

# Privacy Notice for Planning Policy

---

**Data Controller:** Erewash Borough Council, Town Hall, Wharncliffe Road, Ilkeston, Derbyshire, DE7 5RP

**Data Protection Officer:** Rachel Fernandez, Performance and Community Manager, Erewash Borough Council, Town Hall, Wharncliffe Road Ilkeston, Derbyshire, DE7 5RP, email [rachel.fernandez@erewash.gov.uk](mailto:rachel.fernandez@erewash.gov.uk), tele: 0115 9072244

---

## Introduction

The Council is committed to being transparent about how it collects and uses the data it collects and to meeting its data protection obligations.

The Planning Policy Team sometimes collects personal data in the production of Development Plan Documents.

Previously we sent out mailings in relation to public consultations or notifications on our planning policy documents, such as the Local Plan, call for sites or a Neighbourhood Plan. Contact details were previously retained indefinitely, until consultees asked to be removed.

On 25 May 2018, new data protection regulations came into force which set out clear obligations on organisations that hold and handle personal data. The changes to the regulations mean that we cannot send you any mailings in relation to public consultations or notifications on our planning policy documents without you giving us consent to do so.

Therefore to receive mailings from us you need to opt-in to the consultation database by contacting the planning policy team [planningpolicy@erewash.gov.uk](mailto:planningpolicy@erewash.gov.uk)

This privacy notice sets out how your personal data will be used and by whom, if you opt-in to any of our 'areas of interest' and therefore give us consent to use your personal data to send you future mailings in relation to public consultations or notifications on our planning policy documents.

## What information does the council collect?

The council collects a range of information about you. This includes

- Your name, address and contact details, including email address and telephone number,

The council may collect this information in a variety of ways, for example:

- The data you provide on representations to Local Plan consultations;
- The data you provide in response to a call for sites, for example when we compile the Strategic Housing Land Availability Assessment (SHLAA) or related documents
- The data you provided when opting in to the Consultation database.

Data will be stored in confidential electronic filing systems and on occasion in secure temporary paper files (for information received in hard copy format).

## **Why does the council process personal data?**

During consultations the Planning Policy Team requires certain data from you in order to assess your representations. This informs us how our development plans may affect you, and enables our Officers to make contact with you to discuss matters further and provide any updates.

Any personal data submitted during a call for sites will be kept securely on file and will not be published in the SHLAA or other document. Personal data may be used by officers to make contact with you about your submission.

## **Who has access to data?**

If you have made a representation to planning document, your name and your representation will be made available on a report. All other personal data is redacted from the representation form and not available for public inspection. The data will only be accessed by Officers or sub-contractors of the council in the performance of their duties relevant to your representation.

In the event of an investigation by the Local Government Ombudsman the data you provide may be shared with the Ombudsman,

## **How does the council protect data?**

The council takes the security of your data seriously. It has internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the proper performance of their duties.

## **For how long does the council keep data?**

With regard to the planning policy consultation database, we will review the personal data every two years to ensure that our mailing lists remain current. Therefore, in order for us to continue to hold your personal data after the point of review, you will need to re-confirm your preferences when we write to you. You can opt-out of us holding your personal data for mailings at any time.

With regard to personal data submitted via Local Plan consultations, this will be retained for as long as is required in the production of that plan, i.e. until the adoption (or withdrawal) of that document.

Personal data submitted during a call for sites will be retained in order for us to contact you in subsequent calls however you can be asked to be removed at any time.

## **Your rights**

As a data subject, you have a number of rights. You can:

- Access and obtain a copy of your data on request
- Require the council to change incorrect or incomplete data
- Require the council to delete or stop processing your data, for example where the data is no longer necessary for the purpose of processing; and
- Object to the processing of your data where the council is relying on its legitimate interests as the legal ground for processing.

If you would like to exercise any of these rights, please contact the Council's nominated Data Protection Officer, Rachel Fernandez, performance and community Manager. Erewash Borough Council, Town Hall, Wharncliffe Road Ilkeston, Derbyshire, DE7 5RP, email [rachel.fernandez@erewash.gov.uk](mailto:rachel.fernandez@erewash.gov.uk), tele: 0115 9072244

If you believe that the council has not complied with your data protection rights, you can complain to the information Commissioner.

## **What if you do not provide personal data?**

The Council has a statutory obligation to process your data in relation to planning representations under the Town & Country Planning Act 1990 and the Town & Country Planning (Planning Policy Procedure) (England) Order 2015.

You are not under any statutory or contractual obligation to provide your data to the council in respect of representations. However if you do not provide the information, the council may not be able to respond to your enquiries properly or at all.