

## HS2 Phase One - Land & Property implementation of Act powers – privacy notice

### Your privacy

There are rules about what personal information we can record, hold, use and share.

You have rights over your personal information.

The rules that apply to your personal information in the United Kingdom is the [General Data Protection Regulation](#) (GDPR).

In line with these rules, we are registered with the Information Commissioner as a 'data controller'. Our registration number is Z1711200.

This page is one of a number of privacy notices and focuses on Land & Property business activities related to the implementation of land powers contained in the High Speed Rail (London – West Midlands) Act 2017 ("the Act").

We are providing this to support your 'right to be informed' and so that HS2 Ltd is compliant with the transparency requirements of the GDPR. You can find more about your rights in Chapter 3 of the GDPR.

HS2 Ltd has adopted a layered approach to privacy notices, so you will see short privacy statements highlighting the main details on our forms, websites, email footers, CCTV signs, etc., and more 'activity specific' notices published where required, as well as this notice. We are serious about looking after your personal information and protecting your privacy, because we understand how important it is. We want you to have trust and confidence in our organisation.

**We do not, and will not, sell your personal information.**

### 1. Legal background for using personal data

All of our collection and use of personal data by Land & Property and our consultants to support the implementation of land powers contained in the Act is governed by legislation and the following pieces of legislation are relevant:

- High Speed Rail (London to West Midlands) Act 2017;
- Compulsory Purchase Act 1965;

- Compulsory Purchase (Vesting Declarations) Act 1981 (as amended by the Housing & Planning Act 2016 and the Planning & Neighbourhood Act 2017)

Other legislation may be relevant or, such as the High Speed Rail (West Midlands to Crewe) Act will also become relevant once they are passed through Parliament. Where this is the case, this notice will be updated.

## **2. Why do we process personal information?**

The Land & Property team are working with HS2 colleagues and our consultants to implement the land powers contained in the Act.

The reasons we need to process personal data, including special category personal data (also known as 'sensitive data'), are to:

- Identify all persons and organisations with a legal qualifying interest in land affected by the scheme;
- Confirm details of agents acting for persons or organisations;
- Confirm interests in advance of service of notice;
- Serve notice on all persons and organisations to enable:
  - Entry to land for surveys and investigations;
  - Entry to land and buildings to undertake support for buildings;
  - Temporary possession of land;
  - Permanent acquisition of land or subsoil or rights over land;
  - Imposition of restrictions over land;
- Submit applications for registration to Land Registry which include details of existing owners and lessees;
- Submit Stamp Duty Land Tax returns to HMRC which include details of existing owners and lessees;
- Record details of all land acquired by Secretary of State for Transport under agreement or compulsory purchase;
- Record counter notices and forms of claim including claimant details;
- Exercise un-expired access agreements to enable our contractors to undertake surveys and investigations on privately owned land;
- Enable payment (including by electronic means) of compensation for survey activities;
- Responding to enquiries and complaints.

## **3. What personal information do we process?**

We and our consultants process your personal information as we carry out our activities on the Phase One scheme in Greater London and the counties of Hertfordshire, Buckinghamshire, Oxfordshire, Northamptonshire, Warwickshire, West Midlands and Staffordshire. This includes:

- Name and address (to enable written communications including service of notice);
- Telephone number and email address;

- Bank account details (for those unexpired access agreements);
- Nature of interest in land (including name of mortgage provider where appropriate);
- Details of other persons/organisations with an interest in the land;
- Name, address and contact details of agents.

If you appoint an agent, we will need written confirmation from yourself that the agent is appointed to act on your behalf. We may still send you formal communications and notices.

We also process personal data obtained by HS2 and our consultants through enquiries of landowners and occupiers during the preparation and passage of the High Speed Rail (London – West Midlands) Bill before enactment in 2017.

We also process personal data which is commercially available from third party suppliers, including:

- Land Registry – details of registered owners of land;
- Ordnance Survey – digital mapping data;
- Royal Mail – Post Office Address File and Postcode Finder;
- Rural Payments Agency – details of land and recipients of farm subsidies;
- Companies House – details of registered companies;
- Commercial providers of electoral register and other on-line registers such as 192, Experian and Lexis Nexis.

Any processing of your personal information is in line with our business needs and the law.

#### **4. Is there a requirement to provide HS2 with personal data?**

Wherever we are collecting personal information we will be clear about whether we are collecting information due to a legal requirement or under your consent. Where providing information to HS2 Ltd is by consent, we will be transparent about obtaining that consent and provide a means for you to withdraw that consent at any time.

Under the Act we are required to make enquiries of and serve notice on all owners, lessees and occupiers of land where surveys, temporary possession and/or permanent acquisition is required.

If you are unable to provide information when requested, we will use alternative sources as part of our enquiries process. Provided we have made reasonable attempts to obtain information, we will still be able to enter, take possession or acquire the land.

#### **5. How do we make sure your personal information is secure?**

Protecting your privacy and looking after your personal information is important to us and our consultants. We make sure that we have the right policies, training, processes, and systems in place to protect our manual and electronic information systems from loss and misuse.

We take every reasonable step to make sure that we keep your personal information safe, in line with best practice, ICO guidance, the General Data Protection Regulation and any other relevant laws.

## **6. Who do we share your personal information with?**

To carry out our activities (see section 1), we may share your personal information with other organisations that we need to work with, such as our partner agencies, utility companies and government.

We may also share personal information with other organisations or people in connection with legal proceedings or getting legal advice, or when required to do so by any law or court order.

