing is provided to those data subjects whose personal data is being processed. Fair processing should include details of who the data controller is, what personal data is needed, why, who will have access to it (this includes the use of a data processor and / or details of any sharing with third parties), what use will be made of it and how long it will be retained. Appropriate fair processing is vital when consent is being relied upon (as the schedule 2 condition) because the consent is given for their personal data to be used in line with the fair processing provided. If the fair processing is not provided, or the personal data is not processed in line with it, then data subjects may argue the consent is not valid because it is not deemed to be informed.

## Privacy Impact Assessment (PIA) – Screening Tool

The DPA puts the onus of compliance on the data controller, so it is important to understand the role of the Welsh Government in respect of this processing. If, for example, the local authority is the pre-application service provider, the responsibility for ensuring DPA compliance will rest with them.

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Provisions for 'Development of National Significance' planning applications to be made to Welsh Ministers (including local planning authorities being required to submit a local impact report on the application).
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6561575

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

*Details:*

**Proposals to reform the planning system in Wales, creating a new planning application process for a 'Development of National Significance' (DNS). This process will require planning applications for those developments which are of greatest significance to Wales to be determined in a new way. A summary of the process and where it impacts on the handling of personal data is described below:-**

- **Notifying Welsh Ministers of the intention to submit a planning application for DNS.** *This provision will require a developer preparing a planning application for a DNS to notify the Welsh Ministers of the intention to submit the application. Notification requirements are to be set out in secondary legislation, but it is expected they will result in the processing of personal data in that applicants are to provide their contact details to the Welsh Ministers. This information will also be made available to the Local Planning Authority and third parties.*



## Privacy Impact Assessment (PIA) – Screening Tool

- **Pre-Application Services (Advice) on proposals for DNS.** *This will undergo the same process and have the same impacts on the processing of personal data as for other types of planning applications which are required to carry out pre-application service procedure. Please refer to 'Pre-Application Services' Screening Proforma.*
- **Pre-Application Consultation on proposals for DNS.** *This will undergo the same process and have the same impacts on the processing of personal data as for other types of planning applications which are required to carry out pre-application consultation procedure. Please refer to 'Pre-Application Consultation' Screening Proforma.*
- **Pre-Application Consultation on proposals for DNS with Statutory Consultees.** *Same process and impacts on the processing of personal data as for consultation with statutory consultees on other types of applications at the pre-application stage. Please refer to the 'Statutory Consultees' Screening Proforma.*
- **Submission of Application for DNS to the Welsh Ministers.** *This provision will require the developer to submit their proposals in a prescribed form (which may include connected applications) for 'Development of National Significance' to the Welsh Ministers, rather than to the local planning authority, as at present. This will result in Welsh Ministers processing personal details on the applicant, such as contact details, rather than the local planning authority.*
- **Formal Notification and Consultation/s carried out by Welsh Ministers on DNS applications once processed.** *This procedure will take place over a 36 week period and will involve the processing of personal data, such as the name of the applicant, when informing consultees, third parties and relevant community councils about a submitted planning application. The processing of personal data arising from responses submitted by those aforementioned parties will also be undertaken by Welsh Ministers.*
- **Welsh Ministers' responsibility for planning applications to renew a DNS permission.** *This procedure will involve the processing of personal data of the applicant who is submitting the application for renewal. This is a change in procedure as this work will now be undertaken by the Welsh Ministers rather than the local planning authority.*
- **Other DNS Processes.** *Welsh Ministers will also consider other provisions, such as for Local Impact Reports, the procedure in which an application for DNS is determined and the information contained on decision notices. These provisions are likely to involve the processing of personal data on applicants for planning permission and those taking part in these processes, also.*

### 2. Will the proposal involve the processing<sup>7</sup> of information that could be used to identify individuals (personal data)?

No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

### 3. Has privacy impact screening or assessment already been carried out?

Yes – Please provide details below.       No

<sup>7</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.

# Privacy Impact Assessment (PIA) – Screening Tool

*Details of completed PIA (date; outcomes)*

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	<input checked="" type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
	<input checked="" type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input checked="" type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input checked="" type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
	<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
	<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
	<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
	<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
	<input type="checkbox"/> Physical / mental health or condition	<input type="checkbox"/> Tax, benefits or pensions records
	<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
	<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

*Details:*

Will involve the processing of data on applicants and those that comment on the planning application proposals for DNS. Only considered to apply where those interacting with the planning application process submit their contact details as part of the process for determining a DNS.

## 5. For the personal data being processed, please indicate:

## Privacy Impact Assessment (PIA) – Screening Tool

<p>Who the Data Controller is: <i>Welsh Ministers</i></p>	<p><i>Details:</i> <i>Will oversee the processing of data for determining a DNS. Welsh Ministers will also set the process with regards to the processing of personal data when pre-application consultation on a DNS is undertaken by an applicant.</i></p>
<p>Any Data Processors: <i>The prospective applicant at the pre-application stage.</i></p>	<p><i>Details:</i> <i>Will oversee the processing of data when consulting on the DNS application proposals at the pre-application stage. Please refer to 'Pre-Application Consultation' Screening Proforma for further information.</i></p>
<p>Will the data be shared?</p>	<p><i>Details:</i> <i>Details on the applicant will be shared during the process of pre-application consultation, determination and consulting on the planning application proposals for DNS. Data on those persons commenting on the application proposals and supplying their contact details as part of this process could also be shared– these details could be included in any subsequent report on the consultation. Those that submit this data could request their personal data to be anonymised if they wish.</i></p>

### 6. What is the legal basis for processing the data?

*Details:*

*Sections 18 and 19; 22 and 23; and Schedules 3 and 4 of the Planning (Wales) Bill (as amended at stage 2) provide Welsh Ministers with the power in relation to determining those applications which are of greatest significance to Wales under the Developments of National Significance procedure. The proposals to be included by this proposed legislation are covered under Question 1.*

*For further information, the Sections and Schedules make the following changes to existing legislation, as follows:*

- Section 18 of the draft Bill inserts Sections 62D and 62E into the Town and Country Planning Act 1990;*
- Section 19 of the draft Bill inserts Sections 62F, 62G and 62H into the Town and Country Planning Act 1990;*
- Section 22 of the draft Bill inserts Sections 62M and 62N into the Town and Country Planning Act 1990;*
- Section 23 of the draft Bill inserts Section 62O into the Town and Country Planning Act 1990;*
- Schedule 3 of the draft Bill inserts Schedule 4D into the Town and Country Planning Act 1990; and*
- Schedule 4 inserts Section 75A, Section 303ZZA and makes other amendments to the Town and Country Planning Act 1990.*

# Privacy Impact Assessment (PIA) – Screening Tool

## 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*

*Yes, will involve new processing of personal data on applicants and those commenting on development proposals with regards to Welsh Ministers determining applications which are of greatest significance to Wales under the Developments of National Significance procedure.*

### **Data Handling**

## 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.       No – Go to Q9.

*Details:*

N/A

## 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.       No – Go to Q10.

*Details:*

*Yes, will involve new processing of personal data on applicants and those commenting on development proposals with regards to Welsh Ministers determining applications which are of greatest significance to Wales under the Developments of National Significance procedure.*

### **Technology**

## 10. Will the proposal involve the introduction of privacy-intrusive technologies such as:

Yes – Please provide details below.       No – Go to Q11.

- |  |   |
|--|---|
| <input type="checkbox"/> Smart cards                                   | <input type="checkbox"/> Digital image and video recording  |
| <input type="checkbox"/> RFID tags<br>(radio-frequency identification) | <input type="checkbox"/> Profiling, data mining or logging of electronic traffic<br>(process to identify patterns in large data sets) |
| <input type="checkbox"/> Biometrics                                    | <input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)   |
| <input type="checkbox"/> Visual surveillance (e.g. CCTV)               | <input type="checkbox"/> Other (please specify Details below)   |

*Details:*

# Privacy Impact Assessment (PIA) – Screening Tool

## **Identity**

**11. Will the proposal involve new or changed identity management or authentication processes?**

Yes – Please provide details below.       No – Go to Q12.

*Details:*

**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

Yes – Please provide details below.       No

*Details:*

Yes, with regards to contact details supplied by either applicants for planning permission under the DNS procedure or those commenting on the DNS application proposals.

# Privacy Impact Assessment (PIA) – Screening Tool

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

## **Notes**

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

# Privacy Impact Assessment (PIA) – Screening Tool

## For completion by IRU:

Is a formal PIA assessment required for this proposal?

Yes       No

A formal PIA is not required for this proposal because the privacy expectations of the data subjects (the developer) can be managed by providing them with appropriate fair processing. Furthermore, as the decision to request advice is made by the prospective applicant, any personal data provided is done so with the consent of the data subject meaning they have full control over whether to provide personal data and the extent to which they do.

For a planning application to be deemed as a 'Development of National Significance', it is likely to be a large scale commercial development meaning that the developer will be a company. In this case, the data subject submitting the personal data will be doing so because they are either an employer or employee and the personal data (name; business address; email address) will relate to their work role. Where this is the case, the Information Commissioner recognises that there is a distinction between personal data relating to an individuals professional life (public / work role) and their private life. The Information Commissioner also recognises that within an individuals' public role some information would be more sensitive or genuinely personal than other e.g. an individuals contact details for a job compared with details of an individuals sickness absence. The personal data identified above is in the former category and so does not impact adversely on the privacy expectations of the individual (data subject). A formal PIA would not be warranted in such a case.

Has advice on DPA compliance been provided?

Yes       No

Whenever personal data is processed, the data controller needs to ensure that it is compliant with the DPA. The DPA sets out 8 [data protection principles](#) that need to be satisfied, but in respect of this proposal, the key issue is complying with the fair aspect of the first data protection principle.

The first data protection principle states:

*Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –*

- (a) at least one of the conditions in [Schedule 2](#) is met and,*
- (b) in the case of sensitive personal data, at least one of the conditions in [Schedule 3](#) is also met.*

The fair aspect of the first principle will be satisfied by ensuring appropriate fair processing is provided to those data subjects whose personal data is being processed. Fair processing should include details of who the data controller is, what personal data is needed, why, who will have access to it (this includes the use of a data processor and / or details of any sharing with third parties), what use will be made of it and how long it will be retained. Appropriate fair processing is vital when consent is being relied upon (as the schedule 2 condition) because the consent is given for their personal data to be used in line with the fair processing provided. If the fair processing is not provided, or the personal data is not processed in line with it, then data subjects may argue the consent is not valid because it is not deemed to be informed.

