

Privacy Notice for Environmental Protection

Introduction

This notice is provided within the context of the changes required by the EU General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

This document will therefore be subject to ongoing review to ensure it continues to align with the requirements of all applicable legislation.

Service description

In order for Thanet District Council to provide Environmental Protection services, it is necessary for the council to collect, store and process personal data.

Where we get your information from

Environmental Protection obtains information from a range of sources, including:

- Thanet District Council Customer Services;
- Other Council departments;
- Thanet Residents;
- Local Businesses;
- Record of Nuisance Forms;
- Noise Monitoring Equipment;
- High Hedge Investigation Forms;
- Environmental Permit Application Forms;
- Anti-social Behaviour Diaries;
- Dog Warden Log Sheets;
- Requisition for Information Notices;
- The Planning Inspectorate;
- Trading Standards;
- The Coroner's Officer;
- Next of kin during Public Health Act funeral investigations (worldwide);
- Contractors providing Public Health Act funeral services;
- The Environment Agency;
- Public Health England;
- Referrals from partner agencies (e.g. East Kent Housing) in relation to individuals experiencing statutory nuisances or other environmental issues; and
- Information provided via Police intelligence, Kent Fire and Rescue Services, Kent County Council, Probation Services and East Kent Magistrates Services

How your information will be used

The information you have shared with Thanet District Council may be used in a number of ways, for example:

- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures in order to protect vulnerable adults and young people;
- To process, investigate and respond to your report or complaint;
- For statistical analysis;
- To comply with Freedom of Information Act 2008 requests;
- To prevent and detect fraud, corruption and criminal activity and where necessary, for law enforcement functions.

What information we hold

In order to provide these services, we may need to process personal data (name, address, contact numbers), as well as some **sensitive data**, including criminal convictions, mental or physical health.

Who we will share your information with

We may share your information with and obtain information about you from other agencies, including The Environment Agency, Kent Police, Kent Fire and Rescue Service, Kent County Council, Probation Services, the Coroner's Officer and other government departments and agencies.

We will not share your information with any other person or company, except where required to do so by law; or where you have consented for the information to be shared.

Lawful basis for processing data under GDPR

Local authorities can use information to carry out tasks that are in the public interest, as well as to provide services that we are under a statutory obligation to provide. Most personal information is processed in order to comply with a legal obligation¹.

Some Acts of law provide a duty to share information, these include:

- Part 8 Anti-Social Behaviour Act 2003 – open book high hedge investigations require personal data to be shared with all interested parties;
- Section 46 of the Environmental Permitting Regulations 2016 – there is a statutory duty to publish a public register of permitted installations (which may include personal data relating to the operator);
- The Community Trigger mechanism under Section 104 of the Anti-Social Behaviour, Crime and Policing Act 2014 requires relevant bodies (e.g. local government, Police, Fire and Rescue Services, housing associations) to share personal data in order to undertake case reviews;
- Section 17 of the Crime and Disorder Act 1998 – sets out powers for agencies to share information for the purposes of preventing crime and disorder;

