

PAGE ONE

Privacy Notice – Planning Policy

In this section

1. Overview
2. Our details
3. Purposes of processing
4. Lawfulness of processing
5. Data we may collect
6. Retention
7. Security
8. Information sharing
9. Your rights
10. Amendments
11. Complaints

Overview

Birmingham City Council (the ‘council’/‘we’/‘us’) Planning Authority utilise the information provided by you in the course of our Planning Policy work as a local planning authority. . Under the plan-making process personal data is collected, processed and stored on behalf of the council. Council officers process the data collected and this data is stored on secure computers. This privacy notice explains what information is collected and how it is used. Our core obligations under the Data Protection Act 2018 and other general commitments regarding data protection are set out in the [council’s privacy statement](#).

PAGE TWO

Our Details

The council is registered as a 'data controller' for the purposes of the Data Protection Act 2018 and The General Data Protection Regulation (EU) 2016/679 (the 'GDPR') with the Information Commissioner's Office (the 'ICO'). Our registration details are:

Birmingham City Council
Council House
Victoria Square
Birmingham
B1 1BB

Registration No: Z4594350.

If you have any questions about our data protection policy, or the data we hold on you, or if you would like to exercise one of your data protection rights, please contact the council's Data Protection Officer at the following address:

Corporate Information Management Team
PO Box 16366
Birmingham B2 2YY
Email: infogovernance@birmingham.gov.uk

PAGE THREE

Purposes of processing

Personal data is collected and processed to enable Birmingham City Council meet statutory obligations in relation to preparing Local Plans and the associated policy work. This includes the following:

- Adding you to the Planning Policy Consultation Database (by your consent);
- Adding you to the Self and Custom Build Housing Register;
- Recording of land and land ownership for consideration as potential development allocations;
- Keeping you informed about our Local Plan and associated planning guidance and documents;
- Processing representations on the Local Plan and associated planning guidance and documents;
- Undertaking virtual meetings/ events/ hearings in relation to the Local Plan and associated planning guidance and documents;
- Keeping a record of declared HMOs; and
- Responding to enquiries and other matters.

Personal data is processed under both Part 2 ('General processing') and Part 3 ('Law enforcement processing') of the Data Protection Act 2018 (the 'DPA 2018', the 'Act'). Where it is collected for planning law enforcement purposes then we are acting as a competent authority* and Part 3 applies.

*A competent authority means:

1. a person specified in Schedule 7 of the DPA 2018; or
2. any other person if, and to the extent that, they have statutory functions to exercise public authority or public powers for the law enforcement purposes.

By virtue of point 2, the council and its contractors are acting as a competent authority in processing the data for planning law enforcement purposes.

PAGE FOUR

Lawfulness of processing

The council as a Planning Authority has lawful bases for processing data for the purpose of planning policy work which will either be that it is necessary to do so to perform a task carried out in the public interest, or it is the exercise of official authority by us.

Planning policy work and related processing are also necessary for compliance with legal obligations to which the council is subject, as a planning authority, in terms of the GDPR's Article 6(1)(c).

PAGE FIVE

Data we may collect

The information collected may include the following:

- Name
- Address
- Email address
- Phone number
- Identifying information of third parties (e.g. planning agents who submit an application on your behalf)

PAGE SIX

Retention

Personal data will not be retained any longer than necessary to fulfill the purpose for which it was obtained, and in accordance with the Council's Corporate Retention Schedule.

- Registers, including Brownfield Land Register, Self and Custom-Building Housing Register and Planning Policy Consultation Database – permanent
- Records relating to activities that develop policies, procedures and strategies – Retain until superseded + 6 years
- Records relating to policy implementation and development - Retain until superseded +6 years
- Records relating to the consultation responses, submissions and objections - Date of decision + 15 years
- Records relating to activities that develop a vision and strategic direction regarding existing and future land use within the local authority - Retain until superseded + 6 years
- Records relating to consultation to gain approval for the Local Authorities strategic direction regarding existing and future land use, including Consultation documents and replies, inquiries and objections made by members of the public and Public Inquiry documents - Retain until superseded + 3 years
- Mineral plan - Retain until superseded + 6 years
- Waste Plan - Retain until superseded + 6 years

PAGE SEVEN

Security

Your information will be stored electronically on multiple servers based in the UK and on paper records. These can only be accessed by authorised officers. It will not be transferred outside the UK.

PAGE EIGHT

Information Sharing

The council publishes representations received during a consultation. We will only publish the name of the individual respondent or the organisation that they represent. All other personal information will be omitted or redacted - this includes the contact details and signatures of individuals. We may share your information with:

- Planning Officers and other Council Staff for the purpose of delivering planning services;
- Any person with a need to access your data relating to or responding to a complaint;
- The appointed Planning Inspector when planning documents are formally submitted for examination (this is in line with the Town and Country Planning Regulations).

In the case of Neighbourhood Plans, the Planning Policy Team is responsible only for that data collected as a result of the Councils' duties in respect of Neighbourhood Plans. It is not responsible for data collected by Parish Councils or Neighbourhood Forums in the establishment or development of a Neighbourhood Plan.

PAGE NINE

Your rights

You have **certain rights** in relation to the personal information we hold about you.

Where personal data has been collected as part of a criminal investigation or enforcement work then this data is not subject to the general data protection rights above. Whilst Birmingham City Council Planning Authority is in possession of your personal data as part of a criminal investigation then data subjects have, under Part 3, Chapter 3 of the Act, the following individual rights:

- the right to be informed;
- the right of access;
- the right to rectification;
- the right to erasure or restrict processing; and
- the right not to be subject to automated decision-making.

Under the GDPR and the DPA 2018, certain rights such as the right to object and the right to data portability do not exist in Part 3 of the Act. Further, there are exemptions and restrictions that can, in some circumstances, be legitimately applied to prevent individuals from exercising rights.

Subject access rights and the rights to rectification, erasure and restriction do not apply to the processing of **'relevant personal data'** in the course of a criminal investigation or criminal proceedings. 'Relevant personal data' means personal data contained in a judicial decision or in other documents relating to the investigation or proceedings which are created by or on behalf of a court or other judicial authority.

Access to 'relevant personal data' is governed by the appropriate legislation covering the disclosure of information in criminal proceedings, such as (in England and Wales) the Criminal Procedure and Investigations Act 1996.

You can **exercise your rights by writing to us**.

PAGE TEN

Amendments

We will continually [review and update our privacy notices](#) to reflect changes in our services, as well as to comply with changes in the law.

This privacy notice was last updated on 06 October 2020.

PAGE ELEVEN

Complaints

Should you wish to report a complaint or if you feel that we have not addressed your concerns in a satisfactory manner, please [use the details on our corporate privacy notice](#). You may also complain to the ICO at www.ico.org.uk.