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Connected consents associated with Development of National Significance applications made directly to the Welsh Ministers
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6565570

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

*Details:*

**Proposals to reform the planning system in Wales that will comprise of the following elements as described below:-**

- **Connected consents associated with Development of National Significance (DNS) applications made directly to the Welsh Ministers.**  
*The proposals are to ensure that applications for connected consents associated with Development of National Significance planning applications may be made directly to the Welsh Ministers, where developers request them. The proposal makes changes to a primary Act. Its purpose is to ensure efficiency in determining infrastructure projects. In terms of impacts on privacy, the proposal will result in Welsh Ministers processing personal details on the applicant for the connected consent, such as contact details, rather than the local planning authority.*



## Privacy Impact Assessment (PIA) – Screening Tool

**2. Will the proposal involve the processing<sup>8</sup> of information that could be used to identify individuals (personal data)?**

No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

**3. Has privacy impact screening or assessment already been carried out?**

Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

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<sup>8</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.

# Privacy Impact Assessment (PIA) – Screening Tool

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	<input checked="" type="checkbox"/> Name	<input checked="" type="checkbox"/> Telephone Numbers
	<input checked="" type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input checked="" type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input checked="" type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
	<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
	<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
	<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
	<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
	<input type="checkbox"/> Physical / mental health or condition	<input type="checkbox"/> Tax, benefits or pensions records
	<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
	<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

*Details:*

Will involve the processing of data on applications for connected consents associated with Developments of National Significance. Only considered to apply where those interacting with the application process submit their contact details as part of the process for determining an application connected to a Development of National Significance.

## 5. For the personal data being processed, please indicate:

Who the Data Controller is: <i>Welsh Ministers</i>	<i>Details:</i> <i>Will oversee the processing of data for determining an application connected to a Development of National Significance.</i>
Any Data Processors: <i>N/A</i>	<i>Details:</i> <i>N/A.</i>

# Privacy Impact Assessment (PIA) – Screening Tool

Will the data be shared?	<i>Details: Details on the applicant will be shared during the process of determining an application connected to a Development of National Significance.</i>

## 6. What is the legal basis for processing the data?

*Details:*

*The final Planning (Wales) Bill to be introduced to the National Assembly contains provisions allowing applications for connected consents associated with Development of National Significance planning applications to be made directly to the Welsh Ministers.*

## 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*

*As the applications for connected consents will be linked to the primary DNS proposal, there will be no processing of personal data additional to that submitted as part of the primary DNS proposal (please refer to relevant Development of National Significance Privacy Impact Assessment Screening Proforma for further information on privacy impacts of DNS).*

## **Data Handling**

## 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.       No – Go to Q9.

*Details:*

N/A

## 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.       No – Go to Q10.

*Details:*

*As the applications for connected consents will be linked to the primary DNS proposal, there will be no processing of personal data additional to that submitted as part of the primary DNS proposal (please refer to relevant Development of National Significance Privacy Impact Assessment Screening Proforma for further information on privacy impacts of DNS).*

# Privacy Impact Assessment (PIA) – Screening Tool

## **Technology**

**10. Will the proposal involve the introduction of privacy-intrusive technologies such as:**

Yes – Please provide details below.       No – Go to Q11.

<input type="checkbox"/> Smart cards	<input type="checkbox"/> Digital image and video recording
<input type="checkbox"/> RFID tags <i>(radio-frequency identification)</i>	<input type="checkbox"/> Profiling, data mining or logging of electronic traffic <i>(process to identify patterns in large data sets)</i>
<input type="checkbox"/> Biometrics	<input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)
<input type="checkbox"/> Visual surveillance (e.g. CCTV)	<input type="checkbox"/> Other (please specify Details below)
<i>Details:</i>	

## **Identity**

**11. Will the proposal involve new or changed identity management or authentication processes?**

Yes – Please provide details below.       No – Go to Q12.

<i>Details:</i>
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**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

Yes – Please provide details below.       No

<i>Details:</i>
As the applications for connected consents will be linked to the primary DNS proposal, there will be no processing of personal data additional to that submitted as part of the primary DNS proposal (please refer to relevant Development of National Significance Privacy Impact Assessment Screening Proforma for further information on privacy impacts of DNS).

# Privacy Impact Assessment (PIA) – Screening Tool

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

## Notes

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

# Privacy Impact Assessment (PIA) – Screening Tool

## For completion by IRU:

Is a formal PIA assessment required for this proposal?

Yes       No

A formal PIA is not warranted for this proposal because there is no change in the personal data being processed, only the data controller that will be undertaking that processing. Because there is no change to the processing of personal data in terms of the type, amount and purpose, as far as the data subject is concerned, there is no change to their privacy expectations.

For applications for connected consents to be associated as a 'Development of National Significance', it is likely to be a large scale commercial development meaning that the developer will be a company. In this case, the data subject submitting the personal data will be doing so because they are either an employer or employee and the personal data (name; business address; email address) will relate to their work role. Where this is the case, the Information Commissioner recognises that there is a distinction between personal data relating to an individuals professional life (public / work role) and their private life. The Information Commissioner also recognises that within an individuals' public role some information would be more sensitive or genuinely personal than other e.g. an individuals contact details for a job compared with details of an individuals sickness absence. The personal data identified above is in the former category and so does not impact adversely on the privacy expectations of the individual (data subject). A formal PIA would not be warranted in such a case

Has advice on DPA compliance been provided?

Yes       No

Whenever personal data is processed, the data controller needs to ensure that it is compliant with the DPA. The DPA sets out 8 [data protection principles](#) that need to be satisfied, but in respect of this proposal, the key issue is complying with the fair aspect of the first data protection principle.

The first data protection principle states:

*Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –*

- (a) at least one of the conditions in [Schedule 2](#) is met and,*
- (b) in the case of sensitive personal data, at least one of the conditions in [Schedule 3](#) is also met.*

The fair aspect of the first principle will be satisfied by ensuring appropriate fair processing is provided to those data subjects whose personal data is being processed. Fair processing should include details of who the data controller is, what personal data is needed, why, who will have access to it (this includes the use of a data processor and / or details of any sharing with third parties), what use will be made of it and how long it will be retained. Appropriate fair processing is vital when consent is being relied upon (as the schedule 2 condition) because the consent is given for their personal data to be used in line with the fair processing provided. If the fair processing is not provided, or the personal data is not processed in line with it, then data subjects may argue the consent is not valid because it is not deemed to

## Privacy Impact Assessment (PIA) – Screening Tool

be informed.

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Option for applicant to make application direct to the Welsh Ministers, rather than to the local planning authority (if the local planning authority has been designated for that purpose). Includes option to make connected applications to Welsh Ministers under this particular procedure.
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6565503

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

### *Details:*

**Proposals to reform the planning system in Wales that will comprise of the following elements as described below:-**

- **Option for applicant to make planning application direct to the Welsh Ministers where the local planning authority has been designated for that purpose (including connected applications).** *This provision will allow a developer who wishes to submit a development proposal for planning consent the option of submitting their proposal to appointed persons by the Welsh Ministers (anticipated to be from the Planning Inspectorate Wales) for consideration (including any connected applications), rather than to the relevant local planning authority. This would only occur where a local planning authority has been designated as 'poorly performing'. The provisions will also require the appointed persons by the Welsh Ministers to notify the relevant community council of any applications made to them under these*



## Privacy Impact Assessment (PIA) – Screening Tool

*circumstances.*

*These provisions will result in the processing of personal data on the applicant. This will be undertaken by persons appointed by the Welsh Ministers who will determine planning applications under these particular circumstances. It is proposed that the procedures for dealing with such applications are the same as if the application were to be made to the local planning authority (LPA); these procedures are expected to be set out in secondary legislation and will include consultation on the application proposal but carried out by the appointed persons of the Welsh Ministers rather than the LPA. Notifying that the application has been submitted will also be carried out by the appointed persons of the Welsh Ministers; this will include notifying the relevant LPA, community councils and anyone the appointed persons of the Welsh Ministers consider have an interest in the development proposals. Therefore, it is considered data will be shared with 3<sup>rd</sup> parties on the application proposals when appointed persons of the Welsh Ministers notify and consult on the application proposals submitted to them under this process.*

**2. Will the proposal involve the processing<sup>9</sup> of information that could be used to identify individuals (personal data)?**

- No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)
- Yes – Please complete the remainder of the form.

**3. Has privacy impact screening or assessment already been carried out?**

- Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

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<sup>9</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.

# Privacy Impact Assessment (PIA) – Screening Tool

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	<input checked="" type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
	<input checked="" type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input checked="" type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input checked="" type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
	<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
	<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
	<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
	<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
	<input type="checkbox"/> Physical / mental health or condition	<input type="checkbox"/> Tax, benefits or pensions records
	<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
	<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

**Details:**

Contact details for applicant will be provided and shared with 3<sup>rd</sup> parties as identified previously. Data on telephone numbers and e-mail addresses should be provided for those processing the application; however it is not considered telephone or e-mail details would be shared in the wider public domain when making the public aware of any planning application proposals determined under this particular procedure for consultation or notification purposes.

## 5. For the personal data being processed, please indicate:

<p>Who the Data Controller is: <i>Appointed persons of the Welsh Ministers.</i></p>	<p><i>Details: Will oversee the processing of personal data with regards to receiving details of applicants for planning applications submitted directly to them (process as explained previously). Also</i></p>
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## Privacy Impact Assessment (PIA) – Screening Tool

	<i>will oversee the use of this personal data with regards to consulting and notifying relevant parties about planning applications that are being determined by them under this process.</i>
Any Data Processors: N/A	<i>Details: N/A</i>
Will the data be shared?	<i>Details: Will be shared in terms of consultation and notification. As part of standard procedure for processing applicant details, data on applicant contact details will be made publicly available and will not be anonymised.</i>

### 6. What is the legal basis for processing the data?

*Details:*

*Sections 22 to 26 and Schedules 3 and 4 of the Planning (Wales) Bill provide Welsh Ministers with the power to take direct action where there are failures in local planning authority performance, in summary, by providing application with the option to apply for planning permission directly to the Welsh Ministers rather than to the local planning authority that is designated as 'poorly performing'.*

*The above Sections and Schedules proposed forming new sections and amendments to the Town and Country Planning Act 1990.*

### 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*

*New procedure which will involve processing of individual data on applicants for planning permission along lines as described previously. The key change in the processing of this data is that it would be undertaken by appointed persons of the Welsh Ministers rather than the local planning authority.*

### **Data Handling**

### 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.       No – Go to Q9.

*Details:*

N/A

# Privacy Impact Assessment (PIA) – Screening Tool

## 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.       No – Go to Q10.

*Details:*

*Data collected and disseminated by the appointed persons of the Welsh Ministers on the person/s who are applying for planning permission under this procedure, rather than this being undertaken by the local planning authority.*

## **Technology**

### 10. Will the proposal involve the introduction of privacy-intrusive technologies such as:

Yes – Please provide details below.       No – Go to Q11.

