

Privacy Notice

Our privacy notices explain what to expect when Brent Council collects your personal information. In this notice Brent Council, Brent Civic Centre, Engineers Way, Wembley HA9 0FJ is the data controller as defined by Data Protection legislation.

The Council's Data Protection Officer:

Name: Rajesh Seedher

Email: dpo@brent.gov.uk

Phone: 020 8937 1402

Planning

Our planning department uses various kinds of information including personal details and sometimes sensitive personal data. This statement sets out the types of information that we collect, how it is stored, displayed, used and retained.

We receive applications seeking consent of one form or another, requests for advice, allegations of unlawful development, funding bids and information relating to Section 106 agreements (S106s) and the Community Infrastructure Levy (CIL) along with comments and suggestions for our planning policies.

Our purpose in collecting and using data is to operate as a statutory body carrying out a public task. The most common things we use data for are:

- Publicise applications in various ways to seek comments and information
- Notifying other organisations of proposals to seek their views
- Collecting and spending S106 and CIL monies
- Investigating allegations
- Writing reports and making decisions

Your information is collected and used for the purpose of processing your planning application as required to fulfil the council's duties under the following legislation, statutory or contractual requirement or obligation.

Legislation	Context
Town and Country Planning Act 1990 (as amended), the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended), Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), Town and Country Planning (Permission in Principle) Order 2017 (as amended) and Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).	For the processing of your planning application

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The categories of personal data we collect:

For most applications:

- personal details (applicant, agent details and associated with planning application comments)
- Visual images (site photos)
- case file information
- Financial details (associated with the payment of fees)

In a limited number of instances, we also collect

- Financial details (Financial viability assessments for Major Residential Developments)
- family details, housing needs, business activities (where submitted by the applicant for specific applications)

Who we share your information with

Your information will be shared with the following organisations.

Once your information has been collected by the council, it may be used by other council departments, where necessary, to provide a complete service to you. It is for this reason that we do link your information together, for example, to save you providing your information more than once.

Departments within Brent Council

Department	In association with the:
Environmental Health	consideration of relevant planning applications
Private Housing Services	consideration of relevant planning and House in Multiple Occupation applications
Planning Enforcement	consideration of Planning Enforcement complaints
Licensing	Consideration of Licence applications
Land Charges	Creation and updating of the land charges registry and searches
Building Control	Consideration of Building Regulations applications
GIS team	Mapping of data

External Organisation

Organisation	In association with the:
Planning Inspectorate	Consideration of Planning Appeals

Your information shall be processed for as long as required as stated in Town and Country Planning Act 1990 (as amended), the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended), Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), Town and Country Planning (Permission in Principle) Order 2017 (as amended) and Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). Application information is required by this legislation to be maintained on the Planning Register indefinitely.

Property ownership information is sought in some instance from the Land Registry where required to serve an Enforcement Notice.

Where in the world is your information stored?

Brent Council does not process your information with third countries outside of the UK or EU zone without the safeguards being in place that are equivalent to the UK Data Protection legislation or the General Data Protection Regulations (GDPR).

If you fail to provide the personal data, the Council may not be able to deliver accurate services to you and may also take action if it is required to do so by law.

Your rights

Brent Council shall process your information in adherence to your individual rights under the Data Protection legislation.

The right to be informed

This is your right know about how your data is being processed, who it is given to, for what purpose and anything else that guarantees your rights. This web page provides a summary, the Record of Processing Activities gives further details. When you provide information the Council will ensure that you have a Privacy Notice.

The right of access

You have a right to access your personal data and relevant supplementary information. This is known as a Subject Access Request. Further information can be found at www.ico.org.uk. You can make a request by emailing the Data Protection Officer at dpo@brent.gov.uk, or in writing to the Data Protection Officer, Brent Council, Civic Centre, Engineers Way HA9 0FJ. You should receive a response within 30 days, unless a different period applies as described under the ICO's SARs code of practice.

The right to rectification

You have the right to have your personal data rectified if it is inaccurate or incomplete. You can do this by contacting the service area that you are concerned about directly. Otherwise you can make a request by emailing the Data Protection Officer at dpo@brent.gov.uk, or in writing to the Data Protection Officer, Brent Council, Civic Centre, Engineers Way HA9 0FJ

The right to erasure

This is also known as "the right to be forgotten". Please note that there are circumstances when your information cannot be erased. This includes situations whereby the council is required to retain information for statutory purposes in accordance with its data retentions policy. You can make a request by emailing the Data Protection Officer at dpo@brent.gov.uk, or in writing to the Data Protection Officer, Brent Council, Civic Centre, Engineers Way HA9 0FJ . You should receive a response with 30 days.

