

DATA PRIVACY NOTICE (DPN) for PLANNING

Reading Borough Council

Planning covers the following teams:

Development Management;
Natural Environment;
Planning Enforcement; and
Planning Policy.

The service is located at

Reading Borough Council's Civic Offices.

Address:

Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU

Reading Borough Council's Data Protection Officer is currently Ricky Gill,
Information Governance Officer

Tel: 0118 937 3306

Email: Ricky.Gill@reading.gov.uk

The following teams in Planning are covered by this DPN:

- Development Management;
- Natural Environment;
- Planning Enforcement; and
- Planning Policy.

What Personal Data is held?

The following information is/maybe collected from individuals:

- Full name, address, email address, telephone numbers of applicants.
- Names, address, telephone numbers, designation and organisation of any other professionals working with applicants or other individuals.
- Full name, address, email address, other contact details of those commenting on, or those consulted on, planning matters. **Note:** a name and postal address must be provided for comments to be accepted.
- Telephone calls, text messages, emails or other communications between the service and the individual, including details of any consumer complaint or request for service reported
- For the payment of fees or other payments such as the payment of the Community Infrastructure Levy (CIL) or Section 106 contributions financial identifiers such as

bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, etc. are recorded.

- Certain types of data are described in the GDPR as “Special categories of data” and require higher levels of protection. Planning does not normally deal with such data but on occasions such data is relevant to the determination of a planning case. We may process special categories of personal data in the following circumstances:
 - In limited circumstances, with your explicit written consent.
 - Where we need to carry out our legal obligations.
 - Where it is needed in the public interest.

How will the data be stored?

The information is stored in Civica APP, a database and in Local Electronic Unstructured Data in Personal and Team drives supplied and supported by Northgate Public Services (UK) Limited. Northgate Public Services (UK) Limited are contracted to operate procedures in accordance with ISO 27001, ISO 20000, PSN, PCI-DSS, Data Protection and Freedom of Information Acts. Northgate Public Services deliver services from Tier 3 OFFICIAL rated Data Centres in Woking, Surrey and London Docklands.

Access to the Civica APP is locked to specified IP addresses and the system can only be accessed using a username and ISO 27001 strength password. The system requires password change on a monthly basis. Enforced timeouts occur after a period of non-activity.

A Civica APP local systems administrator regularly reviews user accounts within Civica APP to ensure access is promptly withdrawn when staff leave.

What is the legal basis for the collection, use and storage of the data?

This information is collected, used and stored in order to carry out statutory functions and powers arising from Planning Acts (e.g. The Town and County Planning Act 1990 (as amended)). These acts enable the submission of planning applications onto a public register, consultation on the applications, determination of the applications and notifications of decisions and possible further contact as a result of a planning appeal or legal challenge. This is also in accordance with the Council’s adopted Statements of Community Involvement.

The Development Management Service also covers processes relating to applications for works to trees covered by Tree Preservation Orders and within Conservation Areas. These are dealt with on the same basis as dealing with planning applications.

The Council also offers a non-statutory confidential pre-application advice service under which proposals are shared with statutory consultees. Details are not normally made public (although they are subject to the provisions of Freedom of Information requirements).

The Planning Acts (Town and County Planning Act 1990 (as amended)) also enable the investigation of reported and sighted breaches of planning control and the taking of various forms of planning enforcement action, along with requirements for notifications of decisions and possible further contact as a result of a planning appeal or legal challenge.

The Planning Acts (Town and County Planning Act 1990 (as amended)) require consultation on planning policy and proposals and for comments to be made publicly available. This is also in accordance with the Council's adopted Statements of Community Involvement. Personal information other than name and address is redacted.

Different Planning Acts also govern the operation of CIL and Section 106 agreements and require local authorities to set up and maintain a self-build and custom housebuilding Register.

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use. RBC Planning will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure. We use your personal data for some or all of the following purposes:
 - To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
 - To confirm your identity to provide some services;
 - To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
 - To help us to build up a picture of how we are performing;
 - To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
 - To enable us to meet all legal and statutory obligations and powers including any delegated functions;
 - To promote the interests of RBC;
 - To maintain our own accounts and records;
 - To seek your views, opinions or comments;
 - To notify you of changes to our facilities, services, events and staff, and other role holders;
 - To allow the statistical analysis of data so we can plan the provision of services.

How long will the data will be stored and what criteria are used to determine this?

