

Public Rights of Way (PROW)

Public Rights Of Way (PROW) form an integral part of the wider highway network and comprise 3482km of public footpaths, public bridleways, restricted byways and byways open to all traffic. They are significant in terms of quality of life for residents and visitors and provide opportunities for active travel and recreational use which supports tourism and the rural economy.

Herefordshire Council's aspirations for the delivery of the PROW service and maintenance of the PROW network are set out in its Public Rights of Way Improvement Plan.

Who processes my data?

Under the General Data Protection Regulation (GDPR) the Council has a duty to inform you about how your personal data will be handled.

Herefordshire Council is the 'data controller' for the purposes of the GDPR and the information that you provide will be processed by the Council's Agent, Balfour Beatty Living Places, the 'data processor' for the purposes of the GDPR.

The Public Rights of Way Team processes your data on behalf of Herefordshire Council in accordance with: -

- Highways Act 1980
- Wildlife & Countryside Act 1981
- Road Traffic Regulation Act 1984
- Town & Country Planning Act 1990
- Countryside & Rights of Way Act 2000
- Natural Environment and Rural Communities Act 2006
- Deregulation Act 2015
- Defra Circular 1/09 – Rights of Way
- The Dedicated Highways (Registers under Section 31A of the Highways Act 1980) (England) Regulations 2007
- The Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013
- Any other legislation pertaining to Public Rights of Way

What is my data used for?

1. Public Path Order and Definitive Map Applications
2. Deposit of Plans, Statements and Statutory Declarations under Highways Act 1980 section 31(6)

3. Your data is used to: -

- Administer applications to modify the Council's public rights of way Definitive Map and Statement appropriately
- Make safe any hazards that occur and are dealt with promptly
- Ensure that public rights of way are unobstructed and well maintained
- Administer legal orders and other requests
- Address statutory requirements as promptly and efficiently as possible

Who sees my data?

The Public Rights of Way Team will process your data on behalf of Herefordshire Council and will share your data where legally obliged to do so in situations, for example: -

- Herefordshire Council or its Agent is required to make details of proposals for Public Path and Definitive Map Orders available for public inspection.
- Herefordshire Council or its Agent is required to undertake a consultation process in accordance with Government recommendations to seek public representation or, in the case of Definitive Map applications, to garner evidence whether in support or against the application.
- Names of owners of a property or land, plus the address of that property or land, must usually be publicly available. All comments, representations and objections received are also available for inspection by the public, applicants and Councillors.
- If you are submitting evidence in support of an application to modify the Council's Definitive Map and Statement or asked to complete a User Evidence Statement (or you are a landowner or occupier completing a Landowner / Occupier Statement) the information provided will be used by the Council (and its Agent) so that it may undertake its statutory duties in accordance with the Wildlife and Countryside Act 1981 section 53. The evidence / statement and the details contained therein will be retained by the Council and considered and published as part of its statutory duty to determine the application to establish whether a public right of way exists.
- It may be necessary to disclose information received from you to others, which may include other local authorities, the Planning Inspectorate and other government departments, public bodies, other organisations, landowners and members of the public. If the application proceeds to a public inquiry your evidence will be made available to the inquiry

How long is my data kept for?

Your data is kept in accordance with our retention schedule, available on Herefordshire Council's website although, in the case of some Definitive Map and Public Path Order applications it may be retained as part of the public record

What are your rights?

Individuals have a number of rights under data protection law, including the right to request their information. You also have a right to make a complaint about our handling of your personal data to the Information Commissioner's Office <https://ico.org.uk/>

Further information is available from the Information Commissioner's Office at Information Commissioner's Office Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF Telephone: 01625 545 745, web site: www.ico.gov.uk

You can find further information about the processing of your data on Herefordshire Council's [data protection page](#).

You can contact the council's Data Protection Officer, Carol Trachonitis:

Email: informationgovernance@herefordshire.gov.uk

Further guidance on Public Path Order and Definitive Map Applications

When submitting an application for a Public Path Order or an application to modify the Council's Definitive Map and Statement, the application, plans and any related documents or comments that you send to us are permanently kept as part of the public record. We have a statutory duty to make them available for any member of the public to see (and some documents will be available on our website at www.herefordshire.gov.uk) and to hold copies of. This includes application documents and consultation responses received in paper format, which we scan and keep electronically.

The information that you provide to accompany an application for a Public Path or Definitive Map Order, including personal data, will be used to deal with the application.

If you are making a representation or objection to a Public Path Order or Definitive Map Modification Order, to reduce the chances of identity theft please remember to:-

- Include the minimum necessary personal information in your correspondence – usually your name, address and, if you would like us to contact you in another way other than post, one form of other contact (telephone or email).
- If you wish to send in comments by email, send them as an attachment to the email rather than in the email itself, so that your email address is not shown.

Details such as signatures, personal telephone numbers and personal email addresses are redacted before being published.

Further guidance on the Deposit of Plans, Statements and Statutory Declarations under Highways Act 1980 section 31(6)

A statutory duty is placed on Herefordshire Council as the highway authority to add documents submitted under Section 31(6) of the Highways Act 1980 to a public register of statements and make any subsequent deposit or declaration available for public inspection. This includes the names and addresses of the applicants.