<input type="checkbox"/> Smart cards	<input type="checkbox"/> Digital image and video recording
<input type="checkbox"/> RFID tags <i>(radio-frequency identification)</i>	<input type="checkbox"/> Profiling, data mining or logging of electronic traffic <i>(process to identify patterns in large data sets)</i>
<input type="checkbox"/> Biometrics	<input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)
<input type="checkbox"/> Visual surveillance (e.g. CCTV)	<input type="checkbox"/> Other (please specify Details below)
<i>Details:</i>	

## **Identity**

### 11. Will the proposal involve new or changed identity management or authentication processes?

Yes – Please provide details below.       No – Go to Q12.

*Details:*

### 12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?

Yes – Please provide details below.       No

*Details:*

*Only in terms of the contact details for individuals applying for planning permission under this particular process.*

# Privacy Impact Assessment (PIA) – Screening Tool

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## Notes

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

# Privacy Impact Assessment (PIA) – Screening Tool

## For completion by IRU:

Is a formal PIA assessment required for this proposal?

Yes       No

A formal PIA is not required for this proposal because the privacy expectations of the data subjects (the developer) can be managed by providing them with appropriate fair processing. Furthermore, as the decision to request advice is made by the prospective applicant, any personal data provided is done so with the consent of the data subject meaning they have full control over whether to provide personal data and the extent to which they do.

If the developer is a company, then the data subject submitting the personal data will be doing so because they are either an employer or employee and the personal data (name; business address; email address) will relate to their work role. Where this is the case, the Information Commissioner recognises that there is a distinction between personal data relating to an individuals professional life (public / work role) and their private life. The Information Commissioner also recognises that within an individuals' public role some information would be more sensitive or genuinely personal than other e.g. an individuals contact details for a job compared with details of an individuals sickness absence. The personal data identified above is in the former category and so does not impact adversely on the privacy expectations of the individual (data subject). A formal PIA would not be warranted in such a case.

Has advice on DPA compliance been provided?

Yes       No

Whenever personal data is processed, the data controller needs to ensure that it is compliant with the DPA. The DPA sets out 8 [data protection principles](#) that need to be satisfied, but in respect of this proposal, the key issue is complying with the fair aspect of the first data protection principle.

The first data protection principle states:

*Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –*

- (a) at least one of the conditions in [Schedule 2](#) is met and,*
- (b) in the case of sensitive personal data, at least one of the conditions in [Schedule 3](#) is also met.*

The fair aspect of the first principle will be satisfied by ensuring appropriate fair processing is provided to those data subjects whose personal data is being processed. Fair processing should include details of who the data controller is, what personal data is needed, why, who will have access to it (this includes the use of a data processor and / or details of any sharing with third parties), what use will be made of it and how long it will be retained. Appropriate fair processing is vital when consent is being relied upon (as the schedule 2 condition) because the consent is given for their personal data to be used in line with the fair processing provided. If the fair processing is not provided, or the personal data is not processed in line with it, then data subjects may argue the consent is not valid because it is not deemed to be informed.

## Privacy Impact Assessment (PIA) – Screening Tool

The DPA puts the onus of compliance on the data controller, so it is important to understand the role of the Welsh Government in respect of this processing. With this in mind, please clarify who the appointed persons (as detailed in Q5) will be and how they will be appointed. For example, are these fixed or appointed on a case by case basis?

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Validation Appeals.
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6565582

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

### *Details:*

**Proposals to reform the planning system in Wales that will comprise of the following elements to the process of validating a planning application, as described below:-**

- Provide applicants with a **right of appeal** to the Welsh Ministers where the local planning authority has decided not to validate their planning application. If a developer submitted a planning application to a local planning authority and the authority refused to accept it, giving their reasons, this provision would introduce a new procedure by which the developer would have the option to appeal the decision of the authority to the Welsh Ministers. Welsh Ministers would then decide if the planning application should be accepted by the local planning authority. Personal data on the developer's contact details would be submitted to the Welsh Ministers during this process in order to enable them to make a decision.
- Introduce **greater proportionality** to local planning authority requests for information to accompany planning applications. These proposals will require local planning authorities to set out their reasons for not registering a planning application to the prospective applicant. These provisions will therefore require local planning authorities to give full consideration as to whether information they request to determine the planning application is in fact



## Privacy Impact Assessment (PIA) – Screening Tool

necessary or relevant. Whilst this provision will require local planning authorities to liaise with prospective applicants on their proposals, it is not considered that this provision will result in the processing of any additional data on prospective applicants through the validation process.

**2. Will the proposal involve the processing<sup>10</sup> of information that could be used to identify individuals (personal data)?**

No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

**3. Has privacy impact screening or assessment already been carried out?**

Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

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<sup>10</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.

# Privacy Impact Assessment (PIA) – Screening Tool

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	<input checked="" type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
	<input checked="" type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input checked="" type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input checked="" type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
	<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
	<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
	<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
	<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
	<input type="checkbox"/> Physical / mental health or condition	<input type="checkbox"/> Tax, benefits or pensions records
	<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
	<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

**Details:**

Will require the processing of personal data by the Welsh Ministers if an appeal against the refusal of a local planning authority to accept (validate) a planning application is submitted to them by the developer / prospective applicant. This data will only be in the form of contact details on the developer / prospective applicant in order for the Welsh Ministers to be able to communicate a decision on whether the application should be accepted by the local planning authority. Contact details on the developer / prospective applicant are already required on the form for when the application is submitted to the local planning authority; therefore, the proposals will not result in the processing of any new data.

# Privacy Impact Assessment (PIA) – Screening Tool

## 5. For the personal data being processed, please indicate:

<p>Who the Data Controller is: <i>Welsh Ministers</i></p>	<p><i>Details: Contact details on the developer / prospective applicant will be processed by the Welsh Ministers in order for them to be able to consider an appeal against a local planning authority decision not to accept (validate) a planning application.</i></p> <p><i>Notwithstanding this, contact details of the applicant should already be in the public domain via the submission of the planning application proposal to the local planning authority.</i></p>
<p>Any Data Processors: <i>N/A</i></p>	<p><i>Details:</i> <i>N/A</i></p>
<p>Will the data be shared?</p>	<p><i>Details: It is not considered that this data will be shared by other parties, other than with the local planning authority relating to the planning application proposal.</i></p>

## 6. What is the legal basis for processing the data?

*Details:*

*Section of the Planning (Wales) Bill sets out requirements for local planning authorities to provide a notice to prospective applicants where they determine not to validate (accept) a planning application and the appeal mechanism by which prospective applicants will be able to appeal local planning authority decisions on validating applications to the Welsh Ministers.*

*The above Section proposes introducing new sections to the Town and Country Planning Act 1990.*

## 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*

*No. The proposals will prescribe a new appeals mechanism which will involve processing of data on prospective applicants for planning permission by the Welsh Ministers. Contact details of prospective applications are currently processed by the local planning authority in the consideration of whether to accept an application proposal, but this data will now also be processed by the Welsh Ministers if an appeal is made against non-validation. However, this will not involve the processing of new data as contact details for prospective applicants are already contained on the planning application form when an application is submitted to the relevant local planning authority.*

# Privacy Impact Assessment (PIA) – Screening Tool

## Data Handling

**8. Will the personal data be consolidated, linked or matched with data from other sources?**

Yes – Please provide details below.       No – Go to Q9.

*Details:*  
N/A

**9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?**

Yes – Please provide details below.       No – Go to Q10.

*Details:*

*Will require the Welsh Ministers to collect contact data on prospective applicants for planning permission, in order to determine any appeal decision against the refusal of the local planning authority to accept (validate) the planning application. This data will also be held by the local planning authority as part of their consideration of the application proposal and therefore will already be accessible as part of the planning application process. Contact details on applicants provided as part of the planning application form submitted to the local planning authority are publicly available to view on the planning register.*

## Technology

**10. Will the proposal involve the introduction of privacy-intrusive technologies such as:**

Yes – Please provide details below.       No – Go to Q11.

- |   |  |
|---|--|
| <input type="checkbox"/> Smart cards  | <input type="checkbox"/> Digital image and video recording   |
| <input type="checkbox"/> RFID tags<br><i>(radio-frequency identification)</i> | <input type="checkbox"/> Profiling, data mining or logging of electronic traffic<br><i>(process to identify patterns in large data sets)</i> |
| <input type="checkbox"/> Biometrics   | <input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)  |
| <input type="checkbox"/> Visual surveillance (e.g. CCTV)                      | <input type="checkbox"/> Other (please specify Details below)  |

*Details:*

# Privacy Impact Assessment (PIA) – Screening Tool

## **Identity**

**11. Will the proposal involve new or changed identity management or authentication processes?**

Yes – Please provide details below.      ✓ No – Go to Q12.

*Details:*

**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

Yes – Please provide details below.      ✓ No

*Details:*

*Will require the Welsh Ministers to collect contact data on prospective applicants for planning permission, in order to determine any appeal decision against the refusal of the local planning authority to accept (validate) the planning application. This data will also be held by the local planning authority as part of their consideration of the application proposal and therefore will already be accessible as part of the planning application process. Contact details on applicants provided as part of the planning application form submitted to the local planning authority are publicly available to view on the planning register.*

# Privacy Impact Assessment (PIA) – Screening Tool

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

## Notes

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

# Privacy Impact Assessment (PIA) – Screening Tool

## For completion by IRU:

Is a formal PIA assessment required for this proposal?

