

# Privacy Notice – Planning

## Your personal information - what we need and why?

Daventry District Council collects and hold personal information about those:

- making an application
- contributing to applications and consultations
- making enquiries, requests and complaints
- reporting alleged breaches of planning control
- who own or are responsible for land, buildings or structures where a breach of planning control has occurred or a notice is issued
- contributing to planning policy documents including the local plan and neighbourhood plans
- who have indicated an interest in self and custom build housing

This information is collected and stored so that we can administer the services and statutory obligations of Planning and Planning Enforcement.

We collect and hold contact information by making requests to Land Registry for the purposes of:

- informing land owners of policy consultations
- investigating allegations of and issuing notices relating to breaches of planning control

We may receive and collect special categories of personal information where these form part of an application such as:

- health data
- political opinions
- race/ethnic origin
- religion or beliefs

## How will we use the information we hold about you?

We will collect information about you so that we can:

- assess fee exemptions
- advise you about a consultation
- determine an application
- provide updates
- tell you the outcome of an application, enquiry, request or investigation
- notify you of the date of public meetings
- notify you if an appeal is received
- issue and serve a notice
- identify the demand for self and custom build housing

[www.daventrydc.gov.uk](http://www.daventrydc.gov.uk)

T: 01327 871100

E: [comments@daventrydc.gov.uk](mailto:comments@daventrydc.gov.uk)



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## What is the basis for us to process your data?

The basis for processing the data is:

- Our legal obligation under acts and supporting legislation, including those listed at the end of this notice
- We will require your consent to hold your contact details for the purposes of regular communications / updates and to enable a co-ordinated response for those requesting to speak at Committee

## Who we will share your information with

### Planning:

By law we must have public registers of applications made since 1948. These registers can be inspected by anybody. They have to include the applicant's name and address, what the application is for, any plans or documents submitted and details of the decision. Comments received during consideration of the application form "background papers" to the application and are subject to public inspection.

Consultation and notification (by letter, site notice and/or advert) of applications is a requirement of legislation and includes applicant's name, site address and proposal. Those informed may include, but is not limited to, statutory consultees, public bodies, town/parish councils, Councillors, neighbouring properties and the local press.

Where a number of individuals request to speak at Committee on the same application, the name and phone number given to the Governance Team may, with consent, be provided to other potential speakers. This is so a co-ordinated response can be presented.

If an appeal is made against a decision, the Appeal Inspector will ask for copies of all the documents we hold, including public comments, and a list of the names and addresses of everyone we have contacted about the appeal. A copy of all the information given to the Appeal Inspector must also be sent to the appellant.

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Health data collected for the purposes of fee exemptions and/or support of applications will not be made public.

## Important

In order to ensure that no unnecessary personal data is published online, please consider the following:

- We strongly recommend that you indicate any documents (in whole or in part) containing personal information that you do not want to be seen by the public. However we have a legal duty to make certain details available, so we cannot guarantee that such requests will be approved;
- Please do not include any information in your application, comments or supporting documents which is not required for the planning process;
- In particular please refrain from sending us sensitive information such as health or medical details where these are not required;
- Please also refrain from including personal information about other people (including family members) in your correspondence with us, unless the individual concerned has consented and you can provide evidence of this consent

## Planning Enforcement:

### Investigations and Appeals

The Council will always seek to maintain the confidentiality of the complainant at all times. However, where an enforcement investigation is taken to Appeal or ends in Court, it will be necessary to identify the complainant.

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## Notices

We must also have a public Enforcement Register containing a record of formal notices issued. This register can be inspected by anybody.

- Details displayed in the register include the notice type, site address, dates (issued, served and compliance required by) and a copy of the notice
- We provide all those issued/served a notice with the names and addresses of all other interested parties (owners, mortgagees)
- If appealed, we inform neighbours and Ward Councillors and may put up a site notice. This will include the appellant's name
- The Appeal Inspector will ask for a list of the names and addresses of everyone we have contacted about the appeal
- A copy of all the information given to the Appeal Inspector must be sent to the appellant
- The Appeal Inspector will copy to the appellant and the Local Planning Authority any representations made

## **Failure to provide data**

- Failure to provide an applicant name will mean we are unable to process the application
- Anonymous comments (no name and address) may mean they cannot be taken into consideration and we will be unable to keep you informed
- Anonymous complaints (no name and address) relating to alleged breaches of planning control may not be investigated
- Failure to respond to a Planning Contravention Notice (asking for contact details) is an offence which may result in prosecution

## **How long do we keep your records?**

The registers containing Planning information, including comments and other "background papers", do not have an expiry date.

All applications, comments, enquiries, requests and complaints (except service complaints) are entered onto our "back office system". As a result of this we will always have any details you have supplied to us stored electronically. Only Daventry District Council employees with system permissions can access the data.

Service complaints - We keep personal information contained in complaint files in line with our retention policy. The information will be retained in a secure environment and access to it will be restricted to staff that need to know details of your case.

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Special categories of data to determine fee exemption will only be held until the exemption is confirmed and then securely disposed of.

**Legislation includes (not an exhaustive list):**

- [Ancient Monuments and Archaeological Areas Act 1979](#)
- [Anti Social Behaviour Act 2003](#)
- [Anti Social Behaviour, Crime and Policing Act 2014](#)
- [Electronic Communications Regulations](#)
- [Environment Act 1995](#)
- [Environmental Impact Assessment Regulations 2017](#)
- [Environmental Information Regulations 2004](#)
- [Local Audit and Accountability Act 2014](#)
- [Localism Act 2011](#)
- [Planning \(Hazardous Substances\) Act 1990](#)
- [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)
- [Planning and Compulsory Purchase Act 2004](#)
- [Police and Criminal Evidence Act 1984](#)
- [Self Build and Custom Housebuilding Act 2015](#)
- [Town and Country Planning Act 1990](#)

## What are your rights?

If at any point you believe the information we hold is incorrect you may request to see this information and have it corrected or deleted. If you wish to raise a complaint on how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter.

Our Data Protection Officer is Gillian Kennedy and you can contact her by email [dataprotection@daventrydc.gov.uk](mailto:dataprotection@daventrydc.gov.uk)

If you are not satisfied with our response or believe we are processing your personal data not in accordance with the law you can complain to the Information Commissioner's Office (ICO) [www.ico.org.uk](http://www.ico.org.uk).

All information you provide is held in accordance with our Information Charter and in line with the UK Data Protection law and the General Data Protection Regulation. Our Information Charter can be viewed online here [www.daventrydc.gov.uk/informationcharter](http://www.daventrydc.gov.uk/informationcharter).

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