



## Planning Consultations - Privacy Policy



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Our Planning Strategy Team is committed to protecting your privacy when you use our services.

The Privacy Notice below explains how we use information about you and how we protect your privacy.

### Important note:

This policy only relates to how we collect, store and use your personal data in the Planning Strategy Team for the purposes of keeping you informed about our Local Plan and other planning policy documents. For information about the council's general data security policies see the [Access to Information](#) page which contains a link to a general Data Protection Policy.

### Summary of the information held by the Planning Strategy Team and how is it used

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#### Information collected

- Name
- Address
- Contact Details
- Representations received on planning policy consultations

#### Agencies we might share the information with

- The Planning Inspectorate/Secretary of State for Communities and Local Government when legally required to do so as part of the Local Plan public enquiry.

#### Purposes for processing

Service delivery, service monitoring, research and planning

#### Further information

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#### What information do we collect from you?

Under Data Protection laws, the council is the data controller for the information you provide to us and is registered with the Information Commissioner's Office (ICO) with registration number Z6581644.

You can refer any concerns to the [Information Commissioner's Office's website](#) or write to:

Information Commissioner's Office Wycliffe House Water Lane  
Wilmslow Cheshire SK9 5AF

The Planning Strategy Team primarily only hold your name, address and email for the purposes of keeping you informed about our Local Plan and other planning policy documents that we think you might be interested in (for example if you have told us you want to be informed about certain types of documents, or if a document would affect the area you live in).

## **Personal data**

### **Why we use your personal information**

Personal information can be anything that identifies and relates to a living person. This can include information that when put together with other information can then identify a person. For example, this could be your name and contact details.

Some information is 'special' and needs more protection due to its sensitivity. It's often information you would not want widely known and is very personal to you. This is likely to include anything that can reveal your:

- Sexuality and sexual health
- Religious or philosophical beliefs
- Ethnicity
- Physical or mental health
- Trade union membership
- Political opinion
- Genetic/biometric data
- Criminal history

We do not hold any special personal information in the Planning Strategy Team, although other parts of the council may do so.

### **Why do we need your personal information?**

In the Planning Strategy Team we need to use some information about you to keep you informed about our Local Plan and other planning policy documents, and related events and workshops that we may hold that may be of interest to you as a resident of the borough who has shown an interest in getting involved in planning policy matters.

### **How the law allows the council to use your information**

Data protection law permits the council to collect and use the

information you provide us when:

- You, or your legal representative, have given us consent
- You have entered into a contract with us
- It is necessary to perform our public functions and statutory duties
- It is necessary to protect you or someone in an emergency
- It is required by law
- It is necessary for employment purposes
- It is necessary to provide health or social care services
- You have made your information publicly available
- It is necessary for legal cases or to defend legal claims
- It is to the benefit of society as a whole
- It is necessary to protect public health
- It is necessary for archiving, research, or statistical purposes.

In any event, we will only ever ask for information that is necessary for our purposes and does not constitute an invasion of your privacy.

If we have consent to use your personal information, you have the right to remove it at any time. If you want to remove your consent, please contact [GDPR.localplan@hertsmere.gov.uk](mailto:GDPR.localplan@hertsmere.gov.uk).

### **How and why we collect and use your information?**

The Planning Strategy Team uses your personal information within the rules set out in data protection laws, for the following reasons:

- Where we are legally obliged to process your information e.g. for licensing, planning enforcement, food safety, prevention and/or detection of fraud and crime.
- To inform you about strategic planning proposals and obtain your opinions about them.
- To help investigate your concerns and respond to requests.
- Monitor the council's performance in responding to your queries or complaints to ensure we meet legal requirements.

What do we do with your information?

### **Sharing information within the council**

The information you provide to the Planning Strategy Team is kept in a standalone database and is not shared with other council departments. We do not procure personal information from other council departments for the purposes of consultation on the Local Plan.

### **Sharing with third parties**

We may disclose your information to third parties with your consent, or where it is necessary, either to comply with a legal obligation, or where permitted under data protection laws, (i.e. where sharing is necessary for the purposes of fraud and crime prevention).