Yes       No

A formal PIA is not required for this proposal because the privacy expectations of the data subjects (the applicant / developer) can be managed by providing them with appropriate fair processing. Furthermore, as the decision to appeal to Welsh Ministers is made by the prospective applicant, any personal data provided is done so with the consent of the data subject meaning they have full control over whether to provide personal data and the extent to which they do.

If the developer is a company, then the data subject submitting the personal data will be doing so because they are either an employer or employee and the personal data (name; business address; email address) will relate to their work role. Where this is the case, the Information Commissioner recognises that there is a distinction between personal data relating to an individuals professional life (public / work role) and their private life. The Information Commissioner also recognises that within an individuals' public role some information would be more sensitive or genuinely personal than other e.g. an individuals contact details for a job compared with details of an individuals sickness absence. The personal data identified by this proposal (Q4) is in the former category and so does not impact adversely on the privacy expectations of the individual (data subject). A formal PIA would not be warranted in such a case.

Has advice on DPA compliance been provided?

Yes       No

Whenever personal data is processed, the data controller needs to ensure that it is compliant with the DPA. The DPA sets out 8 [data protection principles](#) that need to be satisfied, but in respect of this proposal, the key issue is complying with the fair aspect of the first data protection principle.

The first data protection principle states:

*Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –*  
*(a) at least one of the conditions in [Schedule 2](#) is met and,*  
*(b) in the case of sensitive personal data, at least one of the conditions in [Schedule 3](#) is also met.*

The fair aspect of the first principle will be satisfied by ensuring appropriate fair processing is provided to those data subjects whose personal data is being processed. Fair processing should include details of who the data controller is, what personal data is needed, why, who will have access to it (this proposal does not require the active sharing of personal data with third parties), what use will be made of it and how long it will be retained. Appropriate fair processing is vital when consent is being relied upon (as the schedule 2 condition) because the consent is given for their personal data to be used in line with the fair processing provided. If the fair processing is not provided, or the personal data is not processed in line with it, then data subjects may argue the consent is not valid because it is not deemed to

## Privacy Impact Assessment (PIA) – Screening Tool

be informed.



# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

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IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Form and manner of decision notices (including requiring plans or other documents with regards to the development to be specified on the decision notice).
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6565512

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

*Details:*

**Proposals to reform the planning system in Wales that will comprise of the following elements as described below:-**

- **Form and manner of decision notices.** *This provision will allow for a new form of decision notice that accompanies a planning permission. The provisions will ensure that the decision notice identifies the plans and documents associated with the planning permission and also records details on future applications associated with the initial planning permission. It will essentially ensure the decision notice is a 'live' document that reflects the current position of the planning permission so that it is easier for developers and stakeholders to identify the up-to-date position on the development proposals granted planning consent. This provision is a technical amendment to the planning application process with regards to the displaying of decision notices and is not considered to directly impact on the processing of personal data.*

## Privacy Impact Assessment (PIA) – Screening Tool

**2. Will the proposal involve the processing<sup>11</sup> of information that could be used to identify individuals (personal data)?**

✓ No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

**3. Has privacy impact screening or assessment already been carried out?**

Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

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<sup>11</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.

# Privacy Impact Assessment (PIA) – Screening Tool

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	<input type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
	<input type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
	<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
	<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
	<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
	<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
	<input type="checkbox"/> Physical / mental health or condition	<input type="checkbox"/> Tax, benefits or pensions records
	<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
	<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

*Details:*

## 5. For the personal data being processed, please indicate:

Who the Data Controller is: (see notes section for the definition of a Data Controller)	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: (see notes section for the definition of a Data Processor).	<i>Details: In the case of data processors, please indicate the personal data each has responsibility for.</i>
Will the data be shared?	<i>Details: Please specify if the data will be shared internally with other parts of the</i>

# Privacy Impact Assessment (PIA) – Screening Tool

	<i>Welsh Government or externally with third parties. Also indicate if the personal data being shared is non-identifiable / anonymised.</i>
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## 6. What is the legal basis for processing the data?

*Details:*

*All of the Welsh Government's powers are derived from statute. Please identify the legal power the Welsh Government is exercising to carry out this proposal.*

## 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*

*For example, have you been collecting personal information from individuals for a particular purpose and would now like to use that information for a different purpose?*

## Data Handling

## 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.       No – Go to Q9.

*Details:*

*For example, are you planning to compare or link the data that you collect with data held in another database?*

## 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.       No – Go to Q10.

*Details:*

## Technology

## 10. Will the proposal involve the introduction of privacy-intrusive technologies such as:

Yes – Please provide details below.       No – Go to Q11.

<input type="checkbox"/> Smart cards	<input type="checkbox"/> Digital image and video recording
<input type="checkbox"/> RFID tags <i>(radio-frequency identification)</i>	<input type="checkbox"/> Profiling, data mining or logging of electronic traffic <i>(process to identify patterns in large data sets)</i>

## Privacy Impact Assessment (PIA) – Screening Tool

- |  |   |
|--|---|
| <input type="checkbox"/> Biometrics                      | <input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking) |
| <input type="checkbox"/> Visual surveillance (e.g. CCTV) | <input type="checkbox"/> Other (please specify Details below)                   |

*Details:*

### **Identity**

**11. Will the proposal involve new or changed identity management or authentication processes?**

- Yes – Please provide details below.       No – Go to Q12.

*Details:*

**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

- Yes – Please provide details below.       No

*Details:*

# Privacy Impact Assessment (PIA) – Screening Tool

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## Notes

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

## Privacy Impact Assessment (PIA) – Screening Tool

### For completion by IRU:

**Is a formal PIA assessment required for this proposal?**

Yes       No

No personal data being processed.

**Has advice on DPA compliance been provided?**

Yes       No

N/A – No personal data being processed.

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Notification of initiation of development and display of notice.
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6565526

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

*Details:*

**Proposals to reform the planning system in Wales that will comprise of the following elements as described below:-**

- **Notification of Initiation of Development.** *This provision will require developers who have obtained planning consent for development to notify the relevant local planning authority of the date on which the development is to begin and the details of the planning permission to be implemented. This provision is a new procedural requirement with regards to the planning application process and is not considered to result in the processing of personal data.*
- **Display of Notice.** *This provision will require the developer to display on or near the development site a notice of a decision to grant planning permission for that development. This provision is a new procedural requirement with regards to the planning application process and is not considered to result in the processing of any additional personal data on those responsible for the development proposal granted planning consent.*



## Privacy Impact Assessment (PIA) – Screening Tool

**2. Will the proposal involve the processing<sup>12</sup> of information that could be used to identify individuals (personal data)?**

✓ No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

**3. Has privacy impact screening or assessment already been carried out?**

Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

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<sup>12</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.

# Privacy Impact Assessment (PIA) – Screening Tool

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	}	<input type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
		<input type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
		<input type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
		<input type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
		<input type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
		<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	}	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
		<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
		<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
		<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
		<input type="checkbox"/> Physical / mental health or condition	<input type="checkbox"/> Tax, benefits or pensions records
		<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
		<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
		<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

<i>Details:</i>
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## 5. For the personal data being processed, please indicate:

Who the Data Controller is: <i>(see notes section for the definition of a Data Controller)</i>	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: <i>(see notes section for the definition of a Data Processor).</i>	<i>Details: In the case of data processors, please indicate the personal data each has responsibility for.</i>

# Privacy Impact Assessment (PIA) – Screening Tool

Will the data be shared?	<i>Details: Please specify if the data will be shared internally with other parts of the Welsh Government or externally with third parties. Also indicate if the personal data being shared is non-identifiable / anonymised.</i>

## 6. What is the legal basis for processing the data?

*Details:*

*All of the Welsh Government's powers are derived from statute. Please identify the legal power the Welsh Government is exercising to carry out this proposal.*

## 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*

*For example, have you been collecting personal information from individuals for a particular purpose and would now like to use that information for a different purpose?*

## Data Handling

### 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.       No – Go to Q9.

*Details:*

*For example, are you planning to compare or link the data that you collect with data held in another database?*

### 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.       No – Go to Q10.

*Details:*

## Technology

### 10. Will the proposal involve the introduction of privacy-intrusive technologies such as:

Yes – Please provide details below.       No – Go to Q11.

<input type="checkbox"/> Smart cards	<input type="checkbox"/> Digital image and video recording
<input type="checkbox"/> RFID tags	<input type="checkbox"/> Profiling, data mining or logging of

# Privacy Impact Assessment (PIA) – Screening Tool

<i>(radio-frequency identification)</i>	electronic traffic <i>(process to identify patterns in large data sets)</i>
<input type="checkbox"/> Biometrics	<input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)
<input type="checkbox"/> Visual surveillance (e.g. CCTV)	<input type="checkbox"/> Other (please specify Details below)
<i>Details:</i>	

## **Identity**

**11. Will the proposal involve new or changed identity management or authentication processes?**

- Yes – Please provide details below.       No – Go to Q12.

<i>Details:</i>
-----------------

**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

- Yes – Please provide details below.       No

<i>Details:</i>
-----------------

# Privacy Impact Assessment (PIA) – Screening Tool

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## Notes

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

## Privacy Impact Assessment (PIA) – Screening Tool

### For completion by IRU:

Is a formal PIA assessment required for this proposal?

Yes       No

No personal data being processed.

Has advice on DPA compliance been provided?

Yes       No

N/A – No personal data being processed.

