

Privacy Notice for Strategy Planning (Planning Policy and the district Local Plan)

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

It is necessary for Thanet District Council as a “data controller” to collect and process personal information to discharge its statutory functions towards the planning policy service, and the preparation of a Local Plan for the Thanet District.

Processing activity

In order to discharge these statutory functions it is necessary for us to collect and hold personal information about you. The information collected and held will vary and depend on the nature of the service.

We get information in two ways – it is supplied to us directly by people when making comments in response to a planning policy or Local Plan consultation (or via a planning agent on their behalf) or when people request to be added to the planning policy or Local Plan “mailing list”.

In order to provide planning policy services, we need to process personal data (name, address, contact numbers). This is to notify people about the Council's planning policy activity and consultations; to enable people to make comments on planning policy documents, including the draft Local Plan; and for people to participate in any Public Examination. These contact details are held on Inovem, a specialist system designed for Local Plan consultations/Examination. Inovem is also subject to the requirements of GDPR.

Any comments submitted to us will be made public alongside the name of the person who commented, and if relevant the name of the organisation, body or person being represented. No contact or other personal details will be published. Contact details will only be used for Local Plan consultations and to inform people about the stages of this Local Plan process; and for the purposes of the Local Plan Examination.

Information requirements

- Name
- Email address
- Address
- Telephone number

When people comment on-line, we ask them to register, for the following reasons:

- so we can keep them informed of the outcome
- so we can keep them informed about future consultations
- to prevent people responding more than once

- all of their comments at various stages will be easy for them to see by logging in to their account

We cannot accept anonymous responses to planning policy consultations. People must provide an email address, address details and full name and postcode to sign up.

Our consultation system (Inovem) enables us, and it is our normal policy, to publish people's comments without displaying personal contact details (e.g. house number, telephone numbers, email addresses and signatures). The name of the person (and where relevant, the organisation they represent) will be published.

For submission of representations, 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 representations. The best way to contact us about this issue is at local.plans@thanet.gov.uk

Lawful basis for processing data under GDPR

The Council's **lawful bases** for processing your personal information under the GDPR¹ are:

- For the performance of a task carried out in the public interest; and
- That it is necessary for compliance with a legal obligation to which the Council is subject.

The Strategic Planning team processes personal data in order to carry out its duties under the following specific legislation:

- Planning & Compensation Act 2004 (as amended); and
- Town & Country (Local Planning)(England) Regulations 2012.

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 reasons of substantial public interest.

Retention Period

Information collected will be held until such time as the specific planning policy process. After this time, it will be deleted from the council's contact database, unless specifically requested by the individual concerned to remain on the database for future contact on planning policy matters.

¹ Under Article 6 of GDPR.

² Under Article 9 of GDPR

Data sharing

Your contact details will be shared with the Examination Programme Officer, who will only use the data to contact you about the Local Plan Examination. The Programme Officer is an officer (often an external consultant) who is employed by the Council, but is responsible to the appointed Planning Inspector for the administration of the Examination process.

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.

We will not share your personal data with third parties for commercial purposes nor will we use your personal data for marketing products or services without your consent.

Your rights

The Data Protection Act 2018 in conjunction with the General Data Protection Regulation (GDPR) grants you a number of other rights. You have the right to request information that is held about you and this is known as the 'right of subject access'. Making a request for your personal information is known as a 'Subject Access Request'. You are entitled to receive a copy of your records **free of charge** and **within one calendar month** from the date a clear request is received or from validation of your identification. There may be occasions when we would request for more time, up to 2 months if the information you have requested for is large or complex. For more information on how we process your personal information and how to make a subject access request, please visit <https://www.thanet.gov.uk/privacy-statement/>

Please note that in certain circumstances access to your records may be limited, for example, if the records you have asked for contain information relating to another person.

You also have the right to rectify errors in your records, the right to object to the use of your information and the right to have your data erased also known as the right to be forgotten, including the right to restrict data processing, and the right to data portability; and right to withdraw consent. You can also file a complaint with the local data protection authority.

If you wish to exercise any of these rights, you should contact the Data Protection officer using the contact details provided below. 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.

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

Complaints

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.
Phone: 0303 123 1113 or 01625 545745
Website: www.ico.org.uk