The retention period for planning application information is permanent. Planning history is continuously relevant to the planning related to a property. However, we do not necessarily need to keep all consultation letters/responses for long periods following the determination of an application.

Planning history is continuously relevant to the planning considerations related to a property and our practice has been to retain the property and complaint data. None of this information is published or made available to third parties. The future retention of this data is being reviewed. The existence of an enforcement notice remains a charge on land and is permanently recorded on land charges.

Since in some instances a criminal investigation could result, the data will be stored until any enforcement action is complete or a prosecution case has been heard in court and the time for possible appeal has passed. Some information relating to legal proceedings may be archived and stored for lengthy periods. We may keep some other records for an extended period of time. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. RBC is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims. We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

For Planning Policy work the retention period is given as 6 years beyond the expiry or replacement of a plan (i.e. once a plan is superseded). Planning history is continuously relevant to the planning related to a property. However, we do not necessarily need to keep consultation letters/responses for longer. This suggests that the consultation response information on the website should be removed after 6 years beyond the life of the plan and deleted. In practice, there is no personal data on the Council's website relating to the preparation of the planning policy documents which have been adopted. Information that forms the background to adopted plans is periodically reviewed in terms of the need for retention.

Data relating to CIL and Section 106 agreements is for record purposes only except where legal action is being taken or the applicant submits an appeal. Property information is a land charge but this only records the charge, not any personal data.

Data relating to the self-build and custom housebuilding register is only held as a record for correspondence from the Council. The information is not public and is not shared nor given out to anyone.

Who will the data be shared with and for what purpose?

Information relating to planning applications is published on the web and is available for inspection. Such information can also be emailed to third parties on request. This is to ensure that the process of dealing with and determining planning applications is transparent and meets statutory requirements. Personal information other than name and address is usually redacted.

Information relating to planning enforcement enquiries and complaints is not available for inspection. Details of owners are not referred to in enforcement notices which are publicly available legal documents that become a charge on land. No enforcement information is made available on the website although land charge information is increasingly being made available via websites.

Information relating to policy development and site allocations is published on the web and is available for public inspection. Information can also be emailed to third parties on request. This is to ensure that the process of dealing with and determining planning policy is transparent and meets statutory requirements. Personal information other than name and address is usually redacted prior to it being published on the web.

Data relating to CIL and Section 106 agreements is for record purposes only except where legal action is being taken or the applicant submits an appeal. CIL information is a property land charge that is publicly available but this only records the charge, not any personal data.

Data relating to the self-build and custom housebuilding register is only held as a record for correspondence from the Council. The information is not public and is not shared nor given out to anyone.

To comply with statutory requirements, data may be disclosed to other services within Reading Borough Council, external agencies and other local authorities, together with third party contractors who RBC may employ from time-to-time to deliver aspects of the RBC's service.

We may share information from Civica APP with other council services to improve working practices or to assist other Council services with their duties and for the delivery of our services. Reading Borough Council will not disclose any personal information held on its database to any other third parties, except where required or allowed by law. Disclosure will not normally be made outside the EU. The third parties, with whom RBC may share your personal data, have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data.

It is likely that we will need to share your data with some or all of the following (but only where necessary):

- The data controllers of external agencies mentioned above;
- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

Transfer of Data Abroad Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

Further processing If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use

prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing

How can you get access to your personal data?

You have the following rights with respect to your personal data: When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

- 1) The right to access personal data we hold on you You can ask to see what data we hold about you and ask to be sent a copy. This is called a Subject Access Request. From 25 May 2018 onwards, they will be free of charge unless there is a lot of work or a lot of photocopying and postage, which we are allowed to charge a reasonable fee for.
- 2) The right to correct and update the personal data we hold on you If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.
- 3) The right to have your personal data erased If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold. When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).
- 4) The right to object to processing of your personal data or to restrict it to certain purposes only. You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.
- 5) The right to data portability You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.
- 6) The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).
- 7) The right to lodge a complaint with the Information Commissioner's Office.

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contactus/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

How can the service user get access to their data? By making a Subject Access Request following the link: www.reading.gov.uk/dataprotection

Changes to this notice: We keep this Privacy Notice under regular review and we will place any updates on this web page www.reading.gov.uk/dataprotection

This Notice was last updated in May 2018. Contact Details Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Data Controller,
Reading Borough Council
Civic Offices Bridge Street
Reading
RG1 2LU Email:
Ricky.Gill@reading.gov.uk