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Provisions for consultation with statutory consultees.
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6565535

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

### *Details:*

**Proposals to reform the planning system in Wales with regards to consulting with statutory consultees on planning applications. For information, statutory consultees can be defined as organisations and bodies as specified in legislation that must be consulted on certain types of planning applications. They provide specialist, technical advice on development proposals.**

**The proposals for statutory consultees will comprise of the following elements as described below:-**

- **Developers to consult statutory consultees before planning applications are submitted for particular types of development. The list of statutory consultees will be set out in a development order and is likely to include bodies such as Natural Resources Wales, Network Rail and the Sports Council for Wales. The type of development proposals affected by this provision will be defined in a development order but will relate to larger scale developments, and is likely to replicate the existing definition of ‘Major Development’\*. Detail on how pre-application consultation with statutory consultees is to be carried out (i.e. timescales and requirements for statutory consultees to report to Welsh Ministers on**

## Privacy Impact Assessment (PIA) – Screening Tool

**compliance) will also be set out in secondary legislation.**

*This provision will involve exchanges of information between public bodies, planning consultancies that represent developers and large organisations that already have a statutory role in the planning system.*

*This provision will only affect proposals for larger scale development (likely to be “major development”, as described below). The proposal does not relate to small-scale development proposals, such as individual householder applications.*

*\*For information, Major Development is defined under Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order. The definition for Major Development includes dwellinghouses of 10 or more units and industrial/commercial floor space of 1,000 square metres or more.*

- **When local planning authority consults a statutory consultee following submission of a planning application, they cannot determine the application before period specified in a development order.** *This is a technical provision with regards to procedure for consulting with statutory consultees following the submission of any planning applications and will not result in the processing of any personal data.*
- **Duty on those statutory consultees consulted on the planning application to provide a ‘substantive response’ to any consultation request.** *This provision will require statutory consultees to provide a certain amount of details with their consultation responses before they are acceptable – i.e. it has to be substantive. This is a technical provision with regards to procedure for consulting with statutory consultees following the submission of any planning applications and will not result in the processing of any personal data.*
- **Duty on statutory consultees to provide reports to the Welsh Ministers on their performance – i.e. a ‘performance report’.** *This provision will require statutory consultees to report on their performance to the Welsh Ministers. The statutory consultees will be sharing data regarding their own organisations / body.*
- **Detail in respect of consultation carried out by local planning authorities with statutory consultees on a submitted planning application (for example what constitutes a ‘substantive response’) to be provided in secondary legislation.** *This will allow further technical provisions to be set out in secondary legislation with regards to procedure for consulting with statutory consultees following the submission of any planning applications and will not result in the processing of any personal data.*

### 2. Will the proposal involve the processing<sup>13</sup> of information that could be used to identify individuals (personal data)?

✓  No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

<sup>13</sup> The term ‘processing’ includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.



# Privacy Impact Assessment (PIA) – Screening Tool

### 3. Has privacy impact screening or assessment already been carried out?

Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

N/A

### 4. Please tick the personal data items that will be processed:

- |                  |   |   |  |
|------------------|---|---|--|
| <b>Personal</b>  | } | <input type="checkbox"/> Name   | <input type="checkbox"/> Telephone Numbers   |
|                  |   | <input type="checkbox"/> Home Address   | <input type="checkbox"/> Date of Birth   |
|                  |   | <input type="checkbox"/> Business Address   | <input type="checkbox"/> Driving Licence Number  |
|                  |   | <input type="checkbox"/> Postcode   | <input type="checkbox"/> Passport / ID Card Number   |
|                  |   | <input type="checkbox"/> Email Addresses  | <input type="checkbox"/> Photographs / images<br>(which could be used to identify an individual) |
|                  |   | <input type="checkbox"/> Unique identifying number<br>e.g. store loyalty card, library card etc | <input type="checkbox"/> Other (please specify)  |
| <b>Sensitive</b> | } | <input type="checkbox"/> Racial / Ethnic Origins  | <input type="checkbox"/> Biometric data e.g. DNA, finger-prints                                  |
|                  |   | <input type="checkbox"/> Political opinions   | <input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)      |
|                  |   | <input type="checkbox"/> Religious beliefs  | <input type="checkbox"/> Mother's maiden name  |
|                  |   | <input type="checkbox"/> Trade Union membership   | <input type="checkbox"/> NI Number (or equivalent)   |
|                  |   | <input type="checkbox"/> Physical / mental health or condition                                  | <input type="checkbox"/> Tax, benefits or pensions records                                       |
|                  |   | <input type="checkbox"/> Sexual life  | <input type="checkbox"/> Health or social service records e.g. Housing or Child Protection       |
|                  |   | <input type="checkbox"/> Criminal & court records (inc. alleged offences)                       | <input type="checkbox"/> Employment records (inc. self-employment and voluntary work)            |
|                  |   | <input type="checkbox"/> Educational records  | <input type="checkbox"/> Other (please specify)  |

*Details:*

N/A

# Privacy Impact Assessment (PIA) – Screening Tool

## 5. For the personal data being processed, please indicate:

Who the Data Controller is:	<i>Details:</i>
Any Data Processors:	<i>Details:</i>
Will the data be shared?	<i>Details:</i>

## 6. What is the legal basis for processing the data?

*Details:*

## 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*

### **Data Handling**

## 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.      No – Go to Q9.

*Details:*

## 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.     No – Go to Q10.

*Details:*

### **Technology**

## 10. Will the proposal involve the introduction of privacy-intrusive technologies such as:

Yes – Please provide details below.      No – Go to Q11.

<input type="checkbox"/> Smart cards	<input type="checkbox"/> Digital image and video recording
<input type="checkbox"/> RFID tags (radio-frequency identification)	<input type="checkbox"/> Profiling, data mining or logging of electronic traffic (process to identify patterns in large data sets)

## Privacy Impact Assessment (PIA) – Screening Tool

Biometrics

Locator technologies (e.g. GPS, mobile phone tracking)

Visual surveillance (e.g. CCTV)

Other (please specify Details below)

*Details:*

### **Identity**

**11. Will the proposal involve new or changed identity management or authentication processes?**

Yes – Please provide details below.      No – Go to Q12.

*Details:*

**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

Yes – Please provide details below.     No

# Privacy Impact Assessment (PIA) – Screening Tool

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

## **Notes**

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

# Privacy Impact Assessment (PIA) – Screening Tool

## For completion by IRU:

Is a formal PIA assessment required for this proposal?

Yes       No

*On the basis of the information provided, no personal data is being processed.*

Has advice on DPA compliance been provided?

Yes       No

*On the basis of the information provided, no personal data is being processed.:*

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Stopping up or diversion of public paths and highways in respect of proposals for development.
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6569596

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

*Details:*

**Proposals to reform the planning system in Wales that will comprise of the following elements as described below:-**

- **Stopping Up and Diversion of Highways at the Planning Application Stage.** *Existing legislation currently enables a draft order for stopping up or diversion of a highway to be published at the planning application stage (Section 253 of the Town and Country Planning Act 1990). This proposal will allow for the Bill provisions regarding direct applications to be made to the Welsh Ministers to be included in the scope of this legislation.*

*This is considered to be a technical amendment to existing legislation that will enable stopping up and diversion orders in respect of highways to be made with regards to one of the proposed changes to the planning applications procedures outlined in the Bill – i.e. direct planning application to Welsh Ministers. Therefore, this proposal is not considered to result in the processing of any personal data.*

- **Stopping Up and Diversion of Public Paths.** *Existing legislation currently enables an order authorising the stopping up or diversion of footpaths (and*

## Privacy Impact Assessment (PIA) – Screening Tool

*certain other paths) where this is necessary in order to enable development to be carried out in accordance with the planning permission. This proposal will allow for such an order to be made in anticipation of planning permission, which will streamline the process. It is also proposed that the Bill provisions regarding direct applications to be made to the Welsh Ministers will be included in the scope of this legislation.*

*These are considered to be technical amendments to existing legislation that will enable new provisions regarding stopping up and diversion orders in respect of public paths. They are not considered to result in the processing of any personal data.*

*There are other technical amendments proposed to existing legislation (Section 259 of the Town and Country Planning Act 1990) so that such a stopping up or diversion order may not be confirmed by a competent authority or Welsh Ministers until planning permission has actually been granted and unless satisfied that it is necessary to enable the development to be carried out. Again these are considered to be technical amendments to legislation regarding stopping up and diversion orders that will not impact on the processing of any personal data.*

### **2. Will the proposal involve the processing<sup>14</sup> of information that could be used to identify individuals (personal data)?**

No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

### **3. Has privacy impact screening or assessment already been carried out?**

Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

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<sup>14</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.

# Privacy Impact Assessment (PIA) – Screening Tool

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	<input type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
	<input type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
	<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
	<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
	<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
	<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
	<input type="checkbox"/> Physical / mental health or condition	<input type="checkbox"/> Tax, benefits or pensions records
	<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
	<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

*Details:*

## 5. For the personal data being processed, please indicate:

Who the Data Controller is: (see notes section for the definition of a Data Controller)	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: (see notes section for the definition of a	<i>Details: In the case of data processors, please indicate the personal data each</i>



## Privacy Impact Assessment (PIA) – Screening Tool

<i>Data Processor).</i>	<i>has responsibility for.</i>
Will the data be shared?	<i>Details: Please specify if the data will be shared internally with other parts of the Welsh Government or externally with third parties. Also indicate if the personal data being shared is non-identifiable / anonymised.</i>

### 6. What is the legal basis for processing the data?

*Details:*

*All of the Welsh Government's powers are derived from statute. Please identify the legal power the Welsh Government is exercising to carry out this proposal.*

### 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*

*For example, have you been collecting personal information from individuals for a particular purpose and would now like to use that information for a different purpose?*

### **Data Handling**

### 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.       No – Go to Q9.

*Details:*

*For example, are you planning to compare or link the data that you collect with data held in another database?*

### 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.       No – Go to Q10.

*Details:*

# Privacy Impact Assessment (PIA) – Screening Tool

## **Technology**

**10. Will the proposal involve the introduction of privacy-intrusive technologies such as:**

Yes – Please provide details below.       No – Go to Q11.

<input type="checkbox"/> Smart cards	<input type="checkbox"/> Digital image and video recording
<input type="checkbox"/> RFID tags <i>(radio-frequency identification)</i>	<input type="checkbox"/> Profiling, data mining or logging of electronic traffic <i>(process to identify patterns in large data sets)</i>
<input type="checkbox"/> Biometrics	<input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)
<input type="checkbox"/> Visual surveillance (e.g. CCTV)	<input type="checkbox"/> Other (please specify Details below)
<i>Details:</i>	

## **Identity**

**11. Will the proposal involve new or changed identity management or authentication processes?**

Yes – Please provide details below.       No – Go to Q12.

<i>Details:</i>
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**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

Yes – Please provide details below.       No

<i>Details:</i>
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# Privacy Impact Assessment (PIA) – Screening Tool

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## Notes

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

## Privacy Impact Assessment (PIA) – Screening Tool

### For completion by IRU:

**Is a formal PIA assessment required for this proposal?**

Yes       No

No personal data being processed.

**Has advice on DPA compliance been provided?**

Yes       No

N/A – No personal data being processed.

