



PRIVACY NOTICE – DEVELOPMENT MANAGEMENT AND ENFORCEMENT SERVICE

WHAT IS THE PURPOSE OF THIS DOCUMENT?

Three Rivers District Council is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you for the purposes of:

- Registering, processing and determining planning applications, and reviewing and recording representations made as part of applications
- Processing planning appeals
- Registering, processing and responding to pre-application enquiries in accordance with the service which has been paid for
- Entering into legal agreements
- Serving notices and investigating alleged breaches of planning control

Three Rivers District Council is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

DATA PROTECTION PRINCIPLES

We will comply with data protection legislation. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

THE KIND OF INFORMATION WE HOLD ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

In order to process and determine planning applications, planning appeals and pre-application enquiries, enter into legal agreements, serve notices, and investigate alleged breaches of planning control, we will collect, store, and use the following categories of personal information about you:

- Personal Contact Details (name, address, telephone number, email address)
- Any other specific personal or sensitive personal information if it is expressly provided to us as part of an application (application form or any supporting document, provided as part of a planning application, request for pre-application advice, or planning appeal form)

HOW IS YOUR PERSONAL INFORMATION COLLECTED?

We collect personal information about you from:

- Planning application form and any supporting/accompanying documents (submitted by hard copy, by email, or through The Planning Portal or iApply)
- Planning pre-application advice request form and supporting/accompanying documents.
- Planning appeal form and any supporting/accompanying documents.
- Online form for reporting alleged breaches of planning control
- Information contained within letters of representation

HOW WE WILL USE INFORMATION ABOUT YOU

We will only use your personal information when the law allows us to.

The lawful basis for processing your personal data will be:

- Processing is necessary for the performance of a contract (Pre-Application enquiries)
- Processing is necessary for compliance with a legal obligation (Processing planning applications, representations and planning appeals, and planning enforcement)
- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (investigating alleged breaches of planning control)

The situations in which we will process your personal information are listed below.

- Registering and processing your planning application, planning appeal or pre-application enquiry and communicating with you in connection with your application, including providing you with an update on your application, arranging meetings and issuing decisions.
- Contact you to keep you updated with any investigations into an alleged breach of planning control, including arranging site visits
- Contact you in respect of any representations raised and to notify you of a planning decision and any subsequent appeal
- Your information could also be used to contact you regarding the application for the following reasons:-
 - i. If the application is withdrawn
 - ii. If the application is revised
 - iii. When a decision is made
 - iv. If the application is being heard at a committee
 - v. If an appeal is lodged

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you or our legal duty.

DATA SHARING

We will share your personal information with third parties where required by law, or where it is necessary to administer the contract with you.

Your personal information may be shared with and processed by:

- Planning application details will be made available via the planning pages of the council's website. This will include the applicant's and agent's name and address. The documents are available for public inspection. This is a requirement of The Town and Country Planning Act 1990 (as amended), and Articles 15 and 40 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
- We are obliged to publish information on the Planning Register, and this will include a copy of the application including any accompanying plans and drawings, a copy of any associated legal agreement, and, in respect of applications for a certificate under Section 191 or 192 of the Town and Country Planning Act, the name and address of the applicant. This is a requirement of The Town and Country Planning Act 1990 (as amended), and Article 40 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
- In respect of applications where publicity is required by display of site notice, the applicant's name will appear on the site notice in accordance with the requirements of Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended.
- Your application information (excluding personal contact numbers, email address and signatures) will be shared with other statutory consultees such as the Highways Agency, Environment Agency, Hertfordshire County Council, etc. This is a statutory requirement under the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
- Pre-application enquiries may be shared with consultees – either within Three Rivers District Council, Hertfordshire County Council or other external consultees.
- On a weekly list/bulletin distributed to Members and published online and on notice boards listing applications received during that week, and applications determined during that week
- The Planning Inspectorate in the event an appeal is submitted
- Representations submitted in respect of planning applications may be published on our website. Names, telephone numbers and email addresses will be redacted, but postal addresses will not be. Please include in correspondence only the minimum necessary personal information – but be aware that anonymous comments cannot be accepted as we must be able to verify the legitimacy of comments. Information will be redacted from public viewing but we will hold this information on our planning system and it will be available to all planning staff.
- Reports of alleged breaches of planning control will remain confidential within the enforcement and legal team and will not be held in the public domain in the same way as a planning application. In the event of any formal enforcement action, personal details may be passed to solicitors, barrister or other agent acting on behalf of the Local Planning Authority. Personal data would also be shared for the prevention of fraud or detection of crime.

All of the Council's third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal information for their own purposes and they may only process your personal information for specified purposes and in accordance with our instructions.

DATA SECURITY

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees and third parties who have a business need to process it. Third parties will only process your personal information on our instructions and they are subject to a duty of confidentiality.

Data will be held on our database management system in a secure hosted environment in England, and within documents held on our secure servers including emails, word processed documents and spreadsheets.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

DATA RETENTION

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal information, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

Planning application agent and applicant details: A copy of the application together with accompanying plans and drawings, and Design and Access Statement, will be retained in perpetuity in accordance with the requirements of Article 40 of the Development Management Procedure Order 2015 (as amended) Details of all planning applications to be retained permanently.

Pre-application agent and applicant details:

- Personal details can be deleted after three years. Submitted plans/documents etc retained permanently

Investigations of alleged breaches of planning control

- Complainant and complaint subject's details to be retained in perpetuity
- Enforcement Notices (all types) retained permanently

Representees to consultations:

- Representations on applications will be held in perpetuity

Other Planning Correspondence

- Applications for Temporary Permission to display an Advert – Records will be held in perpetuity

RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal information, or request that we transfer a copy of your personal information to another party, please contact the Data Protection Officer in writing.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

RIGHT TO WITHDRAW CONSENT

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Data Protection Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

DATA PROTECTION OFFICER

The Council's Data Protection Officer (DPO) is responsible for overseeing compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO – see www.threerivers.gov.uk/dataprotection for details.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

PRIVACY NOTICE OWNERSHIP

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Department:	Regulatory Services
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