We may need to share you information with the Planning

Inspectorate/Secretary of State for Communities and Local Government when legally required to do so as part of the Local Plan public enquiry.

This is to allow them to contact you about your representations to the Local Plan process, and to allow you the opportunity to fully take part in the examination should you wish to do so once the Local Plan has been submitted to the Secretary of State (via the Planning Inspectorate).

If you choose to submit representations at publication draft stage of the Local Plan and onwards, we are legally required to pass on your comments to these organisations when we submit the Local Plan for examination. If you do not wish your details to be passed on then council and the Planning Inspector will not be able to take your comments into account as anonymous comments are not permissible.

We will not use or pass on your personal data for third party marketing purposes.

We may also share your personal information when we feel there's a compelling reason that's more important than protecting your privacy. This will not happen often, but we may share your information: in order to detect and prevent crime and fraud; or if there are serious risks to the public, our staff or to other professionals; to protect a child; or to protect vulnerable adults who are thought to be at risk. However the risk must be serious before we can override your right to privacy.

## **Location of your information**

We will not normally transfer any of your information outside of the European Union. But on very rare occasions your information may leave the UK either in order to get to another organisation or if it's stored in a system outside of the EU. We have additional protections to protect your information if it leaves the UK ranging from secure ways of transferring data to ensuring we have a robust contract in place with that particular third party.

Our planning policy consultation portal is run by Objective, a company who use Amazon Web Services (AWS) to store their data. Both Objective and Amazon hold up to date certification to data standard 27001, 27017 and 27018 which are renewed annually.

We'll take all practical steps to make sure your personal information is not sent to a country that is not seen as 'safe' either by the UK or EU Governments.

## **How long we keep your information**

The council will process the information you provide in a manner that is compatible with the Data Protection Act. We will endeavour to keep your information accurate and up to date and not keep it for

longer than is necessary. In some instances the law sets the length of time information has to be kept, but in most cases the council will use its discretion to ensure that we do not keep records outside of our normal business requirements - i.e. providing a service to you.

We will normally retain your details throughout the process of producing a Local Plan, which can take several years. Once a new Local Plan has been adopted we will consider the need to retain your information, and may contact you to check the details we hold are up to date, and that you wish to be contacted about future Local Plan work.

## **Only using what we need**

Where we can, we'll only collect and use personal information if we need it to deliver a service or meet a requirement.

If we don't need your personal information we'll either keep you anonymous, if we already have it for something else, or we won't ask you for it. For example in a questionnaire or feedback survey we may not always need your contact details and will only collect your survey responses.

If we use your personal information for research and analysis purposes, we'll always keep you anonymous or use a different name unless you've agreed that your personal information can be used for that research.

We will normally publish your name alongside your responses, and may publish the area of the borough in which you live. We will not publish other personal details such as home address, email address and telephone number.

We do not sell your personal information to anyone else.

## **Your Rights**

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The law gives you a number of rights to control what personal information is used by us and how it is used by us. You are legally entitled to request access to any of your information that is held by us, or to ask us to limit or stop the processing of your personal information in relation to any council service. Further details about your rights are provided below, however in summary:

You also have the right to:

- Object to processing of personal data that is likely to cause, or is causing you damage or distress
- Prevent the processing of your information for the purposes of direct marketing
- Object to decisions being taken by computers
- In certain circumstances, have inaccurate personal information amended, blocked, erased or destroyed; and
- Claim compensation for damages caused by serious breaches

We will seek to comply with your request but there may be some situations where we will not be able to do this in full for example;

- Where there is a legal requirement or where information held was given in confidence;
- Information a professional thinks will cause serious harm to you or someone else's physical or mental wellbeing; or
- If we think that giving you the information may stop us from preventing or detecting a crime

This applies to personal information that is in both paper and electronic records. If you ask us, we'll also let others see your record (except if one of the points above applies).

