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To: All Interested Parties

Our Ref: TR010022

Date: 27 May 2020

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Dear Sir/ Madam

## **The Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010**

### **Application by Highways England for an Order Granting Development Consent for the A38 Derby Junctions project**

#### **Arrangements for using Microsoft Teams**

This letter is addressed to parties invited to speak at the Hearings scheduled for June 2020. The dates and times of the Hearings and the names of parties invited to speak at the Hearings are set out in the letter providing the Agendas and detailed arrangements for Hearings, which is available at:

<http://infrastructure.planninginspectorate.gov.uk/document/TR010022-001331>

This letter provides you with further explanation and information to enable you to participate in the Hearings. Please read it carefully as it contains important instructions.

#### **Changes due to COVID-19**

Due to the Coronavirus (COVID-19) measures introduced by the Government <https://www.gov.uk/coronavirus>, social distancing and travel restrictions are in place.

As a consequence, we will not be conducting Hearings in the way that we have done before. Instead, we will be conducting Hearings over the internet, or by telephone link as explained below. Therefore, you will be able to take part at home or from a safe place. We will do this in as fair and robust a way as possible.

Hearings conducted in this way are sometimes referred to as virtual Hearings.

#### **Preparing for a Hearing**

If you have a computer, laptop, tablet or smartphone (a digital device) that is connected to the internet, you will be able to access and speak at a Hearing over the internet using a video link. You may have used video links to talk to friends and family using FaceTime, Skype or WhatsApp, for example. If you have, this will give you an idea of what to expect. If you do not wish to appear on video, you can switch off your camera and use voice only.

<https://infrastructure.planninginspectorate.gov.uk>



Depending on the performance of your digital device or the internet in your locality, it may be that you join by video and audio, or by audio alone. If you have a slow or intermittent connection, switching off your video camera and using just your audio connection can improve the quality and reliability of your involvement.

If you do not have an internet connection, or you do not feel confident or able to use a digital device, then you will be able to access and speak at the Hearings using a telephone with a keypad.

The technology we will be using is Microsoft Teams. A link to further information on how to use Microsoft Teams is provided in **Annex 1**. The steps that you need to take to protect your personal information and privacy are set out in **Annex 3**.

## **Test Event**

We will hold a brief Test Event on **Wednesday 3 June 2020 at 11.30am** to give participants using digital devices and telephones a chance to practice using Microsoft Teams. If you are unable to join the Test Event, please contact the Case Team using the details at the top of this letter before **4pm on Monday 1 June 2020**.

The Test Event will also give participants the opportunity to ask any questions you may have in relation to the technology. Please note, this will not be an opportunity to air any views in relation to the merits of the application and the Examining Authority will not participate in it. We estimate that the Test Event will take around 30 minutes.

Joining Instructions for the Test Event will be emailed to participants on **Tuesday 2 June 2020**.

## **Actions required by participants on the day of a Hearing**

The Joining Instructions for each Hearing will be issued to participants by email between 1 hour and 24 hours before the start of each Hearing.

- All participants are required to attend an Arrangements Conference with the Case Team that will start 30 minutes before each Hearing. This will not be an opportunity to air any views in relation to the merits of the application and the Examining Authority will not participate in it.
- You will be held in a 'lobby' until the Case Team is able to admit you to the Arrangements Conference. This will typically be for a few minutes but may be as for 10-20 minutes.
- You will then be able to follow the proceedings by video link, or audio link or telephone.
- During the Arrangements Conference you will be asked to provide your name and your Interested Party reference number that can be found on our previous correspondence to you and/or any further identifying information that the Case Team requests of you.
- Subject to successful authentication, the Case Team will then transfer you to the Hearing.

- The Case Team will control the Arrangements Conferences. The Examining Authority will control the Hearings. They will invite you to speak when it is your turn.

As is normal practice for National Infrastructure hearings, the Hearings will be recorded and the recordings will be published to the project website as soon as is practicable after the Hearings. The project website is at:  
<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/>

We may also record the Test Event(s) and Arrangements Conferences for training and quality assurance purposes. We will not publish the recording of a Test Event or Arrangements Conference. You will be informed before any recording commences and for digital device participants a banner will be displayed on your screen.

### **What if things go wrong?**

If you experience problems with your connection then please try again using the same Joining Instructions. If that doesn't work then you should immediately contact the Case Team by email or telephone using the contact details provided in the Joining Instructions. They will attempt to help you to join or re-join the Hearing at an appropriate point. It may be that, if you initially joined by video, you can re-join by audio or by telephone, to limit the effect of any technical issues that you may have been experiencing.

