

## **WATFORD BOROUGH COUNCIL**

### **Data Privacy Notices (DPNs) Under GDPR**

#### **Planning, Building Control and Local Land Charges Privacy Notice**

##### **The identity and contact details of the company**

Watford Borough Council (WBC), Planning and Building Control Service

The Planning and Building Control department at Watford Borough Council is committed to protecting and respecting your privacy. For the purpose of the 2018 General Data Protection Regulation, the Data Controller is Watford Borough Council Town Hall, Hempstead Road, Watford, WD17 3EX

##### **Who we are**

Watford Borough Council ('we' or 'us') are a 'data controller' for the purpose of the General Data Protection Regulations, (i.e. we are responsible for, and control the processing of, your personal information).

##### **What are the legal grounds for processing your information?**

We have a statutory obligation to provide these services in accordance with the following legislations:

- The Building Act 1984
- Town and Country Planning Act 1990
- Planning and Compulsory Purchase Act 2004
- Planning Act 2008
- Proceeds of Crime Act 2002
- Local Government Act 1972
- Local Land Charges Act 1975
- Local Land Charges Rules 1977
- Localism Act 2011
- Town and Country Planning (Local Planning)(England) Regulations 2012

We use your information for the purposes of processing and determining planning applications, building control regulations, dangerous structures, planning policy including local plan making, consultations, investigate alleged breaches and to complete and return to the appropriate person searches submitted to the local land charges department.

There are further legal bases under GDPR to process your information:

1. With your consent

2. Where it is in the public interest to do so; for example dealing with planning application or pre application enquiry you have submitted or taking your views on board as part of dealing with an application you are concerned about or when dealing with a potential breach of planning control that you have raised or committed.
3. In order to comply with a legal obligation; for example when dealing with a planning related application or appeal; and consulting on the preparation of a development plan document-Local Plan and supplementary Planning documents, or other planning guidance published by the Council.
4. To fulfil requirements of the National Planning Policy Framework for the preparation of the Housing and Economic Land Availability Assessment; other legal obligations such as the Brownfield Land register; and the Self-Build and Custom Housing building register
5. Where it is in the legitimate interest of WBC to do so; for example investigating an alleged breach of planning control, or to acquire information of public interest to inform the preparation of a plan or policy document.

We work hard to ensure that we only gather information that we need to process your enquiry and deliver the services that you are entitled to in the best way possible. However, if you have any concerns relating to this or your privacy in general please speak to the Technical Support Team Leader on 01923 278291 or contact our Data Protection Officer on the contact details below.

### **Information we collect**

In order to administer our services we collect the following information from you:

- Name
- Address
- Email
- Telephone number
- Bank details
- Agent contact details (if applicable)
- Full address of the development and site boundary information/mapping where relevant
- Site details and contact/ ownership information for Housing and Economic Land Availability Assessment; Brownfield Land Register, Self-Build and Custom Housing Building Register and Article 4 Directions.
- Correspondence regarding sites and applications. Special category data for planning policy - including gender, religion, sexual orientation, disability, ethnic origin and age.

### **How we use the information we collect**

The council is required to publish planning applications and representations on its website which includes applicant/agent name and address, however, we will redact personal information such as signatures, emails address and telephone numbers and special category data.

For planning policy consultations, the council is required to publish representations. Therefore, the council may require respondent name and address, however, personal information will be redacted prior to publication.

- To record charges and other restrictions on the use or the occupation of properties and land.
- We charge for local land charges, planning and building control applications and will record payment amounts made, amounts outstanding and the action taken to recover monies owed.
- Enforcement cases remain confidential and at no time will we divulge the details of the complainants who have informed us of alleged planning breaches.
- Generally, the information that we hold will have been provided by you (on an application via an enquiry or when we communicate with you), but we may also hold information provided by a third party where this is relevant i.e complainants, Local Government Ombudsman, other council department.
- To process your request, for example to reply to any planning or local land charges enquiries, including pre-application matters such as on the need for planning permission or the likelihood of obtaining it, or information related to plan making, consultations and policies.
- To build a picture of your rationale for the planning proposal you are making as to any planning application or pre application you may make, (for example though the submission of a viability assessment.

We will only ask for personal information that is appropriate to enable us to deliver our services. In some cases, you can refuse to provide the details if you deem a request to be inappropriate. However, you should note that this may impact on our ability to provide some services to you or how your response to a planning consultation or your view/submission on a potential development site is considered.

**Give details of how long the data will be stored and criteria used to determine this?**

Planning decisions, drawings, application forms and responses to development plan consultations are required to be published on our website and will be kept permanently. Please see our document retention policy.

In relation to the Brownfield Land Register and land availability assessments, only site details will be made publically available. Name, company/organisation (if applicable), home/business address, telephone number, email address, status e.g. owner of site, planning agent, local resident will not be made publically available. All information can be viewed by Officers of the Council in an un-redacted form

internally on the planning database. The Self Build and Custom Housing Building Register will not be published. However all information can be viewed by internal council departments.

The information we collect is recorded on our secure database. Information on planning or related applications and appeals and comments and representations on our planning documents are generally available via our website with certain details redacted namely personal, but not business phone numbers or email addresses.

### **Why we process your data**

We need to process your data in order to provide you with the planning related services that you are requesting, examples include:

- Making or commenting on planning applications or appeals
- Making an enforcement complaint.
- Making a planning pre application enquiry
- For the purposes of consulting you on the production of new planning documents or updates to existing planning documents, in accordance with the methods as set out in our Statement of Community Involvement (SCI).
- Preparation of Housing and Economic Land Availability Assessments, article 4 directions brownfield and self-build registers due to requirements in the National Planning Policy Framework (NPPF) and other relevant legislation.

The collection of this information enables us to perform these functions and ensure that the information remains up to date. It also allows the Council to contact those identified as having an interest in the land/property or planning applications, to request more information and to keep them informed of the process.

### **When and why we share your information**

Sometimes, in order to process your enquiry or consider your comments/ representations, we need to share the information that you give us; either with other service departments within Watford Borough Council (for example Housing, Council Tax, Legal, Environmental Health and Economic Development) or with other external 'partner' organisations for example Hertfordshire County Council.

We may also share your information with external agencies such as the planning inspectorate or Local Government Ombudsman in the event of direct appeals or complaints.

### **Keeping your information secure**

We will use technological and organisation measures to keep your information secure. These measures may include the following examples:

- All data is stored on a database on a secure server which are password protected.
- All payment processing is done using Axis Income Management compliant systems.

## **RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION**

### **Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes.

### **Your rights in connection with personal information**

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Request the restriction** of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal information, or request that we transfer a copy of your personal information to another party, please contact the Data Protection Officer in writing.

### **DATA PROTECTION OFFICER**

The Council’s Data Protection Officer (DPO) is responsible for overseeing compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO:

Data Protection Officer (DPO)

Legal Services, Resources  
Hertfordshire County Council  
County Hall, Pegs Lane, Hertford, SG13 8DE

Postal Point: CHO150

Email: [watfordDP@hertfordshire.gov.uk](mailto:watfordDP@hertfordshire.gov.uk)

Tel: 01992 588099

You have the right to make a complaint at any time to the Information Commissioner's Office ([www.ico.gov.uk](http://www.ico.gov.uk)), the UK supervisory authority for data protection issues.

### **Changes to our privacy policy**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information. This Privacy was last updated in February 2019.