

## **Privacy Notice - Planning**

This privacy notice explains how the Planning Service within Brent Council collects and uses 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 is

Rajesh Seedher

Email: [dpo@brent.gov.uk](mailto:dpo@brent.gov.uk)

Phone: 020 8937 1402

The planning department uses information, including personal details and sometimes sensitive personal data for the carrying out of its functions as a local planning authority. This statement sets out the types of information that we collect, how it is stored, displayed, used and retained.

### **What do we use the data for?**

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.

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
- Writing and consulting on policies and guidelines
- Collecting and spending S106 and CIL monies
- Investigating allegations of unauthorised development
- Making decisions
- Providing advice on planning and related applications, design, conservation, biodiversity, trees
- Entering into legal agreements
- Monitoring developments
- Allocating sites and pursuing the most effective use of land

Your information is collected and used as required to fulfil the council's duties under the following legislation. If you fail to provide the data required, we may not be able to deliver services to you and may also take action if required to do so by law.

### **Legal Basis for Collecting and Using Information**

#### **Legislation**

- Town and Country Planning Act 1990 (as amended)
- Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning and Compulsory Purchase Act 2004
- Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended)
- Planning Act 2008
- Community Infrastructure Levy Regulations 2010
- Town and Country Planning (Local Planning) (England) Regulations 2012
- The Town and Country Planning (Tree Preservation) (England) Regulations 2012

- Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
- Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
- General Development Management Procedure Order 2015
- Town and Country Planning (General Permitted Development) (England) Order 2015
- Self-build and Custom Housebuilding Act 2015
- Self-build and Custom Housebuilding (Register) Regulations 2016
- Town and Country Planning (Permission in Principle) Order 2017 (as amended)
- Environmental Impact Assessment Regulations 2017

## Sharing information

Your information may be shared within the Council and with some external organisations. We generally only share your information where doing so is necessary to planning services; however, in special cases we may also share your information with other individuals and organisations. For example, if you make a complaint to your Councillor, or if the sharing would help with a safeguarding issue, or help prevent a crime. Sometimes, we might share your information without your knowledge

The Council will never sell your information to anyone else.

<b>External Organisations</b>	<b>In association with the:</b>
<b>Planning Inspectorate</b>	Consideration of Planning Appeals and examination of Local Plan and Supplementary Planning Documents
<b>Legal Services</b>	Consideration of legal planning matters
<b>Consultancies</b>	Expert professional advice associated with planning applications
<b>Greater London Authority and Transport for London</b>	Consideration of planning applications
<b>Ministry of Housing, Communities and Local Government</b>	Consideration of 'called in' planning applications or appeals

## Your Responsibilities

- Only provide personal information if you are happy for it to be placed in the public domain, including publication on the internet (unless you highlight for it not to be published).
- Do not include personal information about another person (including family members) unless the individual concerned has consented and you can provide evidence of this consent.
- Tell us as soon as possible if any of the personal information you have provided should change.

## **Planning Record Processing Activities**

### **Development Management: Planning and Other Applications**

#### **How we get your information**

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 a third party website that provides a transaction service. These include the Planning Portal and iApply.

We also receive comments, representations, allegations and questions via email, letter, and through our platforms

#### **The categories of personal data we collect:**

For most applications:

- personal details (applicant, agent details)
- financial details (associated with the payment of fees)
- name and addresses of people or organisations commenting on applications

In a limited number of instances, we also collect:

- financial details (Financial viability assessments)
- family details, housing needs, business activities (where submitted by the applicant for specific applications)
- property ownership information in some instance from the Land Registry where required to serve an Enforcement Notice.

We might also use sensitive personal information, such as information about your physical health if it is relevant to your planning application (for example, as evidence of exemption of a fee for a registered disabled person).

Planning and other 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, and can be viewed by the public via our website. We will publish the name and address of the agent and applicant (where supplied) on applications forms and approved documents where appropriate.

We redact the following details from the planning application form and covering letter:

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

If details (eg contact details) are on drawings and other supporting information submitted as part of an application and then form part of a decision, these will be published and not redacted.

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 via [Planning.GDPR@brent.gov.uk](mailto:Planning.GDPR@brent.gov.uk).

## **Comments on applications**

Relevant comments ('representations') are an important material consideration in planning decisions. All representations are held on our system Acolaid along with contact information where provided.

As it is important for people to know what comments have been made on an application, we will publish the content of comments submitted via our public access system. However the name of the person commenting will be redacted, along with other personal and sensitive information. Once a decision on the application is made we remove comments from our website. Any comments will be shared with the Planning Inspectorate in the event of an appeal.

We will usually provide a summary of representations in the officer report that sets out the reasons for a 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. We treat allegations 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](mailto: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. The survey analysis may be published but individuals or companies will not be identified or shared. We may follow up some comments directly with the person who made them.

## **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.

These 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.

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.

Contact email: [planningstrategy@brent.gov.uk](mailto:planningstrategy@brent.gov.uk)

### **Place-Making**

We consult on Supplementary Planning Documents, general guidance, Local Lists, Conservation Area de/designations, Article 4 Directions and landscape/tree-planning projects.

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.

Contact emails:

- [planningdesign@brent.gov.uk](mailto:planningdesign@brent.gov.uk)
- [landscape@brent.gov.uk](mailto: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 obligations 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.

Contact emails:

- [ciladmin@brent.gov.uk](mailto:ciladmin@brent.gov.uk)
- [s106admin@brent.gov.uk](mailto:s106admin@brent.gov.uk)

### **Where in the world is your information stored?**

Brent Council does not share your information with 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).

## 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](http://www.ico.org.uk). You can make a request by emailing the Data Protection Officer at [dpo@brent.gov.uk](mailto: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](mailto: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](mailto: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](mailto: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](http://www.ico.org.uk). You can make a request by emailing the Data Protection Officer at [dpo@brent.gov.uk](mailto: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 an enquiry by emailing the Data Protection Officer at [dpo@brent.gov.uk](mailto: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](mailto:dpo@brent.gov.uk), or in writing to the Data Protection Officer, Brent Council, Civic Centre, Engineers Way HA9 0FJ.