

Mansfield District Council

Planning – Privacy Notice

This Privacy Notice explains how personal information collected as part of the planning process and who it will be shared with. It should be read alongside Mansfield District Council's main Privacy Notice which can be found at www.mansfield.gov.uk/privacy.

Why we collect information about you

The Council, as the Local Planning Authority ("LPA"), has a duty to consider applications for development in the public interest. We process information provided as part of an application including application forms, plans, documents and other supporting information. We invite statutory consultees, local citizens, stakeholders and organisations to comment on planning applications, plans and policies. This consultation helps to ensure that the right things are built in the right places.

We use this information to:

- Make decisions, consider and provide advice on all applications and appeals sent to the planning department in accordance with our statutory duties
- Make planning policies and local plans
- Work with other Councils on strategic policies and plans
- Monitor development
- Enter into legal agreements, serving notices and promoting the best use of land. For example, section 106 and Community Infrastructure Levy (CIL)
- Complete and send reports to Government departments
- Investigate breaches of planning (planning enforcement).

What personal data do we collect?

- Name
- Address

- Contact details - including telephone numbers, email addresses and/or business name and address
- Special Category Data – racial or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; genetic data; biometric data (where used for identification purposes); health; sex life; and sexual orientation.

Although the Planning Service doesn't routinely collect Special Category Data, it is recognised that on occasions it may process details about an individual's medical condition or other special category data if relevant to the application process (for example building adaptations or exemption to required planning fees). Please refer to the lawful basis for processing this data.

How do we collect personal information?

- You will have directly provided information to us, or by way of our planning portal, if you make or take part, in a planning appeal, application or examination as part of our planning processes
- You will have directly provided information to us, or by the consultation portal, as part of any consultation processes
- You may also provide us indirectly with special category information where you are providing information regarding your personal circumstances (which may also include personal and special category of other data subjects) that you want to be considered within the planning processes
- Third parties may provide information about you in their planning application, appeal or examination as part of the planning processes
- Via our websites, e.g. connection data sent to our webserver by your browser when you connect to our website
- You have made a complaint or enquiry to the Council
- You have made an information request to the Council

What is our lawful basis for collecting and processing this data?

The lawful basis under which the Council uses personal data for this purpose is that this is necessary for the performance of a task carried out in the public interest by the Council or in the exercise of official authority vested in the Council (Article 6(1)(e) UK GDPR). Whilst the legislative background is different, the processing of planning applications comes under The Town and Country Planning (Development Management Procedure) (England) Order 2015¹, while local plans are the Town and Country Planning Act 1990².

Through the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities have a duty to publicise certain applications. Through the Town and Country Planning (Development Management Procedure) (England) Order 2015 there is a duty to undertake a consultation which is easier online. The Council also relies on its duties pursuant to the Localism Act (2011), the Planning and Compulsory Purchase Act (2004) and the National Planning Policy Framework (2018). See **Publication** below.

The information provided by you includes the following special categories of personal data such as medical information or ethnicity. Information in these categories is used by the Council on the basis that such use is necessary for reasons of substantial public interest (Article 9(2)(g), and in accordance with the provisions of the Data Protection Act 2018 and UK GDPR. Please see the Council's main privacy notice in respect of engaging this condition.

Who we share your information with

- Planning Inspectorate (Secretary of State)
- Councillors – members of the Planning Committee
- Public domain through publication on the Council's website

¹ <https://www.legislation.gov.uk/uksi/2015/595/contents/made>

² <https://www.legislation.gov.uk/ukpga/1990/8/contents>

- Information may be shared internally among officers and other agencies/government bodies who are involved in processing planning applications and where necessary between internal council or central departments with the purpose of supporting an effective delivery of service
- We may share your personal data with other Government bodies and enforcement agencies for the prevention, investigation or detection of crime where there is a lawful basis or valid exemption under the DPA 2018 for doing so
- We may disclose or share information we have collected and processed with a third party if we are under a duty to do so or in order to comply with any legal obligation, or in order to enforce or apply our terms of use and other agreements; or to protect the rights, property, or safety of the Planning Portal, our customers, or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection. If we transfer ownership or management of the website to a third party we may also transfer your data to them, provided they comply with the UK GDPR requirements.

Publication

The Council may publish public comments on planning applications and consultations on the Mansfield District Council website.

In responding to a planning application or consultation individuals must be clear that, whilst the Council will redact your name and contact details, the contents of your responses or representations may be published in their entirety. Therefore if you wish to ensure that your personal data including any special category data is not in disclosed then you should provide it in a separate statement and notify the Council that it contains personal/special category data.

The following information that is kept on our files will be kept confidential and will not be made available for public inspection:

- legal opinion received by the council

- personal financial information
- documents that have restricted or no public access, for example, wildlife/habitat reports
- complaints and matters relating to breaches of planning control until we take planning enforcement action

Local Plan - Submissions will be reviewed and collated into a summary report, which will be made publicly available. Responses by, or on behalf of, private individuals will be anonymised.

You must ensure that the information you submit is accurate and correct. Do not include personal information about third parties (including family members) unless you have told the individual concerned and they agree to it being supplied.

Prior to making your submission, please review this and the Council's main privacy notice.

Why am I currently included in the Local Plan Consultation Database?

You'll be on our database if:

- you have requested to be informed of planning policy consultations on the production of new documents or updates to existing planning publications;
- you have previously responded to planning policy consultations, such as Local Plans

Your Responsibilities

- Only provide personal information if you are happy for it to be placed in the public domain
- Do not include personal information about another third party (including family members) unless you have told the individual concerned and they consent to it being supplied

- Tell us as soon as possible if any of the personal information you have provided should change
- The Council reserves the right to obscure or refrain from publishing comments they consider to be defamatory, irrelevant or harmful to either the objector or applicant.
- The council makes every effort to redact personal information from representations but should you have any concerns please contact dpo@mansfield.gov.uk.
- We will sometimes need to share the information we have with other Council departments, for example our highways team, and external consultees i.e. Highways Agency. In the event of an appeal we will send unredacted neighbour comments to the Planning Inspectorate (Secretary of State) and the applicant/agent when the applicant make an appeal against a decision.

How long we keep your information for

We will only hold the information for as long as is reasonably necessary and in accordance with the Council's privacy notice, retention policy and data protection legislation.

All planning applications and enforcement notices are held on a public register and will not be deleted as we are required by law to maintain a register of both planning decisions and enforcement actions.

Your rights

The UK GDPR provides for the following rights for data subjects which is prescribed by legislation:

- A right to request a copy of your information
- A right to request rectification of inaccurate personal data
- A right to request erasure of your data known as 'the right to be forgotten'
- A right to in certain circumstances request restriction of processing

- A right in certain circumstances to request portability of your data to another provider
- A right to object to processing of data in certain circumstances
- A right regarding automated decision-making including profiling

In certain circumstances exemptions to these rights may apply. Further information is available on the Information Commissioner's Office website³.

Complaints

If you consider that your personal data has been misused or mishandled by us, you can raise this with the data controller. In this instance, the data controller is the Data Protection Officer who can be contacted on (01623) 463463 or dpo@mansfield.gov.uk.

If you remain dissatisfied you can make a complaint to the Information Commissioner, who is an independent regulator.

The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, WILMSLOW, SK9 5AF, or 0303 123 1113, or casework@ico.org.uk.

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

³ <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/exemptions/>