



## Privacy Notice – Planning (Planning Policy and Delivery and Design and Heritage)

### Introduction

The Planning Team (Planning Policy and Delivery and Design and Heritage) have provided this privacy notice to help you understand how we collect, use and protect your information whilst we provide you with planning services in relation to Local Plan, other related documents and Supplementary Planning Documents preparation, Call for Sites, Self Build and Custom Build Register, Community Infrastructure Levy, Neighbourhood Plans, Neighbourhood Development Orders, publication of the Council's Brownfield Land Register, production of Housing Land Supply Statements, Conservation Area Appraisal and Management Plans, East Suffolk Local List and Quality of Place Awards.

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 Planning Policy and Delivery Team provides statutory planning policy services such as preparing the Local Plan for the area, keeping a self build register, setting a Community Infrastructure Levy for the area and responding to requests for funds. The Team also provides support to local groups in preparing Neighbourhood Plans and Neighbourhood Development Orders and publishes the Brownfield Land Register and Housing Land Supply Statements. The Design and Heritage Team produces Conservation Area Appraisal and Management Plans, the East Suffolk Local List and manages the Quality of Place Awards.

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 services provided by the Planning Policy and Delivery and Design and Heritage Teams are statutory and are governed by (and any subsequent amendments):

- The Town and Country Planning (Local Planning) (England) Regulations 2012
- The Self-build and Custom Housebuilding Regulations 2016
- The Community Infrastructure Levy Regulations 2010
- The Neighbourhood Planning Regulations 2012
- The Town and Country Planning (Brownfield Land Register) Regulations 2017
- Planning (Listed Buildings and Conservation Areas) Act 1990

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

- Participation in the preparation of the Local Plan and other related documents by submitting a consultation response or asking to be added to the Planning service mailing list for Planning Policy and Local Plans, or other mailing lists
- Completion of the contact field on feedback questionnaires
- Completion of a Call for Sites form
- Response to a Supplementary Planning Document consultation
- Response to a Planning Position Statement consultation, or other policy or guidance consultations
- Completion of a Self Build and Custom Build Register application form
- Response to a Community Infrastructure Levy consultation or request for funds
- Participation in the preparation of a Neighbourhood Plan or Neighbourhood Development Order
- Response to a request for information relating to Housing Land Supply Statements
- Public documents, such as Land Registry and planning applications to monitor and support the delivery of the Local Plans
- Response to a Conservation Area Appraisal and Management Plan consultation or East Suffolk Local List consultation
- Submission of a Quality of Place nomination
- Response to an Article 4 direction consultation.
- Completion of tree order forms under the Tree & Hedgerow Strategy
- Completion of the reporting tool under the Tree & Hedgerow Strategy

## What information do we maintain?

The information about you which we will maintain will include:

- Name
- Postal address
- Email address
- Telephone number
- Signature
- Date of birth, nationality, tenure of current home and financial information will be required in the case of applying to the Self Build and Custom Build Register

## How do we use your information?

We will be using your information to:

- Consider your comments or representations or Call for Sites submission in the preparation of the Local Plan and other related documents
- Consider your comments or representation in the preparation of Supplementary Planning Documents, Planning Position Statements or other policy or guidance documents
- Update our mailing list for Planning Policy and Local Plans, or other mailing lists and informing you of the progress of the preparation of our documents, including public consultations. Our email service provider captures the IP address of all emails sent. The Council uses this information to ascertain whether an email was bounced, received, or opened
- Administer your entry in the Self Build and Custom Build Register
- Consider your comments or representations in the preparation of the Community Infrastructure Levy
- Monitor the implementation and completion of planning permissions
- Support you/consider your comments or representations in the Neighbourhood Plan or Neighbourhood Development Order preparation process your name and response will be made available for public inspection and published on the Council website
- Invite you to attend Developers Forums covering planning and building control information updates
- Contact you or your agent as part of our review into the delivery of sites allocated in East Suffolk Local Plans
- With your consent, contact you regarding your user feedback given in relation to the development of our services
- Produce Housing Land Supply Statements
- Consider your comments in the preparation of Conservation Area Appraisal and Management Plans and East Suffolk Local List
- Consider Quality of Place nominations
- Consider your comments in the preparation of Article 4 directions.
- Process your tree order under the Tree and Hedgerow Strategy and arrange delivery to your designated site or delivery address.
- Contact you in relation to trees you have planted under the Tree & Hedgerow Strategy.