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Planning Committees, role of Members and delegation - Introduce a national scheme of delegation for officers to determine planning applications and prescribe the size, make-up and procedures within which Local Planning Authority Committees should operate.
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6565626

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

### *Details:*

**Proposals to reform the planning system in Wales that will comprise of the following elements as described below:-**

- **Introduce a national scheme of delegation.** This provision will enable Welsh Ministers by means of regulations to require a local planning authority to make arrangements for the discharge of functions relating to planning applications by a committee, sub-committee or an officer of the Authority. In practice, it will enable Welsh Ministers to set out the circumstances where a planning application is to be determined by Planning Committee and circumstances where it can be determined by an officer of the Authority; and
- **Size and composition within which Local Planning Authority Committees should operate.** This provision will allow for Welsh Ministers by regulations to prescribe requirements relating to the size and composition of planning committees.

## Privacy Impact Assessment (PIA) – Screening Tool

The above provisions are considered to be procedural changes to the ways planning applications are determined by local planning authorities and will not result in the processing of information that could be classified as personal data.

**2. Will the proposal involve the processing<sup>15</sup> of information that could be used to identify individuals (personal data)?**

No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

**3. Has privacy impact screening or assessment already been carried out?**

Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

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<sup>15</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.

# Privacy Impact Assessment (PIA) – Screening Tool

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	<input type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
	<input type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
	<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
	<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
	<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
	<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
	<input type="checkbox"/> Physical / mental health or condition	<input type="checkbox"/> Tax, benefits or pensions records
	<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
	<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

*Details:*

## 5. For the personal data being processed, please indicate:

Who the Data Controller is: (see notes section for the definition of a Data Controller)	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: (see notes section for the definition of a Data Processor).	<i>Details: In the case of data processors, please indicate the personal data each has responsibility for.</i>
Will the data be shared?	<i>Details: Please specify if the data will be shared internally with other parts of the</i>

# Privacy Impact Assessment (PIA) – Screening Tool

	<i>Welsh Government or externally with third parties. Also indicate if the personal data being shared is non-identifiable / anonymised.</i>
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## 6. What is the legal basis for processing the data?

*Details:*

*All of the Welsh Government's powers are derived from statute. Please identify the legal power the Welsh Government is exercising to carry out this proposal.*

## 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*

*For example, have you been collecting personal information from individuals for a particular purpose and would now like to use that information for a different purpose?*

## Data Handling

## 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.       No – Go to Q9.

*Details:*

*For example, are you planning to compare or link the data that you collect with data held in another database?*

## 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.       No – Go to Q10.

*Details:*

## Technology

## 10. Will the proposal involve the introduction of privacy-intrusive technologies such as:

Yes – Please provide details below.       No – Go to Q11.

<input type="checkbox"/> Smart cards	<input type="checkbox"/> Digital image and video recording
<input type="checkbox"/> RFID tags <i>(radio-frequency identification)</i>	<input type="checkbox"/> Profiling, data mining or logging of electronic traffic <i>(process to identify patterns in large data)</i>



## Privacy Impact Assessment (PIA) – Screening Tool

<input type="checkbox"/> Biometrics	<i>sets)</i>
<input type="checkbox"/> Visual surveillance (e.g. CCTV)	<input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)
	<input type="checkbox"/> Other (please specify Details below)
<i>Details:</i>	

### **Identity**

**11. Will the proposal involve new or changed identity management or authentication processes?**

Yes – Please provide details below.       No – Go to Q12.

<i>Details:</i>
-----------------

**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

Yes – Please provide details below.       No

<i>Details:</i>
-----------------

# Privacy Impact Assessment (PIA) – Screening Tool

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## Notes

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

# Privacy Impact Assessment (PIA) – Screening Tool

**For completion by IRU:**

**Is a formal PIA assessment required for this proposal?**

Yes       No

No personal data being processed.

**Has advice on DPA compliance been provided?**

Yes       No

N/A – No personal data being processed.

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Enforcement provisions
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Craddock(Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6565646

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>d</sup> parties.*

*Details:*

### **Proposals to improve the planning enforcement system in Wales that will make provision for the following:**

- a) Enabling local planning authorities to issue enforcement warning notices;
- b) About circumstances in which a person who appeals against an enforcement notice is deemed to have applied for planning permission;
- c) About circumstances in which a person may not appeal against the refusal of an application for planning permission or against an enforcement notice; and
- d) For appeals against notices in respect of land adversely affecting amenity to be made to the Welsh Ministers.

The above are provisions to improve the planning enforcement system, designed to secure prompt effective action and provide greater clarity in the enforcement process. They are provisions that primarily involve changes to procedure only and will not result in the processing of any personal data. The only mechanism where it is considered a new process will be introduced for the processing of personal data is for

## Privacy Impact Assessment (PIA) – Screening Tool

the proposals enabling local planning authorities to issue enforcement warning notices. This will result in local planning authorities processing data on landowners that have breached planning control in order to issue them with an enforcement warning notice. This notice will in effect make it clear to the offending party that they have committed a breach and that further enforcement action may be taken unless they apply for retrospective planning permission.

**2. Will the proposal involve the processing<sup>16</sup> of information that could be used to identify individuals (personal data)?**

No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

**3. Has privacy impact screening or assessment already been carried out?**

Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

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<sup>16</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.

# Privacy Impact Assessment (PIA) – Screening Tool

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	<input checked="" type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
	<input checked="" type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input checked="" type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
	<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
	<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
	<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
	<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
	<input type="checkbox"/> Physical / mental health or condition	<input type="checkbox"/> Tax, benefits or pensions records
	<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
	<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

**Details:**

Will require the processing of data by local planning authorities on those landowners in breach of planning control in order to issue them with an enforcement warning notice. This data will be publicly available to view on the planning register. There are other mechanisms currently undertaken by local planning authorities for the processing of personal data on landowners in breach of planning control which require the processing of such data in a similar way, such as for the serving of an enforcement notice. Therefore the proposed procedure for issuing of enforcement warning notices is not considered to introduce any additional processing of personal data on landowners that have breached planning control to what currently occurs by local planning authorities in practice.

## Privacy Impact Assessment (PIA) – Screening Tool

**5. For the personal data being processed, please indicate:**

<p>Who the Data Controller is: <i>Local Planning Authority</i></p>	<p><i>Details:</i> <i>Will oversee the processing of data on landowners in breach of planning control as part of the proposals to issue enforcement warning notices.</i></p>
<p>Any Data Processors: <i>N/A</i></p>	<p><i>Details:</i> <i>N/A</i></p>
<p>Will the data be shared?</p>	<p><i>Details:</i> <i>Details on the landowners in breach of planning control will be made publicly available on the planning register. This already occurs in practice as part of existing enforcement procedures where a local planning authority serves an enforcement notice. Without the introduction of enforcement warning notices the fall-back position is the current one, where local planning authorities must resort to serving an enforcement notice. It is therefore not considered to result in the sharing of any additional personal data on landowners in breach of planning control to what is currently shared.</i></p>

# Privacy Impact Assessment (PIA) – Screening Tool

## 6. What is the legal basis for processing the data?

*Details:*

*The final Planning (Wales) Bill to be introduced to the National Assembly contains provisions enabling local planning authorities to issue enforcement warning notices.*

## 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*

*The proposals will introduce a new process by which personal data is processed on landowners in breach of planning control. Notwithstanding this, it is considered that the proposals should not involve new or significantly changed processing of personal data on those in breach of planning control to what already occurs by local planning authorities in practice through other mechanisms, such as when serving an enforcement notice.*

### **Data Handling**

## 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.       No – Go to Q9.

*Details:*

N/A

## 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.       No – Go to Q10.

*Details:*

*The proposals will introduce a new process by which personal data is processed on landowners in breach of planning control. Notwithstanding this, it is considered that the proposals should not involve new or significantly changed processing of personal data on those in breach of planning control to what already occurs by local planning authorities in practice through other mechanisms, such as when serving an enforcement notice.*



# Privacy Impact Assessment (PIA) – Screening Tool

## **Technology**

**10. Will the proposal involve the introduction of privacy-intrusive technologies such as:**

Yes – Please provide details below.       No – Go to Q11.

<input type="checkbox"/> Smart cards	<input type="checkbox"/> Digital image and video recording
<input type="checkbox"/> RFID tags <i>(radio-frequency identification)</i>	<input type="checkbox"/> Profiling, data mining or logging of electronic traffic <i>(process to identify patterns in large data sets)</i>
<input type="checkbox"/> Biometrics	<input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)
<input type="checkbox"/> Visual surveillance (e.g. CCTV)	<input type="checkbox"/> Other (please specify Details below)
<i>Details:</i>	

## **Identity**

**11. Will the proposal involve new or changed identity management or authentication processes?**

Yes – Please provide details below.       No – Go to Q12.

<i>Details:</i>
-----------------

**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

Yes – Please provide details below.       No

<i>Details:</i>
Yes, with regards to those landowners who have breached planning control, where the local authority consider it expedient to take enforcement action and where they consider the unauthorised development could be made acceptable through control. However, existing enforcement procedures already allow for such landowners to be identified and therefore the proposed provisions are not considered to identify any new information about such individuals as part of the planning enforcement process.

# Privacy Impact Assessment (PIA) – Screening Tool

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## Notes

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

# Privacy Impact Assessment (PIA) – Screening Tool

## For completion by IRU:

Is a formal PIA assessment required for this proposal?

Yes  No

A formal PIA is not required for this proposal because the privacy expectations of the data subjects (the landowner / developer) can be managed by providing them with appropriate fair processing i.e. data subjects are aware that if they breach planning control they will be issued with an enforcement warning notice.

If the developer is a company, then the personal data being processed (name; address; postcode) will be in the capacity of their work role within the company. Where this is the case, the Information Commissioner recognises that there is a distinction between personal data relating to an individuals professional life (public / work role) and their private life. The Information Commissioner also recognises that within an individuals' public role some information would be more sensitive or genuinely personal than other e.g. an individuals contact details for a job compared with details of an individuals sickness absence. The personal data identified by this proposal (Q4) is in the former category and so does not impact adversely on the privacy expectations of the individual (data subject). A formal PIA would not be warranted in such a case.

Has advice on DPA compliance been provided?

Yes  No

The DPA puts the onus of compliance on the data controller. As indicated in the response to Q5, the Local Planning Authorities will be the data controllers so the onus of DPA compliance will be on them and not the Welsh Government.

