



Privacy Notice No:	56
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<b>Service Area:</b>	Property Services
<b>Work Area:</b>	Estates
<b>Contact Details:</b>	Tel: 01443 863333 Email: <a href="mailto:property@caerphilly.gov.uk">property@caerphilly.gov.uk</a>
<b>Privacy Notice Name:</b>	Property enquiries/applications to lease, purchase or use council land or property/disposal of land or property
<b>Description of Privacy Notice:</b>	This privacy notice will explain how Caerphilly County Borough Council will use the information you provide when making an enquiry or application to purchase, lease or use Council owned land or property.

## How we will use your information

### Purpose and legal basis for using your

#### Purpose of processing

Caerphilly County Borough Council will use your information to process your enquiry/application to use/lease/purchase council-owned land or property. Should your application be successful, your information will then be used to formalise the agreement.

#### Legal basis for processing

In order for the processing to be lawful, Caerphilly County Borough Council is relying on Article 6(1) (b) of the General Data Protection Regulations 2016 to process your information i.e.

6(1) (b) the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract

You can request that the authority stops processing your personal information by withdrawing your application to purchase/lease/use council owned land or property prior to completion of the agreement/contract. Please contact the Service Area listed above.

## Who will have access to your information?

### Identity of Data Controller and Data Protection Officer

The Data Controller for your information is Caerphilly County Borough Council.

The Data Protection Officer is:

Ms Joanne Jones  
Corporate Information Governance Manager/Data Protection Officer  
Email: [dataprotection@caerphilly.gov.uk](mailto:dataprotection@caerphilly.gov.uk)  
Tel: 01443 864322

### **Details of main users of your information**

The main user of your information will be Caerphilly County Borough Council's Estates Group.

### **Details of any sharing of your information within Caerphilly county borough council**

When processing your enquiry/application to purchase/lease/use Council-owned land or property, your information will be shared with:

- Directors and/or Heads of Service to establish if they have any operational requirement for the land or property in question, and to allow them to make any representations to support or reject the enquiry/application
- Local Councillors to allow them to make any representations to support or reject the enquiry/application
- Council Tax Section for the purpose of checking your suitability as a tenant
- Planning & Regeneration to check the suitability of your proposal
- Planning (Business Support & Funding) in order to provide advice in connection with your application, if appropriate
- Welsh Government if the sale is considered below market value or because some council land is subject to clawback
- Town / Community Councils or community groups, residents association to allow them to make any representations to support or reject the enquiry/application
- Legal Services to enable them to complete the legal process i.e. agreement/contract

### **Details of any sharing of your information with other organisations**

To consider your application, or If your application to lease or use land/property owned by the Council is agreed, we may contact some or all of the following

- Previous landlords, your bank, credit reference agencies e.g. Experian or individuals you have named as guarantors/referees
- Charities Commission, where CCBC holds the land / property as trustee
- Other trustees where CCBC is a joint trustee
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- Previous owners where the land / property may need to be offered back under the Crichtel Downs rule or the compulsory purchase legislation
- Previous owners (or other parties that benefit, such as the National Playing Fields Association) if CCBC land / property is encumbered by restrictive covenants,

overage clauses, offer back conditions etc, that may need to be fulfilled, varied or lifted.

- Superior landlords if CCBC title is leasehold.
- Other tenants where rights in common are granted?

If you are a current CCBC employee an independent external agent will be appointed to process the agreement on behalf of the authority.

### **Requests for information**

All recorded information held by Caerphilly County Borough Council may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and General Data Protection Regulations 2016.

If the information you provide is subject to such a request, where possible, Caerphilly County Borough Council will consult with you on its release. If you object to the release of your information we will withhold your information if the relevant legislation allows.

### **How long will we retain your information?**

#### **Details of retention period**

How long Caerphilly County Borough Council retains information is determined through statutory requirements or best practice:

- if your enquiry/application is unsuccessful a copy of your application will be kept on file for 10 years following the Council's last communication with you.
- if your application is successful and is in relation to a lease, licence, or permission to use land or property we will hold your data as a management record indefinitely in order to evidence ownership and use.
- if your application is successful and is in relation to a sale of land or property we will keep your information for 7 years following transfer of ownership.

### **Your Rights (inc. Complaints Procedure)**

#### **Your rights under the Data Protection**

Data Protection gives data subjects (those who the information is about) a number of rights:

- The right of subject access – Application forms for this process are available on our website: [SAR Form](#)
- The right to be informed
- The right of rectification
- The right to erasure
- The right to restrict processing
- The right to object
- The right to data portability
- Rights in relation to automated decision making and profiling.

Further information on your rights is available from: [www.ico.org.uk](http://www.ico.org.uk).

To enact your rights please contact the service area detailed on the top of this form.

### **Complaints Procedure**

If you are unhappy with the way that Caerphilly County Borough Council has handled your request/information, you have the right of complaint. Please contact the Service Area detailed at the top of this document outlining your issues.

If you remain unhappy you also have a right of complaint to the Information Commissioner's Office. Please follow this link for further information on the complaints process.

[www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Questions-and-complaints](http://www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Questions-and-complaints)