The right to restrict processing

You have a right to request the council to 'block' or suppress processing of your personal data. Please note that this may not apply for most of the council's processes because there is usually a legal duty to process information.

The right to data portability

You have the right to obtain and reuse your personal data for your own purposes. You can make a request by emailing the Data Protection Officer at dpo@brent.gov.uk, or in writing to the Data Protection Officer, Brent Council, Civic Centre, Engineers Way HA9 0FJ.

The right to object to processing

You have the right to object to processing for certain circumstances as listed by the ICO at www.ico.org.uk. You can make a request by emailing the Data Protection Officer at dpo@brent.gov.uk, or in writing to the Data Protection Officer, Brent Council, Civic Centre, Engineers Way HA9 0FJ

Rights related to automated decision making including profiling

There are restrictions on automated decisions based solely on automated means without any human involvement. Also there are restrictions on profiling. You can make a an enquiry by emailing the Data Protection Officer at dpo@brent.gov.uk, or in writing to the Data Protection Officer, Brent Council, Civic Centre, Engineers Way HA9 0FJ

Brent Council is required by law to protect the public funds it administers. We may use any of the information you provide to us for the prevention and detection of crime. We may also share this information with other bodies that are responsible for auditing or administering public funds including the Public Sector Audit Appointments Ltd, National Audit Office, Financial Reporting Council, Cabinet Office, the Department for Work and Pensions, and other local authorities, HM Revenue and Customs, and the Police.

In addition to undertaking our own data matching to identify errors and potential frauds we are required to take part in national data matching exercises undertaken by the National Fraud Initiative. The use of data by the National Fraud Initiative in a data matching exercise is carried out under its powers in Part 2A of the Audit Commission Act 1998. It does not require the consent of the individuals concerned.

Concerns about data protection

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with the council's Data Protection Officer in the first instance. Alternatively, you can [contact the Information Commissioner's Office](#).

You can raise your concern by emailing the Data Protection Officer at dpo@brent.gov.uk, or in writing to the Data Protection Officer, Brent Council, Civic Centre, Engineers Way HA9 0FJ.

Planning Record Processing Activities

Development Management

Planning Applications

Planning Applications are held as a public register as required by the Development Management Procedure Order 2015. The register must be kept indefinitely and is stored in our system Acolaid. This register is also published on our website, although we redact the following details:

- Personal contact details for the applicant - i.e. telephone numbers, email addresses
- Signatures
- Personal Sensitive Information
- Information agreed to be confidential

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 at as soon as you can. The best way to contact us about this issue is email Planning.GDPR@brent.gov.uk.

Comments

Comments ('representations') can be important material considerations in the way we make decisions on planning applications, and go through the plan-making process. All representations are held on our system Acolaid along with contact information, if it has been provided.

We do normally publish the full text of representations, although we only publish the address of the person providing the representations so that they can be assured we have received them.

We will usually provide a summary of representations in the officer report that forms part of our summary of decision. However, we may use particular representations in full when they provide a powerful material consideration for a decision.

We do not provide copies of representations.

Planning Enforcement

We receive allegations of unlawful development that we investigate and decide whether or not to act. Allegations are a useful way for us to learn about breaches of development control and we treat them in confidence. We do not make any personal data in allegations public. We are required to make public any enforcement notices we serve, although we redact the name and address of the person to whom we serve the notice.

Pre-application Advice

Applications for pre-application advice are stored in our system Acolaid. We treat all pre applications in confidence and details about the application and advice given are not made public on the planning application register on our website.

SMS

We provide FREE SMS alerts to all agent who provide a mobile number on their planning application form. We provide this service to help improve our communication with our customers. If you wish not to receive these SMS alerts then please email regen.sms@brent.gov.uk

Quality control

We follow up on a proportion of cases to ask “how did we do?”. This is done via an email survey sent out to the email address we hold. We do this so we can understand the needs of our users and deliver improved services.

Spatial Planning

Planning Policy

We invite comments and provide updates on adoption of planning policies and guidance including the Local Plan, Neighbourhood Plans, Supplementary Planning Documents (SPDs), EIA Screening and Scoping Opinions and Article 4 Directions as part of public consultations.

We maintain a database of contact details for such consultations as required by legislation regarding General, Specific, Prescribed, Local and other consultees who indicate that they would like to be kept informed of planning policy matters.