Whenever personal data is processed, the data controller needs to ensure that it is compliant with the DPA. The DPA sets out 8 [data protection principles](#) that need to be satisfied, but in respect of this proposal, the key issue is complying with the fair aspect of the first data protection principle.

The first data protection principle states:

*Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –*

- (a) at least one of the conditions in [Schedule 2](#) is met and,*
- (b) in the case of sensitive personal data, at least one of the conditions in [Schedule 3](#) is also met.*

The fair aspect of the first principle will be satisfied by ensuring appropriate fair processing is provided to those data subjects whose personal data is being processed. Fair processing should include details of who the data controller is, what personal data is needed, why, who will have access to it (this includes where personal data is made publically available), what use will be made of it and how long it will be retained.

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Appeals - no variation of application after service of notice on appeal, no new matters to be raised on appeal and awarding of costs.
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6565542

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

*Details:*

**Proposals to reform the planning system in Wales that will comprise of the following elements as described below:-**

- **No variation of application following service of notice of appeal.** *This provision is a technical amendment to the planning appeal system that is proposed to ensure a more timely and transparent process. It is not considered that this provision will affect the processing of personal data;*
- **Allow the Welsh Ministers to make regulations which prevent appellants from raising new matters at an appeal which have not been previously raised during the application stage unless it had been shown that the matter could not have been raised at that time.** *This provision is a technical amendment to the planning appeal system that is proposed to ensure a more timely and transparent process. In usual circumstances, it is not considered that this provision will affect the processing of personal data;*
- **Provision for costs to be awarded in respect of an appeal or reference to the Welsh Ministers in Wales.** *This provision is a technical amendment that will ensure a fair distribution of costs for those engaging in the planning appeals process and is not considered to affect the processing of personal*

## Privacy Impact Assessment (PIA) – Screening Tool

*data.*

- **Provision for costs to be awarded in respect of an appeal or reference to the Welsh Ministers in Wales which is examined by means of written representations.** *This provision is a technical amendment that will ensure a fair distribution of costs for those engaging in the planning appeals process and is not considered to affect the processing of personal data.*

### 2. Will the proposal involve the processing<sup>17</sup> of information that could be used to identify individuals (personal data)?

No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

### 3. Has privacy impact screening or assessment already been carried out?

Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

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<sup>17</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.

# Privacy Impact Assessment (PIA) – Screening Tool

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	<input type="checkbox"/> Name	<input type="checkbox"/> Telephone Numbers
	<input type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
	<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
	<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
	<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
	<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
	<input type="checkbox"/> Physical / mental health or condition	<input type="checkbox"/> Tax, benefits or pensions records
	<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
	<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
	<input type="checkbox"/> Educational records	<input type="checkbox"/> Other (please specify)

<i>Details:</i>
-----------------

## 5. For the personal data being processed, please indicate:

Who the Data Controller is: (see notes section for the definition of a Data Controller)	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: (see notes section for the definition of a Data Processor).	<i>Details: In the case of data processors, please indicate the personal data each has responsibility for.</i>

# Privacy Impact Assessment (PIA) – Screening Tool

Will the data be shared?

*Details: Please specify if the data will be shared internally with other parts of the Welsh Government or externally with third parties.  
Also indicate if the personal data being shared is non-identifiable / anonymised.*

## 6. What is the legal basis for processing the data?

*Details:*

*All of the Welsh Government's powers are derived from statute. Please identify the legal power the Welsh Government is exercising to carry out this proposal.*

## 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*

*For example, have you been collecting personal information from individuals for a particular purpose and would now like to use that information for a different purpose?*

### **Data Handling**

## 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.       No – Go to Q9.

*Details:*

*For example, are you planning to compare or link the data that you collect with data held in another database?*

## 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.       No – Go to Q10.

*Details:*

### **Technology**

## 10. Will the proposal involve the introduction of privacy-intrusive technologies such as:

Yes – Please provide details below.       No – Go to Q11.

<input type="checkbox"/> Smart cards	<input type="checkbox"/> Digital image and video recording
<input type="checkbox"/> RFID tags (radio-frequency identification)	<input type="checkbox"/> Profiling, data mining or logging of electronic traffic

## Privacy Impact Assessment (PIA) – Screening Tool

<input type="checkbox"/> Biometrics	<i>(process to identify patterns in large data sets)</i>
<input type="checkbox"/> Visual surveillance (e.g. CCTV)	<input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)
	<input type="checkbox"/> Other (please specify Details below)
<i>Details:</i>	

### **Identity**

**11. Will the proposal involve new or changed identity management or authentication processes?**

- Yes – Please provide details below.       No – Go to Q12.

*Details:*

**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

- Yes – Please provide details below.       No

*Details:*



# Privacy Impact Assessment (PIA) – Screening Tool

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## Notes

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

## Privacy Impact Assessment (PIA) – Screening Tool

### For completion by IRU:

**Is a formal PIA assessment required for this proposal?**

Yes       No

No personal data being processed.

**Has advice on DPA compliance been provided?**

Yes       No

N/A – No personal data being processed.

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Town and Village Greens – Prohibit applications being made to register land as a town and village green where that land has entered the planning system and enable landowners to submit declarations to the commons registration authority, preventing the registration of land as a Town and Village Green.
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6565593

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

### *Details:*

**Proposals to reform the planning system in Wales that will comprise of the following elements as described below:-**

- **Prohibition of applications being made to register land as a town and village green where that land has entered the planning system.** *The provision will prevent any applications being made to register land as a town and village green where that land is going through the statutory planning process (for example, the land has been identified for development in a development plan, has received planning permission or there is currently a planning application being considered for its development). This provision is a technical amendment to the process of registering land as a town and village green and will not affect the processing of personal data;*
- **Enabling landowners to submit declarations to the commons registration authority.** *The provision will allow for landowners to submit*

## Privacy Impact Assessment (PIA) – Screening Tool

*declarations to the relevant commons registration authority which will have the purpose of allowing landowners to retain public access to their land with their consent rather than ‘as of right’. Details of the land declared and the landowner will be set out in a relevant commons registration authority’s register. Publicity arrangements for declarations will be carried out by the relevant commons registration authority in order for local communities to be aware that a landowner has made a declaration. Publicity arrangements and the form and content of the declaration are proposed to be set out by Welsh Ministers in secondary legislation.*

*The provision will result in the processing of personal data where details of landowner declarations will be set out in a register. As the register is to be kept by the commons registration authority, they will be responsible for setting out the land declared and landowner details in the register. The register will be publicly available to view. Data will be made available to third parties.*

### **2. Will the proposal involve the processing<sup>18</sup> of information that could be used to identify individuals (personal data)?**

No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

### **3. Has privacy impact screening or assessment already been carried out?**

Yes – Please provide details below.       No

*Details of completed PIA (date; outcomes)*

N/A

<sup>18</sup> The term ‘processing’ includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.

# Privacy Impact Assessment (PIA) – Screening Tool

## 4. Please tick the personal data items that will be processed:

<b>Personal</b>	<input checked="" type="checkbox"/> Name	<input checked="" type="checkbox"/> Telephone Numbers
	<input checked="" type="checkbox"/> Home Address	<input type="checkbox"/> Date of Birth
	<input checked="" type="checkbox"/> Business Address	<input type="checkbox"/> Driving Licence Number
	<input checked="" type="checkbox"/> Postcode	<input type="checkbox"/> Passport / ID Card Number
	<input type="checkbox"/> Email Addresses	<input type="checkbox"/> Photographs / images (which could be used to identify an individual)
	<input type="checkbox"/> Unique identifying number e.g. store loyalty card, library card etc	<input type="checkbox"/> Other (please specify)
<b>Sensitive</b>	<input type="checkbox"/> Racial / Ethnic Origins	<input type="checkbox"/> Biometric data e.g. DNA, finger-prints
	<input type="checkbox"/> Political opinions	<input type="checkbox"/> Personal financial information ( e.g. bank or credit card details)
	<input type="checkbox"/> Religious beliefs	<input type="checkbox"/> Mother's maiden name
	<input type="checkbox"/> Trade Union membership	<input type="checkbox"/> NI Number (or equivalent)
	<input type="checkbox"/> Physical / mental health or condition	<input type="checkbox"/> Tax, benefits or pensions records
	<input type="checkbox"/> Sexual life	<input type="checkbox"/> Health or social service records e.g. Housing or Child Protection
	<input type="checkbox"/> Criminal & court records (inc. alleged offences)	<input type="checkbox"/> Employment records (inc. self-employment and voluntary work)
	<input type="checkbox"/> Educational records	<input checked="" type="checkbox"/> Other (please specify)

**Details:**

The personal data items that will be processed is what we consider the landowner will provide to the commons registration authority when making a declaration (similar to what they currently provide in England). However, this detail has not yet been finalised and will be set out in secondary legislation.

The 'other' box that has been ticked in the sensitive items section is referring to the identification of land which the landowner has agreed to be retained for public access with their consent.

## Privacy Impact Assessment (PIA) – Screening Tool

### 5. For the personal data being processed, please indicate:

Who the Data Controller is: <i>Relevant commons registration authority.</i>	<i>Details: Will be responsible for processing declarations allowing landowners to retain public access to their land with their consent, rather than 'as of right'.  This processing will involve publishing a register and appropriate publicity requirements.</i>
Any Data Processors: <i>N/A</i>	<i>Details: N/A</i>
Will the data be shared? <i>Likely to be, yes.</i>	<i>Details: The data is likely to be shared by commons registration authority with local planning authorities. With the exception of national parks, the local planning authority will be the same as the commons registration authority.</i>

### 6. What is the legal basis for processing the data?

*Details:  
The final Planning (Wales) Bill to be introduced to the National Assembly will introduce provisions on Town and Village Greens. The provisions will amend the Commons Act 2006.*

### 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:  
Yes new process, whereby landowner's details will be processed in accordance with the proposals previously described.*

### **Data Handling**

### 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.       No – Go to Q9.

*Details:  
N/A*

### 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.       No – Go to Q10.

*Details:  
Details of landowners and land they have agreed to be retained for public access with their consent. However, it will be the landowner's choice if they wish to declare land for this purpose.*

# Privacy Impact Assessment (PIA) – Screening Tool

## **Technology**

**10. Will the proposal involve the introduction of privacy-intrusive technologies such as:**

Yes – Please provide details below.       No – Go to Q11.

