



## Privacy Notice - Major Sites and Infrastructure

### Introduction

The Major Site and Infrastructure Team have provided this privacy notice to help you understand how we collect, use and protect your information whilst we provide you with the developer contributions service which covers, CIL, s106 and Habitats Mitigation (RAMS).

The document below will describe how we may collect and process your personal information.

The purpose of this document is to clearly acknowledge the Council's responsibilities in relation to the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

### Definitions

**Personal Data** means any information related to an identified or identifiable natural (living) person ('**data subject**') i.e. a person that can be directly or indirectly identified by reference to a name, ID reference number, email address, location data, or physical, physiological, genetic, mental, economic, cultural or societal identifier

**Special Personal Data** previously known as 'sensitive personal data', relates to race, ethnic origin, politics, religion, trade union membership, genetic data, biometric data, health, sex life or sexual orientation. Records of criminal personal data must also be treated in a similar way.

**Data Controller** determines the purposes and means of processing personal data.

**Data Processor** is responsible for any operation which is performed on personal data on behalf of the controller e.g. collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or making available, alignment or combination, restriction, erasure or destruction.

**Third Party** is someone / somebody who is not the Data Controller, the Data Processor or the Data Subject.

### Who we are

The Major Site and Infrastructure team administer Community infrastructure Levy (CIL), RAMS (Habitats Mitigation), and S106 agreements.

The data and transactions are processed in relation to the CIL Regulations 2010 (as amended) and for RAMS, the Suffolk Coast Recreational Disturbance Avoidance Mitigation Strategy.

The Council is the 'data controller' for the information which is collated and processed. This means we are responsible for deciding how we can use your information. If you want more information regarding the services delivered, please go to our [website](#).

The Council regards lawful and correct treatment of personal information as critical to their successful operations, maintaining confidence between the Council and those with whom they carry out business. The Council will ensure that they treat personal information correctly in accordance with the law.

The Data Protection Officer for ESC is Siobhan Martin, Head of Internal Audit, and can be contacted at [dataprotection@eastsuffolk.gov.uk](mailto:dataprotection@eastsuffolk.gov.uk).

### **How the law protects you**

UK GDPR says that we are allowed to use personal information only if we have a proper reason to do so. More information on how the law protects you can be found on the [East Suffolk website](#).

### **Our Responsibilities**

UK GDPR provides us with main responsibilities for processing personal data.

All personal information provided by you is held securely and in confidence by us in our computerised and other records. When we process your personal information, we do so in compliance with UK GDPR.

For further information on our responsibilities, please see the [East Suffolk website](#).

### **Your Rights**

The UK GDPR provides you with the following rights:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making
9. The right to withdraw consent
10. The right to complain

Requests in relation to your rights with regards to the personal data we hold should be made verbally or in writing to the Data Protection Officer.

For further information on your rights, please see the [East Suffolk website](#).

### **Your responsibilities**

You are responsible for making sure you give us accurate and up to date information, and to let us know if any personal information we hold is incorrect.

**When do we collect information about you?**

We collect information about you from different places, including:

- Statutory CIL Forms
- Land Ownership (Land Registry Title and plan downloads)
- Council Tax records (for fraud prevention and CIL Exemptions compliance)
- Bank Statements (CIL Exemptions evidence)
- Mortgage Statements (CIL Exemptions evidence)
- Commencement and Completion records via East Suffolk Building Control or your independent Building Control company (CIL Exemptions compliance)
- Evidence provided to us to support existing lawful use
- Utility Bills (for fraud prevention and CIL Exemptions compliance)
- Signed s106 Agreements or RAMS forms

**What information do we maintain?**

The information about you which we will maintain will include:

- name
- address
- email
- telephone or mobile numbers
- bank account details
- council tax records
- CIL Exemptions supporting evidence (detailed above)
- Evidence provided by you to support lawful use of buildings
- Signatures or initials (on historic s106 Agreements only)

**How do we use your information?**

We will be using your information to:

- Calculate CIL or other developer contributions
- Confirm entitlement to CIL Exemptions
- Prevent fraudulent CIL Exemption or Relief Claims
- Process payments or refunds relating to CIL, s106 or RAMS
- Establish land ownership
- Manage compliance with legislation and legal agreements

We will not use your personal data for other purposes other than for what it was collated unless we have obtained your consent or for other lawful purposes (e.g. detection and prevention of fraud).

**How long do we keep your information?**

We will hold your personal information for 7 years (6 years plus the current financial year) from the date of the completion of the CIL process or RAMS expenditure year. In the case of a s106 Agreement this is retained until all obligations have been discharged. Where legal agreements contain “in perpetuity” clauses these are retained until the agreement is superseded. An electronic public copy of a s106 Agreement may still be available as a matter of public interest.

## Data Sharing

We will share your personal information with:

- Other East Suffolk teams or external authorities for verification or fraud investigation.
- Legal Services colleagues when s106, Unilateral Undertakings or RAMS contributions are processed.
- The Court Service and Bailiffs Service where the data is required to implement Orders for Recovery of CIL or s106 obligations.
- Exacom Ltd (for data storage via the Exacom developer contributions management system)
- HM Land Registry
- Local Government Ombudsman

## Transferring your information overseas

Currently, we do not transfer any personal information outside of the European Economic Area (EEA).

## National Fraud Initiative (NFI)

We may share information provided to us with other bodies responsible for auditing, or administering public funds, or where undertaking a public function, in order to prevent and detect fraud. For further information, see the [East Suffolk website](#).