

East Ayrshire Council

Planning and Building Standards

Privacy Notice

This notice provides clarification on what information East Ayrshire Council requires to collect from you when you are accessing or applying for services provided by the Council's Planning Service. It also details how the Planning Service uses, stores and retains your personal data and provides information on how you can contact us should you require further information on your rights under data protection. This notice covers the following services within the Planning Service:

- Building Standards
- Development Management
- Development Planning and Regeneration

Who is responsible for your information?

All personal information is held and processed by East Ayrshire Council as Data Controllers in accordance with Data Protection law. For further information on the role of Data Controller, Data Protection Officer and Contact Details for the Council, please refer to the 'Privacy Statement' on the Council's website or contact the Council's Data Protection Officer.

The Council's Data Protection Officer can be contacted by email:
information.governance@east-ayrshire.gov.uk

What personal data do we need and why?

We collect the personal information we need to provide you with relevant information, services and support. The personal data we collect includes, but is not limited to, the following:

- Name
- Address
- Telephone numbers
- Email
- Financial and business information
- Land ownership details
- Your occupation
- Health information
- Your expressed opinions or intentions in respect of a planning application

How will we use your information?

The information you provide to us is required to allow us to carry out our statutory functions. We require this information for the following reasons:

- To process pre-application planning enquiries

- To process and determine planning applications and building warrants
- To investigate and resolve planning and building standards enforcement cases
- To maintain the Planning, Building Standards and the Planning Enforcement Registers
- To prepare the Development Plan and develop our Planning Policy
- To prepare and serve statutory notices
- To verify your identity where required, contact you by post, email or telephone, and
- To maintain our own records.

What is the lawful basis for processing the data?

The processing of information within the Planning Service is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller. Information is required to allow us to carry out our statutory functions based upon the following legislation:

- Town and Country Planning (Scotland) Act 1997 and 2006 as amended
- Building (Scotland) Act 2003
- Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 as amended
- Land Reform (Scotland) Act 2003

Special Category Data

Data Protection legislation defines Special Category Data as data relating to the processing of personal data regarding racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership and the processing of genetic data, biometric data, data concerning health or data concerning a person's sex life or sexual orientation.

Special Category Data may be processed by the Planning Service in limited circumstances.

When Special Category Data is collected by us, the lawful basis for processing is:

- (1) The processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject; or
- (2) Consent.

Who will we share your information with?

Where necessary your information will be shared with the following:

- Scottish Ministers (DPEA)
- Scottish Government and its Agencies
- Non-departmental government bodies
- Scottish Environmental Protection Agency
- Scottish Natural Heritage

- The Procurator Fiscal

The service may make any disclosures required by law and may share information with other bodies responsible for detecting/preventing fraud or auditing/administering public funds. We will also generally comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate.

Personal data you have provided may also be made available online as required to allow us to carry out our statutory functions under the abovementioned legislation.

East Ayrshire Council will ensure that any external agency which received disclosed information is fully aware of and accepts its responsibility as outlined in within the General Data Protection Regulations and the Data Protection Act 2018.

How long do we keep your information?

We will only keep your information for the minimum period necessary. After this time, information is deleted/destroyed in accordance with the Council's retention schedule.

Providing accurate information

It is important that we hold accurate and up to date information. If any details have changed, or change in the future, then individuals should ensure that they inform the Council's as soon as possible so that they can update their records accordingly.

Individuals' data protection rights

Under data protection legislation, individuals have a right to request access to information about them that the Council holds. Further details can be found in the Council's Privacy Statement.

Individuals also have the right to:

- Object to processing of personal data that is likely to cause, or is causing damage or distress
- Prevent processing for the purposes of direct marketing
- Object to decisions being taken by automated means
- In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- In certain circumstances, transfer their data to another organisation (data portability)

Individuals can contact the Council regarding their data protection rights and the processing of their data. Details of how to do this can be found on the Council's Privacy statement.

If individuals have a concern about the way East Ayrshire Council's Planning Service is collecting or using their personal data, they should raise their concern in the first instance with

the Council's Data Protection Officer; contact details above and on the Council's main Privacy Statement, via the website.