<input type="checkbox"/> Smart cards	<input type="checkbox"/> Digital image and video recording
<input type="checkbox"/> RFID tags <i>(radio-frequency identification)</i>	<input type="checkbox"/> Profiling, data mining or logging of electronic traffic <i>(process to identify patterns in large data sets)</i>
<input type="checkbox"/> Biometrics	<input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)
<input type="checkbox"/> Visual surveillance (e.g. CCTV)	<input type="checkbox"/> Other (please specify Details below)
<i>Details:</i>	

## **Identity**

**11. Will the proposal involve new or changed identity management or authentication processes?**

Yes – Please provide details below.       No – Go to Q12.

<i>Details:</i>
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**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

Yes – Please provide details below.       No

<i>Details:</i>
<i>Details of landowners and land they have agreed to be retained for public access with their consent. However, it will be the landowner's choice if they wish to declare land for this purpose.</i>

# Privacy Impact Assessment (PIA) – Screening Tool

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## Notes

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A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.



# Privacy Impact Assessment (PIA) – Screening Tool

## For completion by IRU:

Is a formal PIA assessment required for this proposal?

Yes       No

A formal PIA is not required for this proposal because the privacy expectations of the data subjects (the landowner) can be managed by providing them with appropriate fair processing i.e. details of the land declared and the landowner in a public register.

Has advice on DPA compliance been provided?

Yes       No

The DPA puts the onus of compliance on the data controller. As indicated in response to Q5, the relevant commons registry authority will be the data controller so the onus of compliance will be on them and not the Welsh Government.

Whenever personal data is processed, the data controller needs to ensure that it is compliant with the DPA. The DPA sets out [8 data protection principles](#) that need to be satisfied, but in respect of this proposal, the key issue is complying with the fair aspect of the first data protection principle.

The first data protection principle states:

Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –

- (a) at least one of the conditions in [Schedule 2](#) is met and,
- (b) in the case of sensitive personal data, at least one of the conditions in [Schedule 3](#) is also met.

The fair aspect of the first principle will be satisfied by ensuring appropriate fair processing is provided to those data subjects whose personal data is being processed. Fair processing should include details of who the data controller is, what personal data is needed, why, who will have access to it (this includes the details of any sharing with third parties and that the register will be publicly available to view), what use will be made of it and how long it will be retained. Appropriate fair processing is vital when consent is being relied upon (as the schedule 2 and schedule 3 condition) because the consent is given for their personal data to be used in line with the fair processing provided. If the fair processing is not provided, or the personal data is not processed in line with it, then data subjects may argue the consent is not valid because it is not deemed to be informed.

# Privacy Impact Assessment (PIA) – Screening Tool

Please use the PIA Screening Tool to identify whether your proposal is likely to have an impact on privacy and require further assessment.

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

IRU will endeavour to respond within 5 working days.

<b>Title of Proposal:</b>	Planning (Wales) Bill – Classes of development – different provision for different classes of development by development order.
<b>Department:</b>	Natural Resources
<b>Lead Official:</b>	Bethan Cradock (Bill Manager) / Rosemary Thomas (SRO)
<b>Information Asset Owner:</b>	Neil Hemington
<b>PIA Reference Number:</b>	A6565556

## 1. Please describe your proposal:

- (i) *If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.*
- (ii) *Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.*

*Details:*

**Proposals to reform the planning system in Wales that will comprise of the following elements as described below:-**

- **Classes of development – different provision for different classes of development by development order.** *This provision will allow for Welsh Ministers by secondary legislation to set out different processes for the ways different types of planning applications are to be determined. This is a provision which will only allow Welsh Ministers the ability to set out these differences in processes by using secondary legislation; in this context the primary legislation allowing the Welsh Ministers to do this does not directly affect the processing of any personal data.*

## 2. Will the proposal involve the processing<sup>19</sup> of information that could be used to identify individuals (personal data)?

<sup>19</sup> The term 'processing' includes a wide range of activities such as collection, use, disclosure, retention or disposal of information.

# Privacy Impact Assessment (PIA) – Screening Tool

✓ No – There is no need to complete the remainder of this form. Please forward your answers to IRU at [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk)

Yes – Please complete the remainder of the form.

### 3. Has privacy impact screening or assessment already been carried out?

Yes – Please provide details below.  No

*Details of completed PIA (date; outcomes)*

### 4. Please tick the personal data items that will be processed:

#### Personal

- |   |  |
|---|--|
| <input type="checkbox"/> Name   | <input type="checkbox"/> Telephone Numbers   |
| <input type="checkbox"/> Home Address   | <input type="checkbox"/> Date of Birth   |
| <input type="checkbox"/> Business Address   | <input type="checkbox"/> Driving Licence Number  |
| <input type="checkbox"/> Postcode   | <input type="checkbox"/> Passport / ID Card Number   |
| <input type="checkbox"/> Email Addresses  | <input type="checkbox"/> Photographs / images<br>(which could be used to identify an individual) |
| <input type="checkbox"/> Unique identifying number<br>e.g. store loyalty card, library card etc | <input type="checkbox"/> Other (please specify)  |

#### Sensitive

- |   |   |
|---|---|
| <input type="checkbox"/> Racial / Ethnic Origins                          | <input type="checkbox"/> Biometric data e.g. DNA, finger-prints                             |
| <input type="checkbox"/> Political opinions                               | <input type="checkbox"/> Personal financial information ( e.g. bank or credit card details) |
| <input type="checkbox"/> Religious beliefs                                | <input type="checkbox"/> Mother's maiden name   |
| <input type="checkbox"/> Trade Union membership                           | <input type="checkbox"/> NI Number (or equivalent)  |
| <input type="checkbox"/> Physical / mental health or condition            | <input type="checkbox"/> Tax, benefits or pensions records                                  |
| <input type="checkbox"/> Sexual life                                      | <input type="checkbox"/> Health or social service records e.g. Housing or Child Protection  |
| <input type="checkbox"/> Criminal & court records (inc. alleged offences) | <input type="checkbox"/> Employment records (inc. self-employment and voluntary work)       |
| <input type="checkbox"/> Educational records                              | <input type="checkbox"/> Other (please specify)   |

*Details:*

# Privacy Impact Assessment (PIA) – Screening Tool

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## 5. For the personal data being processed, please indicate:

Who the Data Controller is: <i>(see notes section for the definition of a Data Controller)</i>	<i>Details: In the case of joint data controllers, please indicate the personal data each has responsibility for.</i>
Any Data Processors: <i>(see notes section for the definition of a Data Processor).</i>	<i>Details: In the case of data processors, please indicate the personal data each has responsibility for.</i>
Will the data be shared?	<i>Details: Please specify if the data will be shared internally with other parts of the Welsh Government or externally with third parties. Also indicate if the personal data being shared is non-identifiable / anonymised.</i>

## 6. What is the legal basis for processing the data?

*Details:*  
*All of the Welsh Government's powers are derived from statute. Please identify the legal power the Welsh Government is exercising to carry out this proposal.*

## 7. Will the proposal involve new or significantly changed processing of personal data about each individual?

*Details:*  
*For example, have you been collecting personal information from individuals for a particular purpose and would now like to use that information for a different purpose?*

## **Data Handling**

### 8. Will the personal data be consolidated, linked or matched with data from other sources?

Yes – Please provide details below.       No – Go to Q9.

*Details:*  
*For example, are you planning to compare or link the data that you collect with data held in another database?*

### 9. Does the proposal involve new or changed data collection, retention or sharing policies / practices for personal data?

Yes – Please provide details below.       No – Go to Q10.

# Privacy Impact Assessment (PIA) – Screening Tool

Details:

## **Technology**

**10. Will the proposal involve the introduction of privacy-intrusive technologies such as:**

Yes – Please provide details below.       No – Go to Q11.

<input type="checkbox"/> Smart cards	<input type="checkbox"/> Digital image and video recording
<input type="checkbox"/> RFID tags <i>(radio-frequency identification)</i>	<input type="checkbox"/> Profiling, data mining or logging of electronic traffic <i>(process to identify patterns in large data sets)</i>
<input type="checkbox"/> Biometrics	<input type="checkbox"/> Locator technologies (e.g. GPS, mobile phone tracking)
<input type="checkbox"/> Visual surveillance (e.g. CCTV)	<input type="checkbox"/> Other (please specify Details below)

Details:

## **Identity**

**11. Will the proposal involve new or changed identity management or authentication processes?**

Yes – Please provide details below.       No – Go to Q12.

Details:

**12. Will the proposal have the effect of enabling identification of individuals who were previously anonymous?**

Yes – Please provide details below.       No

Details:

# Privacy Impact Assessment (PIA) – Screening Tool

When complete, a copy of this document must be forwarded to the Information Rights Unit (IRU): [DataProtectionOfficer@wales.gsi.gov.uk](mailto:DataProtectionOfficer@wales.gsi.gov.uk) and copied to your [Information Asset Owner](#)

## Notes

**Data controller** means a person who (either alone or jointly in common with other persons) determines the purpose(s) for which and the manner in which any personal data are, or are to be, processed.

A data controller must be a “person” recognised in law i.e.:

- individuals;
- organisations; and
- other corporate and unincorporated bodies of persons.

Data controllers will usually be organisations, but can individuals e.g. the self employed / sole traders. Even if an individual is given responsibility for data protection in an organisation, they will be acting on behalf of the organisation, which will be the data controller.

In relation to data controllers, the term ‘jointly’ is used where two or more data controllers act together to decide the purpose and manner of any data processing. The term ‘in common’ applies where two or more data controllers share a pool of personal data that they process independently of each other.

Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

**Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Data processors are not directly subject to the DPA (although most will also be a data controller in their own right for the processing they do for their own administrative purposes). Data controllers remain responsible for ensuring their processing complies with the DPA, whether they do the processing in-house or by engaging a data processor. Where roles and responsibilities are unclear, they will need to be clarified to ensure that personal data is processed in accordance with the data protection principles.

## Privacy Impact Assessment (PIA) – Screening Tool

### For completion by IRU:

**Is a formal PIA assessment required for this proposal?**

Yes       No

No personal data being processed.

**Has advice on DPA compliance been provided?**

Yes       No

N/A – No personal data being processed.