If you can't ask for your records in writing, we'll make sure there are other ways that you can. If you have any queries about access to your information please contact [foi@hertsmere.gov.uk](mailto:foi@hertsmere.gov.uk) or telephone 020 8207 2277.

## **Deleting your information (right to be “forgotten”)**

In some circumstances you can ask for your personal information to be deleted, for example:

- Where your personal information is no longer needed for the reason it was collected in the first place
- Where you have removed your consent for us to use your information (where there is no other legal reason us to use it)
- Where there is no legal reason for the use of your information
- Where deleting the information is a legal requirement

Where your personal information has been shared with others, we'll do all we can to make sure those using your personal information also comply with your request for erasure.

Please note that we can't delete information where:

- We're required to retain it by law (for example where you have commented on a Local Plan and the comments form part of the examination material for that Plan).

Limiting what we use your personal data for

You have the right to ask us to restrict what we use your personal information for where:

- You have identified inaccurate information, and have told us of it
- Where we have no legal reason to use that information but you want us to restrict what we use it for rather than erase the information altogether

When information is restricted it cannot be used other than to securely store the data and with your consent to handle legal claims and protect others, or where it's for important public interest reasons.

Where restriction of use has been granted, we'll inform you before we carry on using your personal information.

If you want the Planning Strategy Team to stop using your information please contact [GDPR.localplan@hertsmere.gov.uk](mailto:GDPR.localplan@hertsmere.gov.uk).

You have the right to ask us to stop using your personal information for any council service. However, if this request is approved this may result in delays or prevent us delivering a service.

Where possible we'll seek to comply with your request, but we may need to hold or use information due to legal obligations.

You will need to contact the Data Protection Officer for requests relating to other council services at [foi@hertsmere.gov.uk](mailto:foi@hertsmere.gov.uk) or telephone us on 020 8207 2277.

## How do we protect your information?

We'll take all possible steps to protect the information we hold records about you (on paper and electronically) in a secure way, and we'll only make them available to those who have a right to see them. Examples of our security include:

- **Secure emails:** Use of secure email networks to ensure that sensitive information is safely shared.
- **Controlling access to systems and networks:** Allows us to prevent people not permitted to view your personal information from gaining access to it.
- **Staff Training:** Allows us to make all our staff aware of how to handle information and how to report incidents or issues regarding the use of information
- **Regular testing of our IT systems:** And ways of working including keeping up to date on the latest security updates and training all our staff on protecting and using information securely.

## Making a complaint about how we are collecting or using your information

We will always try to help you with queries and respond appropriately to all requests regarding the processing of your information.

If you have a concern about the way we are collecting or using your personal data or are not satisfied with the way we handle your requests please raise your concern with us in the first instance to allow us to investigate.

We have a Data Protection Officer who makes sure we respect your rights and follow the law. If you have any concerns or questions about how we look after your personal information, please contact our Data Protection Officer at [foi@hertsmere.gov.uk](mailto:foi@hertsmere.gov.uk) or by calling 020 8207 2277 and asking to speak to the Data Protection Officer.

If you are still not satisfied with the council's internal review procedure, you can refer your concerns to the [Information Commissioner's Office's website](#) or write to:

Information Commissioner's Office Wycliffe House Water Lane  
Wilmslow Cheshire SK9 5AF

To request access to your personal information, or to report inaccuracies, or raise a complaint please email us at [foi@hertsmere.gov.uk](mailto:foi@hertsmere.gov.uk) or telephone us on 020 8207 2277.

## Legislation

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### EU General Data Protection Regulations (GDPR)

This new data protection law comes into force on 25 May 2018, and provides additional rights for all citizens within the European Union regarding the way organisations, like the council handle your personal information.

### Data Protection Act 2018

Currently this [new data protection law](#) received Royal Assent of 23 May 2018, and came into force on 25 May 2018. It replaces the [Data Protection Act \(1998\)](#). This new law brings the requirements of the GDPR into UK legislation, ensuring that UK data protection rules are in line with EU law.

For further details about the GDPR please visit the [Information Commissioner's website](#).

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