If you cannot join or re-join the Hearing at all, the Examining Authority will consider the most appropriate way for you to still be able to participate in the Examination. This may include requesting you to view or listen to a recording of the Hearing and/or to make a submission in writing by the deadline for post-Hearing submissions identified in the Examination Timetable.

If a Hearing is disrupted by technical or other issues, the Examining Authority may adjourn it, or part of it, to another date or format. Time has been reserved in the Examination Timetable for this to occur. If the Hearing is not disrupted, the reserved Hearing(s) will not proceed.

### **Privacy Notice Amendment - Handling your personal information**

Your privacy is important to us. The attached privacy notice amendment in **Annex 2** explains the personal data that we will be processing specifically for a virtual Hearing or a Test Event. The current [National Infrastructure Privacy Notice](#) is to be read in conjunction with this amendment before sending information to the Planning Inspectorate. The amendment sets out how we will change our data collection and the processing of that data in order to run a virtual Hearing or Test Event.

Please note that when joining a virtual Hearing or Test Event on certain digital devices or by phone, other parties may be able to see the email address or phone number that you use to join the event. There are some well-established methods that you can use to avoid the un-intended disclosure of your personal information and **Annex 3** provides advice on these. Please read it before you join the virtual Hearing or Test Event and take the steps that you feel necessary to protect your privacy.

You must not make any submissions in the event 'chat'. You MUST continue to use the previously provided email address for any further written submissions.

If you have any queries, please contact the Case Team using the details at the top of this letter. Please do not send any hard copies to the above address; use email or telephone instead.

Yours faithfully

*Stuart Cowperthwaite*

**Stuart Cowperthwaite, Lead Member of the Panel**

This communication does not constitute legal advice.  
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

<https://infrastructure.planninginspectorate.gov.uk>



## Annex 1

The following link will take you to information about **how to use Microsoft Teams on a digital device (a computer, laptop, tablet or smartphone)**:

<https://support.office.com/en-gb/teams>

You do not need to download any software to use Teams on most computers or laptops, although there are applications that can be downloaded (free of charge) available for most types of device. It will work without an application on an internet browser such as Microsoft Edge or Google Chrome. On Apple devices it will not work on the Safari browser, but Google Chrome (free of charge) can be installed to enable it to work. On a smartphone or tablet there are Teams applications for most devices and you will normally need to install these (free of charge). Search for 'Microsoft Teams' in your device AppStore, PlayStore or equivalent.

Download advice is available here:

<https://www.microsoft.com/en-gb/microsoft-365/microsoft-teams/download-app>

**If you want to use Microsoft Teams on a phone** using your voice connection rather than the internet, your Joining Instructions will tell you how to do this. You will be provided with a telephone number to call and a conference ID number. Once you have dialled the phone number, you will be prompted by voice to enter the conference ID followed by the hash # key.

Please be aware that depending on your phone contract you may be charged for your call. A general guide to UK calling charges can be found here:

<https://www.gov.uk/call-charges>. However, please check with your own telephone service provider for up to date information on the possible cost of your call.

The Test Event referred to in the covering letter provides you with an opportunity to practice joining an event before the Hearing itself begins.

Please **read Annex 3** and ensure that you are aware of the steps that you need to take to protect your personal information and privacy, before you join a Test Event or Hearing.

## Annex 2

### Privacy Notice Amendment for a virtual Hearing or Test Event.

#### What will be collected?

- E-mail address
- Phone number (if a participant joins by phone)
- IP address
- Display Name
- Self-Image – If video is shared
- A video or audio recording of the event

#### How is it collected?

- E-mail address requested in event invite.
- Phone numbers - If the participant joins by phone, then your phone number would be visible to all participants (this can be masked by the individual by turning off Caller ID, generally known as dialling 141) in which case a random number is displayed.
- IP address – Connections to Microsoft Teams will capture the IP address of the participant.
- Display Name – This is collected from the participants joining details
- Self-Image – This is collected when the participant activates their camera
- A video or audio recording of the event – This is collected when the participant activates their microphone and/ or camera

#### What metadata will be taken from joining?

- IP Address, joining account information (Email address), Browser Type (If browser is used instead of Teams App)