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?

Statutory information: We will hold your personal information as detailed:

- Local Plan, other related documents and Supplementary Planning Documents preparation, including Call for Sites: Retain until end of plan period + 1 year or until superseded + 1 year (local retention policy).
- Self Build and Custom Build Register: Retain indefinitely (Regulation 10, Self-build and Custom Housebuilding Regulations 2016).
- Community Infrastructure Levy: Retain until superseded + 1 year).
- Neighbourhood Planning / Neighbourhood Development Order: Plan preparation is essentially the responsibility of the relevant town or parish council. Where the Council is the responsible authority, retain until the end of the Neighbourhood Plan plan period + 1 year, or until superseded + 1 year, or the Neighbourhood Area is withdrawn or expires + 1 year (local retention policy).
- Conservation Area Appraisal and Management Plans: Retain until superseded + 1 year (local retention policy).
- Article 4 directions: Retain until the Direction is confirmed + 1 year (local retention policy).
- Information held in relation to planning permissions are retained for a maximum of 40 years to monitor delivery and completion.

Developers Forums (land agents, developers, planning agents working within the East Suffolk area): Retain for maximum of 10 years (local retention policy).

Deliver and monitor planning policies: Your information will be retained for a maximum of 15 years from last point of correspondence (local retention policy). Discretionary information: We will hold your personal information for a maximum period of 15 years from last point of correspondence, you can request that your personal information is deleted at any time.

Planning Policy and Local Plan Mailing List: Retain until customer requests removal from future consultation notifications. Representations will be retained along with customer name as for Local Plan retention policy.

Quality of Place award nominations: Retain until 1 year after the date of the Awards ceremony, to contact nominators and nominees regarding their submission.

Feedback questionnaire contact forms: Retained for up to six months to obtain clarification on responses. You may request that your personal information is deleted at any time.

Tree & Hedgerow Strategy tree order forms: Retained until your order is confirmed to have been delivered. You may request that your personal information is deleted at any time.

Tree & Hedgerow Strategy reporting forms: Retained for up to six months after any or all queries have been resolved. You may request that your personal information is deleted at any time.

## Data Sharing

We will share your personal information with:

- Consultants appointed by the Council or other local planning authorities undertaking joint/aligned Local Plan, other related documents or Supplementary Planning Document preparation with the Council in whole or in part.
  - All representations submitted on the Local Plan at Regulation 19 Publication of a local plan will be submitted to the Secretary of State for independent Examination in their original format, including personal details. These will also be provided to the Planning Inspector undertaking the Examination and to the Programme Officer who assists the Planning Inspector.
  - Our contracted software provider to support our statutory reporting requirements under Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Section 35 of the Planning and Compulsory Purchase Act 2004 (as amended).
  - Where a Neighbourhood Area Designation also falls within the Broads Authority, all comments made at Regulation 16 Publicising an area application may be shared, in their original format, with the Broads Authority as Local Planning Authority.
  - All comments made on a Neighbourhood Plan at Regulation 16 Publicising a plan proposal will be submitted in their original format to an independent Examiner for their consideration as part of the Examination. Where a Neighbourhood Plan also falls within the Broads Authority, comments may also be shared, in their original format, with the Broads Authority.
  - All comments made on a Community Infrastructure Levy Draft Charging Schedule at Regulation 16 Publication of a draft charging schedule will be submitted in their original format to an independent Examiner for their consideration as part of the Examination and to the Programme Officer who assists the Examiner.
  - Our email service provider, Brevo, to manage and administrate the Planning Policy and Local Plan Mailing List.
  - For Quality of Place Awards, an external judging panel, so that they can assess the submissions and determine winners.
- And as required by any subsequent amendments to legislation.

## Transferring your information overseas

Currently, we do not transfer any personal information outside of the European Economic Area (EEA) unless we have your explicit consent.

Surveys conducted for the Local Plan are hosted via Environmental Systems Research Institute (ESRI), therefore some personal information (such as comments and other identifiable data) will be transferred outside the EEA to ESRI who are based in the United States of America. This is done with your explicit consent and with appropriate safeguards in place to adhere to UK GDPR requirements.

## 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](#).