

# Privacy Notice

## Planning Applications and Appeals



**WOKINGHAM**  
**BOROUGH COUNCIL**

This notice, in conjunction with Wokingham Borough Councils overarching privacy statement, explains when as a service we collect personal information, what we use your data for, who has access, who we share it with, and what your rights are.

### **Who are we?**

Development Management and Regulation  
Customer and Localities,  
Wokingham Borough Council,  
Shute End,  
Wokingham,  
Berkshire,  
RG40 1BN

### **What is the lawful basis for processing the information?**

The lawful basis for processing your information is necessary for compliance with a legal obligation and by you providing comments on applications, as specified by the following legislation:

- The Town and Country Planning Act 1990
- The Town and Country Planning (Listed Buildings and Conservation) Areas Act 1990

### **How do we collect information from you?**

Information is collected from you as the service user via online web forms, hard copy documents, e-mail, by telephone or through face-to-face discussion. This information will be collected from either you directly as the data subject or from a representative acting on your behalf, e.g. a solicitor. Accepted methods of submitting a planning application are: hard copy or electronic. Accepted methods of commenting on applications are in paper form or via an online form. In the case of planning appeals, these are made to the Planning Inspectorate who copy the information to us.

### **What type of information is collected from you?**

The service collects and processes a range of information about you. The information is provided to enable Development Management to carry out its duty and functions, provide you with a service, and continue to make service improvements.

We will collect the following information: Surname, Forename, Title, Age, Address, Postcode, E-mail, Phone number. We may collect Gypsy, Roma and Traveller (GRT) status, Medical or Disability information, and collect information about opinions and intentions about planning matters.

You will be informed of any other data we collect, that is not listed above, orally or through email at the time of collection of the data.

## **How do we use the information you have provided?**

All information provided is used by Development Management for the purposes of planning decisions, informing individuals of outcomes, and handling appeals.

In order to comply with its statutory obligations, the Council must make public certain details relating to planning applications in the form of a public register. The Council may provide the public register electronically and this Council hold the public register on its website for public access. The Council in holding the statutory register of planning applications in an electronic form is not discharging a statutory duty but is discharging a statutory power. The Council in exercising its official authority under a statutory power pursuant to Section 69 of the Town and Country Planning Act (as amended) and Article 40(14) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to keep an electronic planning register. In so doing it satisfies the first part of the test pursuant to Article 6(1)(e) of the General Data Protection Regulations (GDPR). The second test under Article 6(1)(e) is whether the processing of the data is necessary for the statutory purpose. The data includes the name and address of the applicant and, where an agent is acting for the applicant, the name and address of that agent. This serves the public interest in the public planning system and provides the necessary transparency to allow interested third parties to make representations on the application including the completeness and accuracy of the application form made under declaration. The Council publishes comments made on applications on its web site.

## **Who has access to the information about you?**

Your information is managed by staff employed in Development Management. Your information may also be shared with officers from other service areas for assistance with these matters. All personal data is stored securely; we have in place security which are intended to ensure, as far as possible, the security and integrity of all personally identifiable information.

Your data is stored securely on our systems and accessed only by authorised officers of Wokingham Borough Council by using their own Username and Password all created in-line with pre-defined user credentials. Personal data is also held in electronic files on the Councils network drives. These are only accessible through personal logon credentials and access privileges to specific drives.

Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to our sites, any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access, and any exchanges of information carried out once we are in receipt of your data will be done securely.

Any personal data held in paper format is held in lockable filing storage, and accessed only by authorised officers, as is data held on audio or CD/DVD media. Data may be stored in paper form and is always secured in lockable cabinets when not in use. Access to Council sites is also secure requiring a person electronic pass (lanyard) to access staff only areas.

## **Who we may share your information with?**

The planning law requires that this Council maintains a publically accessible register of amongst other things planning applications that have been made to us. The planning acts require information held on the public register to include the information comprised in the planning application, which in turn should be substantially in the form of that published by the Secretary of State:

- Who has made the application;
- What the application is; and
- What people think about it.

Planning law also requires that the Council consults other organisations and neighbours about your application. These other organisations and neighbours are signposted, by the Council to the Council's web site where the documents that you have submitted, are displayed, in order for them to comment on your application.

In the case of planning appeals, we make the information copied to us by the Planning Inspectorate available to the public.

Where the Council engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality, and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

To ensure that information is held continued to be held securely and that accuracy is maintained, there will also be instances where our system suppliers will need to access individuals personal information. This will be on a strict need to know basis and all contracts have confidentiality clauses built in.

The Council will not transfer your information to countries outside the European Economic Area (EEA) unless this is necessary, and only to countries which have sufficient safeguards in place to protect information.

Information will be shared internally if required for better performance and efficiency of Council services and the welfare of individuals.

Wokingham Borough Council may also share personal information with the police and other local authorities under Article 23 of the General Data Protection Regulations in order to prevent or detect crime.

### **How long do we store your information?**

The duration that the Council will hold information, and what happens at the end of that period, are as described within the Councils corporate retention schedule available on our website: [www.wokingham.gov.uk/council-and-meetings/information-and-data-protection/privacystatement](http://www.wokingham.gov.uk/council-and-meetings/information-and-data-protection/privacystatement)

### **Does the service utilise automated decision-making?**

Development Management does not utilise automated decision-making in its services.