

## Planning Service Privacy Notice

When you are accessing or applying for services provided by Planning you will need to provide us with some personal data or information.

As the 'data controller' for the personal information – or data – we hold about you, **South Ayrshire Council** decides how your personal information is used/processed, and what it is used for.

This statement provides more details about how Planning Services uses your personal data and provides information on how to get in touch with us if you need to know more.

### Your personal data – what is it?

Personal data is information relating to a living person who can be identified from that data. Identification can be based on the information alone, or in conjunction with any other information. The processing of personal data is governed by the General Data Protection Regulation 2016 (GDPR) and supplemented by the Data Protection Act 2018.

### What Personal Data will we collect from you?

We will only collect the personal information we need to provide you with relevant information, services and support. The personal data we will collect may include:

- Name
- Address
- Land line telephone number
- Mobile telephone number
- Email
- Date of birth
- Health Information
- Financial or Business Information
- Land Ownership Details

### How will we use your information?

The information will be used to manage all planning related matters. We will collect personal data in order to oversee the provision of planning advice and services and to ensure compliance with relevant laws. This includes:

- Processing of pre-application planning enquiries
- Processing and determination of planning and related types of planning application requests
- Investigation and resolution of planning enforcement cases
- Maintaining the Planning Register and the Planning Enforcement Register
- Preparation of the Development Plan and developing Planning Policy
- Preparation and service of statutory notices, agreement and orders pertaining to built environment conservation, outdoor public access, high hedges or trees

## **What is the legal basis for using/sharing your information?**

The legal basis is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller as per Article 6(1) (e) of the GDPR, and the task or function has a clear basis in law. The main laws relating to Planning are

- Town and Country Planning (Scotland) Act 1997
- Planning (Listed Building and Conservation Areas) (Scotland) Act 1997
- Land Reform (Scotland) Act 2003
- High Hedges (Scotland) Act 2013

A full list of planning legislation is available on request.

## **Special category data**

For some activities, we also need to process more sensitive personal information about you known as special category data, for example health information. Processing is necessary for reasons of substantial public interest as set out in Article 9(2) (g) of the GDPR and meets a condition in Part 2 of Schedule 1 of the Data Protection Act 2018.

## **Law Enforcement Purposes**

When we are undertaking an investigation into non-compliance with planning laws we are processing personal information under Part 3 of the Data Protection Act 2018 which sets out the requirements for the processing of personal data for 'law enforcement purposes' (LEP).

The 6 law enforcement principles are broadly the same as those in the GDPR, and are compatible across the two regimes. Data subjects rights are similar to those found in the GDPR, however, the transparency requirements are not as strict, due to the potential to prejudice an ongoing investigation in certain circumstances.

When processing sensitive data (under the DPA) we must be able to demonstrate that the processing is strictly necessary and satisfy one of the conditions in Schedule 8 of the DPA or is based on consent.

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

Where necessary your information will be shared with:

- Scottish Ministers (DPEA)
- Scottish Government and its Agencies
- Non-departmental Government Bodies
- Scottish Environment Protection Agency
- Scottish Natural Heritage
- The Procurator Fiscal
- Ayrshire Roads Alliance
- South Ayrshire Council Services, e.g. Legal, Licensing, Building Standards, Grounds, Trading Standards and Environmental Health

## How long do we keep hold of your information?

We keep your personal data for no longer than reasonably necessary. Your information will be retained in line with our Corporate Records Retention Schedule as follows:

<b>Purpose we collect your personal data</b>	<b>Trigger – event that prompts start of retention period</b>	<b>How long we hold your data</b>
Processing of pre-application planning enquiries	Last action	Current plus 3 years (if no planning application submitted)  Current plus 10 years (if planning application submitted)
Processing and determination of planning and related types of planning application requests	Determination date of application	Current plus 10 years (30 years for major applications/ wind farms/ landfill sites etc)  Withdrawn applications - Current plus 1 year from submission date
Planning appeal data	Determination of application/appeal	Current plus 10 years
Preparation of the Development Plan and developing Planning Policy		Current plus 5 years after which an adopted Plan or Policy has been superseded
Local Plan and Local Development Plans		Permanent Copy placed in Archives
Investigation and resolution of planning enforcement cases	Until premises demolished	Permanent
Preparation and service of statutory notices, agreement and orders pertaining to built environment conservation, outdoor public access, high hedges or trees	Completion of work/closure of case	Current plus 5 years  (Tree Preservation Orders – Current plus 3 years)
Planning Register and Enforcement Register		Permanent

Details of all planning retention periods can be found in our [Corporate Records Retention Schedule](#).

## What are your rights?

The lawful basis for processing/using your personal data directly impacts which rights are available to you. For example, some rights will not apply, if we are processing your data under public task (Article 6 (1) (e)) we are not required to:

- erase your personal information
- enable the right to data portability

However, you do have the following rights and can ask us to:

- correct your personal information if it is inaccurate;
- complete your personal information if it is incomplete;
- restrict the processing of your personal information in certain circumstances

You also have the right to object to the processing of your personal information and the right to access your personal information.

When we are processing personal data under LEP you have the following rights and can ask us to:

- erase your personal information
- correct your personal information if it is inaccurate
- restrict the processing of your personal information in certain circumstances

You also have the right to the right to access your personal information.

However, the above rights do not apply to the processing of relevant personal information in the course of criminal investigation or proceedings.

### **What are the consequences of failing to provide personal information?**

Where the provision of your information to the Council is a statutory or contractual requirement, or a requirement necessary to enter into a contract, you are obliged to provide the information.

If you fail to provide the required information, we may not be able to process your enquiry.

### **What about Automated Decision- Making?**

The Council does not use profiling or automated decision-making. Some processes are semi-automated (such as data matching for the prevention or detection of fraud), but an actual person will always be involved before any decision is reached affecting any individual.

### **Do you require this statement in a different format?**

Please contact us if you require this information in an alternative format.

### **How can you get in touch with us?**

If you wish to obtain any records held by the Council relating to you, or if you have any general data protection queries, please contact the Council's Data Protection Service at:

Data Protection Officer  
South Ayrshire Council  
County Buildings  
Wellington Square  
Ayr  
KA7 1DR

**Email:** [DataProtection@south-ayrshire.gov.uk](mailto:DataProtection@south-ayrshire.gov.uk)

**Telephone:** 01292 612 223

**Are you dissatisfied with the way your Personal Information has been handled?**

If you are unhappy with the way we have dealt with your personal information, you can complain to the Council's Data Protection Officer using the contact details noted above.

If you remain dissatisfied after contacting us, you have the right to complain to the Information Commissioner (<https://ico.org.uk/for-the-public/>):

Information Commissioner's Office – Scotland  
45 Melville Street  
Edinburgh  
EH3 7HL

**Email:** [Scotland@ico.org.uk](mailto:Scotland@ico.org.uk)

**Telephone:** 0303 123 1115