**We do not, and will not, sell personal information.**

## **7. Where do we process your data?**

The large majority of personal data that HS2 uses is processed within the European Economic Area.

There may be occasions where some of your personal information may be processed by organisations or people based outside the European Economic Area. Where this is the case, we will be clear with you about why we need to do this and what steps we have taken to make sure we have the right safeguards in place to certify that your information is protected in line with the General Data Protection Regulation.

## **8. Will your personal data be subject to any form of automated decision making?**

HS2 does not and will not process your personal data in a manner that results in automated decision making.

## **9. What are your rights if we process your personal information?**

The General Data Protection Regulation sets out the rights you have. We have outlined them below. If you wish to contact us regarding any of these rights please contact our Data Protection Officer via our helpdesk.

### **A. Right of transparency**

Whenever HS2 uses your personal data you have a right to be informed of certain information about how and why that information is being used. This notice forms part of that information process.

## **B. Right of access**

You have the right to obtain a copy of the personal data we hold about you.

As soon as we have received all the information we need to deal with your request, you have the right to be sent a copy of that information within one month. This may be extended with an additional two months if the request is particularly large or complex.

You can apply for a copy of your information by contacting our Data Protection Officer via the helpdesk.

A valid request must:

- explain what personal information you want (and, where possible, explain the circumstances in which we may be processing this information, so that we can find it more easily); and
- include photocopies of two official identification documents, providing enough information about your name, date of birth, current address and signature to make sure that it's you.

For example: a combination of driving licence, with a utility bill (dated within the last six months) or bank statement (dated within the last six months).

We are allowed to ask for original documents and to refuse a request where we cannot be sure of the identity of the person asking. All original documents will be returned by post.

We will then carry out a search based on the description you've provided and provide you with the personal information you are entitled to receive under the regulations.

Some types of personal information do not have to be shared under these rules. For example, we do not have to share personal information where it is part of legally privileged communications.

If you are making an application for another person, we need an original signed letter of authorisation from the person who the information is about. It should state the full reason for the request, and the person or organisation making the request for that person. We also need a copy of your identification documents as above, as part of our standard procedures.

## **C. Right of erasure ('right to be forgotten')**

Where we have collected information on the basis of your consent or explicit consent, if you change your mind about us using your personal information, you are unhappy about how we use your personal information or, the information is no longer needed for the purpose it was collected, you have a right to have the relevant information deleted.

Please note that we can't always stop all the ways we process your personal information when you ask us to, as there may be other fair and lawful reasons for needing to continue to process this, however we will tell you where this is the case. It can also take us a reasonable amount of time to make these changes after you've made a request and we've agreed to it.

#### **D. Right to correct information**

You can ask us to correct the information we hold about you, where you believe it is wrong.

To help us maintain accurate records, please make sure that the information you choose to share with us is accurate. If your details change, please update us as soon as you can.

#### **E. Right to object, the right to restrict processing and the right to withdraw consent**

In certain circumstances you have a right to request that HS2 stops processing your personal data, or to stop processing it in certain ways.

In addition, where we have obtained information under the basis of your consent, you have the right to withdraw that consent at any time.

### **10. How long do we keep your personal information?**

The HS2 Land & Property team will retain personal information for a period of 11 years and 3 months from the date of Royal Assent of the Act i.e. for the period 23rd February 2017 to 22nd May 2028, based on the following rationale.

The Act gives the Secretary of State the power to acquire land compulsorily (Section 4), and the Secretary of State and the HS2 as the Nominated Undertaker the power to take temporary possession of land (Section 15). Such powers to acquire land terminate after the end of the period of 5 years from the date of Royal Assent (Section 10(1)) but there is no restriction on the duration for which land can be temporarily possessed for Phase One works. Under compulsory purchase legislation, claimants have a period of 6 years to submit a claim, following date of entry (1965 Act) or date of vesting (1981 Act). The retention period for personal information relating to ownership and notice details is calculated from the 5 years for implementation of Act powers, a period of 3 months from service of notice to taking entry/vesting, and a period of 6 years to bring about a claim - a total period of 11 years and 3 months.

Under Schedule 2 of the Act, the nominated undertaker may seek to enter land and buildings for the purposes of surveys and investigations, strengthening buildings or affixing and maintaining movement measuring apparatus. HS2 Ltd may seek to vary the total period above subject to requirements for continued post-construction monitoring of buildings and sites where such activities relate to a notice served under Act powers.

The 5-year period for exercising powers of compulsory acquisition above may be extended by a period of up to a further 5 years (Section 10(2)) by the making of an order and if such an

order were made the above retention period would be reviewed in respect of ownership and notice details.

## **11. How to make a complaint**

If you're unhappy with the way we have handled your personal information or you believe that we have not handled your information in a way that is compliant with the GDPR, please write to us.

We will acknowledge your complaint within 2 working days and let you have a full response within 20 working days. If it is not possible to respond fully within this timescale, we will write and let you know why and say when you should expect to receive a full response.

If you are not satisfied with our response you can complain to the Information Commissioner's Office.

## **12. How can I find out further information?**

Contact us via the HS2 helpdesk:

High Speed Two (HS2) Ltd  
Two Snowhill  
Snow Hill Queensway  
Birmingham  
B4 6GA

Email [HS2enquiries@hs2.org.uk](mailto:HS2enquiries@hs2.org.uk)

Freephone 08081 434 434

Minicom 08081 456 472

The helpdesk team are unable to transfer calls internally to HS2 Ltd members of staff.

Alternatively, please contact our Data Protection Officer by email:  
[HS2DataProtection@hs2.org.uk](mailto:HS2DataProtection@hs2.org.uk)