#### Where will it be stored?

- E-mail addresses, Phone numbers, Display Name and Self-Image (will be stored in the virtual meeting room, within Exchange Online, MS Stream (Video Recording) and as appropriate will be transferred to an internal case management system.
- A video or audio recording of the event forms a document in the case record for all National Infrastructure casework and will be held within Exchange Online, MS Stream (Video Recording) and as appropriate will be transferred to an internal case management system and will also be published (for streaming access or download) on the project page of the National Infrastructure Planning Website: <https://infrastructure.planninginspectorate.gov.uk/>.
- IP Address and Metadata  
(*Will be stored in the Audit Log*)

#### Cookies

- The Planning Inspectorate does not use any of our own technology or storage for the creation and presentation, or collection of cookies or web-beacon analytics.
- Cookies are collected by Microsoft, which is covered in their Privacy Statement [here](#).

## Annex 3

### Privacy Advice for all Participants on Video and Audio Recording

All National Infrastructure Hearings are recorded, and recordings are published on the project page of the National Infrastructure Planning Website. By established practice, a digital audio recording has been published. You are advised not to place private and confidential material onto the oral record. If you feel that need to do so to support your case, seek procedural advice from the Inspector before you do so.

The technology used for virtual Hearings supports digital video recording by default. If you are participating using a digital device but you do not wish to be included in a published video recording, you have the option to switch off your device camera during the Hearing and the recording will be of your voice alone.

The Secretary of State for Communities and Local Government (as was) has provided guidance on the examination of National Infrastructure applications for development consent<sup>1</sup>. This guidance provides as follows:

*'Hearings should be open to journalists and the wider public, as well as interested parties. Provided that it does not disrupt proceedings, all individuals present at hearings should be allowed to report, record and film proceedings including using electronic and social media. Examining inspectors will advise persons present at the start of hearings that the proceedings may be recorded and/or filmed, and that any persons using social media during or after the end of the proceedings should do so reasonably.'*

This guidance remains unchanged and so all participants in a Hearing must be aware that the Hearing may be recorded by any attendee and that any such activity will only be regulated if it becomes unreasonable or disruptive to the Hearing.

A Test Event will also be held to enable participants to become familiar with the technology used to support virtual Hearings. Test Events may be recorded for training and quality purposes, but these recordings will not be published.

### Privacy Advice for Users of Digital Devices

Microsoft Teams will normally display the name and may sometimes also display the email address of participants in a virtual Hearing or Test Event to all other participants who are using digital devices.

After you click your joining link but before you join the virtual Hearing or Test Event, Microsoft Teams will enable you to type in the name that you wish to be displayed. You can chose what name to type in and can add an organisation name too if you need to. It needs to be sufficient to enable the Case Team or Examining Authority to identify you in the virtual Hearing or Test Event.

If you do not wish the email address that we are currently using to correspond with you to be seen by other parties, you can set up a free email account on-line to join with. Alternatively, your existing internet or email service provider may enable you to set up an alias email address such as 'hearing.participant123@freemail.com'. These

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<sup>1</sup> Planning Act 2008: [Guidance for the examination of applications for development consent](#); Department for Communities and Local Government, March 2015 at paragraph 102.

measures will protect your privacy. You would need to provide any alternative email address from the one we are currently using for you by **4pm on Monday 1 June 2020** at the latest. This is so that we can send out the invitation with the link for joining the planned Test Event and for the actual Hearing.

Please check with your internet or email service provider or an intended alternative email service provider before the virtual Hearing or Test Event and ensure that you have taken any steps that you wish to take to prevent the disclosure of your actual email address to other users.

### **Privacy Advice for Telephone Users**

Microsoft Teams will normally record and play the name and display the telephone numbers of participants to all other participants who are using digital devices.

You can chose what name to record. It needs to be sufficient to enable the Case Team or Examining Authority to identify you in the virtual Hearing or Test Event.

If you do not want to display your telephone number, you are reminded to add a privacy prefix before you dial the telephone number for the virtual Hearing or Test Event. On most UK telephone networks you can dial 141 before the telephone number and this will ensure that you remain anonymous and your telephone number is not shared with any other users. Some networks require you to use a different method. Certain telephone handsets also allow you to withhold your telephone number using a setting that is specific to your handset.

Please check with your telephone service provider and read the instructions for your telephone handset before the virtual Hearing or Test Event and ensure that you have taken any steps that you wish to take to prevent the disclosure of your telephone number to other users.