

**From:** Bartlett, Gary

**Sent:** 28 April 2023 13:51

**To:** Phillips, Adam <Adam.Phillips@leeds.gov.uk>

**Cc:** PA Chief Exec <PA.ChiefExec@leeds.gov.uk>

**Subject:** RE: Common place query

Adam

As per my holding response yesterday, there have been a number of incoming emails on this one to many different individuals so my apologies to Cllr Carter for the delay. I believe I am answering the following text; please do let me know if there is another email I should be answering.

*I have been alerted to something very concerning - our apparent inability to go out to tender to different organisations to carry out consultations on our behalf. My attention has been drawn to the fact that our contract with Common Place began in 2017 and their platform has been used for over 40 consultations by LCC. The contract was renewed for another 3 years in 2020 and the report at the time suggested that the council had to renew its contract as Common Place owns all the data previously gathered by the council. If this is true then it would appear we are bound to common place indefinitely. However the common place web page states that bodies such as ours own all response data collected through common place – so which is correct? I would welcome your comments on the extent to which the council is committed to using common place, or not, and which advice regarding the ownership of the data is correct please.*

The above relates to paragraph 3.16 of a report to the Chief Officer (Highways and Transportation), which was made on 26 November 2020. This paragraph implied that, if the Council did not renew the contract with Commonplace, it would not be able to access previous consultation information from previous Commonplace surveys as they 'own' that data.

Unfortunately, this statement was not correct. Whilst Commonplace are data controllers of any

information used to administer the platform (for example, user accounts and passwords), they act as a data processor for personal data that 'Initiators' (i.e. the Council) collect using the platform. We are, therefore, the data controller of any consultation responses (and could retrieve copies of these even in the event of the contract expiring). Further information in respect of this matter is contained within Commonplace's privacy policy.

The above has been explained to the person raising the concerns.

Please be assured very careful consideration will be given to the appropriate procurement process when the current arrangements come to an end, with relevant procurement advice sought and set Out.

I hope this clarifies the position; should Cllr Carter require any further information, please do let us know. Happy to meet up in person with colleagues if that would be easier.

Regards

Gary

Gary Bartlett

Chief Officer

Highways & Transportation

Merrion House

110 Merrion Way

Leeds

LS2 8BB

Tel: 0113 378 6645