

## **PRIVACY NOTICE – DEVELOPMENT PLANS**

### **Who we are:**

We are the development plans team for St Helens Council. This privacy notice explains how we use information within our work. Some examples of this work include:

- creating planning policies;
- working with neighbourhoods on their plans;
- gathering evidence on planning or transport matters; and
- monitoring development activity.

If you have any questions about data or privacy please contact our Data Protection Officer by email at [dataprotection@sthelens.gov.uk](mailto:dataprotection@sthelens.gov.uk).

### **How we receive your information:**

We receive information about people when they submit formal representations to the Council on planning documents (such as the Council's Local Plan), or when they suggest land for development. Such representations are normally submitted to the Council by e-mail, letter, form or via the Council's internet pages. As part of this process we normally require persons responding to consultation exercises to provide us with personal data (e.g. name, address, contact details).

Information is also received when persons engage in the Local Plan examination process, including for example, submission of examination statements and participation in the public hearing sessions.

We also use information that has been submitted on planning applications. In some cases we may also gather data in order to obtain evidence to inform the planning process. We also receive other comments, representations and questions on a wide range of matters (outside the formal planning process) usually via e-mail or letter.

### **The legal basis for processing your data**

We process personal data under Article 6(1)(e) of the General Data Protection Regulations (GDPR) which permits the processing of data which is necessary for us to perform a task in the public interest or for official functions, and the task or function has a clear basis in law. The main legal basis for our work is provided by national planning legislation including the Planning and Compulsory Purchase Act 2004 (as amended), the Planning Acts 1990 (as amended), and their supporting regulations.

### **What we do with your information:**

In accordance with national legislation, we publish all formal comments received on planning policy documents such as the Local Plan at specified stages. Under guidance issued by the Government's Planning Inspectorate we will also publish the

names and addresses of persons who have commented. Data is also retained on file.

### **How we share your information:**

We publish all formal comments received on planning documents (such as the Local Plan), including through the examination process, together with the names and addresses of persons who have commented at specified stages. We will also sometimes need to share the information we have (including personal information such as names and addresses) with other parts of the Council, the Government's Planning Inspectorate and/or another third party organisation.

Contracts will be used as appropriate to ensure that your personal information is processed only as instructed by us (unless otherwise required by law), and that appropriate measures are in place to ensure the security of information.

Furthermore, the Council's Local Plan Examination hearings will be held virtually using MS Teams. These sessions will be livestreamed on the Internet, and recorded and available online for a temporary period following the close of hearing sessions. For those participating in the sessions, this means their name, reasons for interest in the Local Plan process and comments made during the sessions will be widely available. It is also likely that participants within the sessions will see each other's contact details, once logged in. Additionally, if a participant joins the hearing session by telephone, the phone number being used by them may appear on screen to all, and will be seen throughout the session by the meeting organiser.

### **Redaction:**

We operate a policy in which we routinely redact some details such as telephone numbers and signatures before making information available to the public. However, national guidance states that we must publish (at specified stages and in an un-redacted form) the name and address of all persons who have submitted a formal comment on planning policy documents such as the Local Plan.

### **Retention:**

We retain various types of information as outlined in our Information and Records Management Policy which can be found on our website at [www.sthelens.gov.uk](http://www.sthelens.gov.uk). Given the long term nature of planning policy processes we currently retain data on a permanent basis. However, and as an exception to this, it should be noted that the recordings of the hearing sessions will be available online for a short period of time following the close of the hearing sessions, following which they will be removed, and permanently deleted from Council records.

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

There is generally no statutory obligation on any person to participate in the Local Plan or similar planning policy work. However, if a person does not supply personal

information to us it will not normally be possible for them to participate in the process.

### **Your rights regarding your data**

Data protection legislation provides you with rights in respect of your personal information. Information about these rights is set out on the Council website at <https://www.sthelens.gov.uk/council/data-protection-freedom-of-information/>. It should be noted however that given our lawful basis for processing information about planning policy work, some of these rights (e.g. relating to erasure, data portability and/or to restrict the processing of your information) may not apply.

### **Complaints and problems:**

Making decisions on planning matters is part of our public task. However, if you think that we have got something wrong or there is a reason that something should not be disclosed please ask us by:

- calling the team on 01744 676190; or
- sending an e-mail to : [planningpolicy@sthelens.gov.uk](mailto:planningpolicy@sthelens.gov.uk).

We have also appointed a Data Protection officer who can be contacted via [dataprotection@sthelens.gov.uk](mailto:dataprotection@sthelens.gov.uk). If you are unhappy with our response or if you need further advice you should contact the Information Commissioner's Office (ICO) using the following details.

Post to:	Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF
E-mail:	casework@ico.org.uk
Telephone:	0303 123 1113 (Monday to Friday – 9.00 am until 4.30 pm)

### **Further information**

Further information can be obtained by viewing our website at:  
<https://www.sthelens.gov.uk/council/data-protection-freedom-of-information/>

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