We maintain a record of comments made and publish these (attributing names/organisations but removing personal information) as part of the statutory process. Individuals may opt-out from receiving emails at any time by letting us know their preferences when responding to consultations or emails subsequently.

Such consultation responses are generally kept whilst the documents they relate to are still being considered, are adopted/ in place and used in the decision making process. They are however disposed of/ deleted once this is not the case.

More detail on the ways it is anticipated the council will engage on planning matters can be found in our [Statement of Community Involvement \(SCI\)](#).

We have other databases such as a land use monitoring information and the Local Land and Property Gazetteer. These either contain no personal data, or in the case of development monitoring information where a developer / applicant might be identified, information that is not already readily available on the publicly accessible planning register.

We also maintain the Self-build and Custom Build Register. No personal data is made public. Entrants on the list are requested to inform us when they want to be removed and we will get in contact with entrants on the list periodically (every 3 years) to see if they still want to remain on it.

Relevant legislation:

- Planning and Compulsory Purchase Act 2004
- Town and Country Planning (Local Planning) (England) Regulations 2012
- Town and Country Planning (Use Classes) Order 1987
- Town and Country Planning (General Permitted Development) (England) Order 2015
- Environmental Impact Assessment Regulations 2017
- General Development Management Procedure Order 2015
- **Self-build** and **Custom** Housebuilding Act 2015
- **Self-build** and **Custom** Housebuilding (**Register**) **Regulations** 2016

Contact email:

- planningstrategy@brent.gov.uk

Place-Making

We consult on SPDs, general guidance, Local Lists, Conservation Area de/designations, Article 4 Directions and landscape/tree-planning projects for which the above privacy notice relating to Planning Policy applies.

We make, and assess applications for works relating to, Tree Preservation Orders (TPOs) and dangerous trees which may involve consulting and recording some personal details regarding Land Registry data, local landowners, residents and businesses, for which the above privacy notice relating to Planning Applications applies. Information regarding TPOs is retained as long as it remains in existence.

We also undertake preparatory work regarding buildings contained on Historic England's Heritage at Risk Register and preparing, submitting, implementing and monitoring bids for funding and projects. Where funding has been secured from other organisations, e.g. Greater London Authority/Mayor of London, Transport for London and Heritage Lottery Fund, personal details will be shared with funders only for purposes of project reporting, monitoring and evaluation.

Relevant legislation:

- As above for Planning Policy and:
- Town and Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990
- The Town and Country Planning (Tree Preservation) (England) Regulations 2012

Contact emails:

- planningdesign@brent.gov.uk
- landscape@brent.gov.uk

Infrastructure – Community Infrastructure Levy (CIL) and Section 106 Obligations (S106s)

We record personal data relating to S106s and CIL. This data can be obtained from a variety of sources and is mainly used for the purpose of monitoring, processing, and retaining documents to meet statutory and audit requirements as well as the council's standard terms and conditions of grant funding.

We maintain a database of contact details for the purpose of consultation on Neighbourhood CIL (NCIL) funding bids and reviews.

This data may be shared with other internal officers and departments within the council in relation to where they can assist in the progression of a case in relation to collection or spending of S106 or CIL.

This data may also be shared between agents or representatives (including planning consultants, architects, designers, lawyers etc) acting on behalf of the party unless notified that no other parties would act on their behalf in relation to a case.

The information will be retained for as long as is necessary in confirming that any legal obligations or outstanding debts have been settled or a funding project has been completed. The information will also be used for cross referencing against other cases and projects to ensure an efficient, effective and joined-up service.

Other external parties may request information in relation to S106 and CIL especially in relation to confirming the status of any land charge outstanding, pending or settled, especially in relation to purchase or sales of properties and this information may be shared with them except that it would be redacted to not include any personal details.

S106 agreements and CIL notices may contain some personal data and will either be removed from the Brent Public Access Database or personal data will be redacted.

If you fail to provide any personal data required for statutory, debt collection or funding purposes, the council may not be able to process or monitor your case further or effectively. If you give information that is incorrect or incomplete, the council may take action against you, including legal action.

We may occasionally contact individuals regarding matters that are subject to possible enforcement matters in relation to CIL and S106 but would only do so where this could assist in resolving any outstanding case, or where this contact would result in further case progression.

We also obtain information from the Charities Commission to verify identity and financial information for the purposes of NCIL application.

Relevant legislation:

- Town and Country Planning Act 1990
- Planning Act 2008
- CIL Regulations 2010

Contact emails:

- ciladmin@brent.gov.uk
- s106admin@brent.gov.uk