¹ Under Article 6 of GDPR

- The Environmental Protection Team processes personal data in carrying out its functions and taking action under the following specific legislation:
 - Anti-Social Behaviour Act 2003 - to conduct open book investigations of high hedge complaints and take enforcement action;
 - Anti-Social Behaviour, Crime and Policing Act 2014 – to process reports of nuisance for the purposes of reducing anti-social behaviour; including notices in relation to noise nuisance and nuisance caused by Japanese Knotweed;
 - Building Act 1984 – to establish responsibility for drainage and ensure satisfactory Provision;
 - Burials Act 1857 – to supervise exhumations of remains in accordance with Ministry of Justice Licences;
 - Clean Air Acts 1956, 1968 and 1993 – to enable action to reduce smoke pollution;
 - Clean Neighbourhood and Environment Act 2005 – in connection with control of various environmental nuisances and pollution;
 - Control of Pollution Act 1974 – data processed in controlling pollution, including in relation to noise on construction sites and prior consent for significant impacts of noise or vibration;
 - Environment Act 1995 – to set standards for environmental management, in particular in relation to consultations on Local Air Quality Management;
 - Environmental Damage (Prevention and Remediation) Regulations 2015 – to compel an operator of an economic activity to remediate environmental damage to land;
 - Environmental Permitting Regulations 2016 – to process permit applications and regulate industrial processes (statutory requirement for a public register);
 - Environmental Protection Act 1990 – data used in connection with various types of environmental investigations; including Statutory Nuisance, Industrial Permitting, Contaminated Land and Clean Air;
 - Licensing Act 2003 – to process new Licence Applications (or Variations), Temporary Events Notices and undertake reviews of local licensed establishments in connection with the prevention of nuisance;
 - Local Government (Miscellaneous) Act 1976 – to requisition information under specified acts to carry out the functions conferred therein;
 - Noise & Statutory Nuisance Act 1993 – to deal with additional provisions under statutory nuisance, including intruder alarms;
 - Noise Act 1996 – additional powers to investigate noise;
 - Police and Criminal Evidence Act 1984 – information recorded by officers for use in future enforcement action;
 - Pollution Prevention & Control Act 1999 - for the regulation of polluting activities;
 - Prevention of Damage by Pests Act 1949 – powers to investigate harbourage and encouragement of rodents;

- Private Water Supplies Regulations 2016 – to gather information on private water supplies in the district to ensure standards set out for drinking water;
- Public Health Act 1936 & 1961 - data used in connection with various types of public health investigations, including Filthy and Verminous premises and drainage issues;
- Public Health (Control of Disease) Act 1984 – to undertake Public Health Funeral investigations and locate next of kin;
- Regulation of Investigatory Powers Act 2000 - powers to regulate public bodies that carry out surveillance and investigation work;
- Town And Country Planning Act 1990 - Statutory Consultee for the Planning department in relation to safeguarding environmental impacts of new planning developments (applications and appeals); and
- Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - Statutory Consultees for the Planning department on matters including noise, air quality and ground conditions.

Additional lawful basis for processing other categories of data

Some of the information that is collected is classified as **special category personal data** or personal data consisting of **criminal convictions and offences** (including alleged offences).

In order to process special category of data, the Council needs to have an additional lawful basis to above. In this instance, special category of data is processed² for exercising specific rights of the council (under the regulations above). And where the Council collects and process criminal convictions information³, this is done lawfully under the provision of the Data Protection Act 2018 (DPA)⁴.

How long we keep your personal information

We will endeavour to only keep information for only as long as it is needed, or in line with legal considerations.

Once information is no longer required, it will be deleted or destroyed confidentially.

Your Rights

The Data Protection Act 2018 in conjunction with the General Data Protection Regulation (GDPR) grants a number of other rights. These include the right to rectify errors in your records, the right to withdraw consent given to process your data, and the right to have your data erased when you have withdrawn consent.

² Under Article 9 of GDPR

³ Under Article 10 of GDPR

⁴ The DPA 2018 [Part 2, para. 5 (1&2) and para. 6(1&2)] supplements the GDPR by providing the legal basis for processing criminal convictions and offences. In the Council's case, as a 'public authority' and when it is in the public interest to do so.

You have the right to opt out of the open version of the register, at any time, and we must remove you from this version and tell the statutory recipients in the next update.

You have the right to be told if we have made a mistake whilst processing your data and we will self-report breaches to the Information Commissioner.

The Council's General Privacy Notice can be found at:

<https://www.thanet.gov.uk/privacy-statement/>

Further information

If you would like to know more about how we use your information, please contact the Data Protection Officer (DPO) at Thanet District Council:

Data Protection Officer

Thanet District Council

Cecil Street

Margate

CT9 1XZ

Email: dataprotection@thanet.gov.uk

Tel: 01843 577 000

How do I Complain?

If you wish to complain about how we are processing your personal information please contact:

The Data Protection Officer

Thanet District Council

Cecil Street,

Margate

CT9 1XZ

Email: dataprotection@thanet.gov.uk

Tel: 01843 577000

You also have the right to complain to the Information Commissioner's Office, at:

The Information Commissioner

Wycliffe House, Water Lane, Wilmslow, Cheshire

SK9 5AF

Tel: 0303 123 1113

Website: www.ico.org.uk