

# Privacy Notice - Planning Applications, Conservation and Planning Enforcement

## 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 the Thanet District Council to provide the planning application, conservation and planning enforcement services, it is necessary for the council to collect, store and process personal data.

## Where we get your information from

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 the Planning Portal, a third party website that provides a transaction service.

We also receive comments, representations, allegations and questions via email, letter, and through our Public Access system.

The Planning team also obtain information from a range of sources, including:

- Thanet District Council Customer Services
- Other Council departments
- Thanet Residents
- Local Businesses
- The Planning Inspectorate
- Kent County Council
- Landlords and Estate agents

## 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.

- To intervene quickly where anyone is threatened with homelessness or without a home, not just those classed as 'priority need'.

### **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 mental or physical health.

### **Who we will share your information with**

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.

Therefore 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, and other government departments and agencies.

We will make details of planning applications available online so that people can contribute their comments. We will sometimes need to share the information we have with other parts of the council, for example to establish how long a building has been used as a dwelling. We also send out a follow-up "how did we do?" survey to a sample of people using our service to see how we can improve it.

### **Redaction ('blanking things out')**

We operate a policy where we routinely redact the following details before making forms and representations available online:

- Personal contact details for the applicant e.g. house number, telephone numbers, email addresses and signatures
- Special Category Data e.g. supporting statements that include information about health conditions or ethnic origin. Sometimes we might decide it is necessary, justified and lawful to disclose data that appears in the list above. In these circumstances we will let you know of our intention before we publish anything.

For submission of applications, if you are submitting supporting information which you would like to be treated confidentially or wish to be specifically withheld from the public register, please let us know as soon as you can - ideally in advance of submitting the application. The best way to contact us about this issue is at [planning.services@thanet.gov.uk](mailto:planning.services@thanet.gov.uk)

### **The legal bases for collecting and processing your information**

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<sup>1</sup>. Most personal data (e.g. name, address, contact details) are processed in order to comply with a legal obligation.

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<sup>1</sup> Under Article 6 of GDPR

The Planning Team processes personal data in carrying out its functions and taking action under the following specific legislation:

- Town And Country Planning Act 1990 (as amended)
- Town And Country (Listed Building and Conservation Areas) Act 1990
- Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- Homelessness Reduction Act 2017 which came into force from 3 April 2018

### **Additional lawful basis for processing other categories of data**

Some of the information that is collected is classified as **special category personal data** (such as evidence of medical history) 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<sup>2</sup> to above. In this instance, special category of data is processed for exercising specific rights of the council (under the regulations above). And in the occasional instance, where the Council collects and process criminal offences information<sup>3</sup>, this is done lawfully under the provisions of the Data Protection Act 2018 (DPA)<sup>4</sup>.

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**” and is why we do not need you to “opt in” to allow your information to be used.

Some information provided to us we are obliged under the regulations to make available on planning registers. This is a permanent record of our planning decisions that form part of the planning history of a site, along with other facts that form part of the “land search”.

### **How long we keep your personal information**

We will endeavour to only keep information for as long as it is needed 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 object to the use of your data.

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.

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<sup>2</sup> Under Article 9 GDPR

<sup>3</sup> Under Article 10 of GDPR

<sup>4</sup> 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 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/>

This is also available in other formats (e.g. print).

### **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](mailto: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](mailto: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 or 01625 545745  
Website: [www.ico.org.uk](http://www.ico.org.uk)