



Privacy Notice – Development Planning

Who Will Be Responsible For My Data Once It Is Collected?

Warrington Borough Council will be responsible for the data once it is collected.

Why Do You Need My Information?

The Council needs your data in order to process your requests for planning services and to ensure that any statutory obligations in relation to planning legislation are met. This will allow the Council to ensure all interested parties can be involved in the statutory processes and where required validate any interest in a process.

What Allows You To Use My Information?

Warrington Borough Council as a Planning Authority has a lawful basis for processing data for the purpose of providing planning services, planning law enforcement, and for the purpose of issuing satisfaction surveys.

For development management, the legal basis for processing your information in line with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018) is:

- Article 6 (1) (e) **Public task:** processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

For planning services-related processing and planning law enforcement processing, the legal basis for processing your information in line with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018) is:

Article 6 (1) (c). **Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).

For example, the Council has statutory obligations under:

- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Town and Country Planning (Local Planning) England Regulations 2012.

What Type of Information Will Be Processed?

The information collected may include the following:

- Name
- Address
- Email address
- Phone number

- Bank/financial details where you are paying for a service or where we need to process a refund
- Sensitive personal data where you have provided this in support of an exemption or to support an application or an objection
- Identifying information of third parties (e.g. planning agents who submit an application on your behalf)

We may also receive information about you from other Council departments or from complainants if this data is relevant to a planning application either live or once decided

Who Will My Information Be Shared With?

The Council publishes all planning applications on its website, for current applications phone numbers and emails are redacted prior to publication so that this information is not visible to the public, however your name and address would be published.

We may share your information:

- Internally with planning officers for the purpose of delivering planning services;
- Internally within the Council and its partner ICT providers for the purpose of administering and maintaining the planning application database;
- Internally with Warrington Borough Council enforcement officers in order to investigate and process any breaches in planning control;
- Internally where there is a need to access your data relating to or responding to a service complaint;
- Externally with courts and legal representations. The details of complainants who report alleged breaches of planning control are not disclosed, but the Council may be required to disclose such details to the courts and legal representatives in the event of legal action.
- With the police where evidence of a possible crime has been identified;
- Cabinet members in line with delegated and committee decision making processes;
- Third parties involved in the appeal process such as the Planning Inspectorate and agents representing the appellant.

Do I Have To Provide This Information And What Will Happen If I Don't?

- 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 enforcement complaints can be spurious and difficult to follow up. The decision to investigate in such cases will be considered having regard to the nature of the complaint, the information available, and the general merits of the case.
- Failure to respond to a Planning Contravention Notice (asking for contact details) is a criminal offence.

How Long Will You Keep This Data For And Why?

Applications and decisions (including prior notifications and applications for tree works) will be retained permanently. The Town and Country Planning Act states that the Council has to hold a register of applications indefinitely.

Planning application consultation responses and comments will be retained for 6 years from date of decision.

Pre-Application records will be retained for 15 years from date of closure.

Enforcement records will be retained permanently, to ensure that the organisation has full planning history of a specific site and any outcomes which may inform and assist current investigations.

How Will My Information Be Stored?

The information will be stored on a secure database held by Warrington Borough Council.

What Rights Do I Have When It Comes To My Data?

Under the Data Protection Act 2018 (General Data Protection Regulation), you might have more rights about what happens with your data.

As different rights apply in different situations each request will be assessed on a case by case basis.

1. **Right of Access (formerly Subject Access Request)** - you have the right under the Data Protection Act 2018 (General Data Protection Regulation 2018) to request a copy of your information and to know what it is used for and how it has been shared. This is called the right of subject access.

To request a copy of your data or ask questions about how it is used, please look at our [webpages on Requests for Information](#).

2. **Right to be informed** – as detailed through this Privacy Notice.
3. **Right to rectification** – you have the right to have personal data rectified if it is inaccurate or incomplete.
4. **Right to erasure** – depending on the legal basis for processing your information, you could have the right to have personal data erased.
5. **Right to restrict processing** – depending on the legal basis for processing your information, you have the right to reduce or stop the processing of your data.
6. **Right to data portability** – depending on the legal basis for processing your information, you have the right to obtain and reuse any electronic data we hold about you.
7. **Right to object to processing** – where processing your personal information is required for the performance of a public interest task (see above), you have the right to object.

Who Can I Complain To If I Am Unhappy About How My Data Is Used?

If you are not satisfied with how your request has been dealt with, or if the information held about you is incorrect, you should email or write to Warrington Borough Council outlining your concerns.

If you then wish to make a complaint then please contact us using one of the methods below:

Use the [online complaints form](#).

- Email us at contact@warrington.gov.uk
- Phone us on: 01925 443322
- Write to us at: Warrington Borough Council, East Annexe, Town Hall, Sankey Street, Warrington, WA1 1UH
- Visit us at: Contact Warrington, 1 Time Square, Warrington, WA1 2EN

You also have the right to complain to the Information Commissioner's Office using the following details: -

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Telephone: 0303 123 1113
Website: <https://ico.org.uk/>

Will This Information Be Used To Take Automated Decisions About Me?

We do not use your information for automated decision making.

Will My Data Be Transferred Abroad and Why?

No your data will not be transferred abroad.