

Planning

Privacy Statement

This privacy statement explains how we, North East Derbyshire District Council (the data controller) as the Local Planning Authority (LPA) processes your personal information data. The Council also has a general privacy statement.

How will we use the information?

We only use your personal data for our statutory functions relating to Town and Country Planning (which is the LPA's official function).

Personal data is required to enable us to meet our statutory duty relating to the development of land including:

- Making decisions and provide advice on planning applications;
- Responding to allegations of unlawful development;
- Monitoring development;
- Entering legal agreements, serving notices and promoting the best use of land;
- Making planning policies;
- Working with neighbourhoods on their plans; and,
- Work with neighbouring authorities on strategic policies.

We use the information provided to us to make decisions about the use of land in the public interest. This is known as a "public task" which is why the LPA do not need you to "opt in" to allow your data to be used (see legal basis for processing below).

We will make details of planning applications available online so that people can contribute their comments. This involves publishing the application and all associated documents including comments on that application on the Planning Portal for public scrutiny and transparency (see sharing your personal information below).

We will make information available to you about how we will use your personal information. This privacy statement is one important way of providing this information. Other ways include:

- Orally – face to face or when you speak to someone on the telephone
- In writing – on forms and letters
- Through signage – on planning notices
- Electronically – in emails, through our website and the online Planning [Portal](#)

What information do we collect?

We get applicant information in two ways – it is supplied to us directly (or via a planning agent on their behalf) or we receive it from a third party website that provides a transaction service (The Planning [Portal](#)).

The Planning Portal has its own privacy statement which you may wish to view before using that service.

We also receive comments, representations, allegations and questions from individuals and interested parties.

The Planning [Inspectorate](#) may also provide personal information to us.

The personal information collected will vary according to the reason why it was given and includes:

- Personal contact details for the applicant or agent: telephone numbers, email addresses and signatures
- Personal contact details for any individual wishing to make a comment, representation, complaint: telephone numbers, email addresses and signatures
- Special Category Data i.e. personal sensitive information contained within supporting statements for applications or contained within comments and complaints which may include information about health conditions or ethnic origin
- Information about third parties made in a letter of complaint regarding land development

We may also collect information when you complete customer surveys or provide feedback on our service.

If not providing your personal information to us has possible consequences then we will tell you this at the time for example, not being able to fully investigate a complaint.

Legal basis for processing

The law requires us to have a lawful basis for processing personal data.

In terms of the LPA data is processed on the understanding that it is used to perform a task in the public interest. The task or function must also have a clear basis in law. The legal basis for the LPA is contained within the Town and Country Planning Act 1990 (as amended) and related Acts. Under data protection regulation this processing is known as **public task**.

Consent

Sometimes we rely on consent to process your personal data. This is usually when individuals (non-statutory consultees) ask to be put on the mailing list for weekly updates on planning matters.

When relying on consent we will:

- Be clear about this i.e. explain why we need the personal information
- Ask you to positively opt-in e.g. in writing or through affirmative action verbally
- Give you sufficient information to make an informed choice (where applicable)
- Advise you of your right to withdraw your consent at any time and how to do this

Sharing your personal data

Your personal information will only be shared with those at the Council who need the information for the purpose it was provided. This may involve sharing the information with other departments for example Environmental Health to comment on any environmental impacts and statutory and non statutory consultees as required.

It will not be shared with other organisations except where we are required to submit documents to the Planning [Inspectorate](#). The Planning Inspectorate deals with planning appeals, national infrastructure planning applications, examinations of local plans and other planning-related and specialist casework in England and Wales.

Sometimes the Council is required by law to disclose personal data where an exemption exists under data protection regulation e.g. crime and taxation exemption.

We will make details of planning applications available online so that people can contribute their comments. As well certain details relating to planning applications and planning enforcement notices are made available in the form of a public register which can be viewed on the website, or in the case of the planning enforcement register by viewing a paper register at North East Derbyshire District Council, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG.

If a planning appeal or enforcement appeal are submitted to the Planning Inspector they will also publish all relevant details and public comments on their [website](#).

North East Derbyshire District Council operates a policy of routinely blanking out (redacting) data before making forms and documents available online, these include:

- Personal contact details for the applicant: telephone numbers, email addresses and signatures;
- Special Category Data: supporting statements that include information about health conditions or ethnic origin; and,
- Information agreed to be confidential.

Sometimes it may be necessary, justified and lawful to disclose data that appears in the list above. In these circumstances we will inform you before any of your personal information is disclosed.

If you are submitting supporting information which you would like to be treated confidentially, or wish to have any information specifically withheld from the public register, or there is a reason you would prefer for something not to be disclosed you should contact

us as soon as possible by emailing developmentcontrol@ne-derbyshire.gov.uk. We can then give consideration to your request.

Transferring your personal data

Personal data which the council processes itself is held on UK servers. When using an external provider for processing e.g. storing customer records, it is our policy to use companies which have UK or EU based servers to receive the safeguards contained within UK data protection law and reciprocated across the European Union.

How do we protect data?

The Council takes the security of your data seriously. The Council has internal policies and controls in place to safeguard personal data. This includes access restrictions to systems containing personal information, employee training and awareness, ICT security controls and protocols, confidential waste collection and destruction, and documentation including personal data audits and, guidance.

Where we engage third parties to process personal data on our behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of the data.

How long do we keep your personal information?

Whilst complying with any legal requirements we not hold records any longer than necessary. A brief summary of how long your personal data is kept (although this may change over time) before being destroyed includes:

- Statutory planning registers (planning decisions, approved plans, legal agreements): In perpetuity.
- Planning application supporting documents: 17 years.
- Miscellaneous personal information supplied in relation to the development of land: 12 Years.
- Miscellaneous planning case officer files from stakeholders relating to development of land: 10 years
- Undetermined Planning Application Files: 12 years
- Planning Enforcement Files: In perpetuity.
- Unauthorised activity files: 12 years.
- Local planning policy (Local Plan) representations: 10 years.

The Council has a retention schedule which contains its main record types and the length of time the record type will be kept. If you would like further information on this then please email foi@ne-derbyshire.gov.uk

Access to your information and other individual rights

You have the right to request a copy of the information that we hold about you. If you would like a copy of some or all of your personal information please email foi@ne-derbyshire.gov.uk or write to us at the following address.

North East Derbyshire District Council
District Council Offices
2013 Mill Lane
Wingerworth
Chesterfield
Derbyshire, S42 6NG

There is also information on our website – search '[data protection](#)'.

You also have other rights under data protection regulation which include rights to rectification, erasure, to restrict processing, data portability, to object, and to prevent automated decision making. Some of these rights are affected by the legal basis for processing which the Council is using, for example the rights to erasure and portability do not apply when processing your personal data for official public functions. More information of your rights is available on our website.

To exercise your rights please use the contacts details noted in the first instance.

How to contact us

Please contact us if you have any question about this privacy statement or information we hold on you:

- By email – foi@ne-derbyshire.gov.uk
- Or write to us at: North East Derbyshire District Council, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG.
- The Council's Data Protection Officer is Kath Drury, email kath.drury@bolsover.gov.uk or telephone 01246 242280.

You also have a right to make a complaint to the Information Commissioner's Office about concerns you may have about your personal data.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113
www.ico.org.uk

You may wish to raise any complaint or concern with us first by contacting the Council's Data Protection Officer or using the Council's [complaint](#) system.