

Planning Policy Privacy Notice

Version v2.0

This privacy notice explains how Worcestershire County Council's planning service will use information in the course of our work as a local planning authority in respect of developing minerals and waste development plan documents, other planning policy, strategy and evidence documents and documents relating to planning application procedures.

This notice sits alongside the Council's [Full Privacy Notice](#) and [Development Management and Enforcement Privacy Notice](#).

You may also wish to refer to the Planning Inspectorate's [Privacy Notices](#).

We keep this Privacy Notice under regular review and we will place any updates on this web page. This Notice was last updated in November 2023.

The privacy notice will cover:

- [Purpose of processing](#)
- [Personal information collected and lawful basis](#)
- [Who we may share your information with](#)
- [How long we will hold your information](#)
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Purpose of processing

The service processes personal information to enable Worcestershire County Council to undertake its public tasks and fulfil its legal obligations as the County Planning Authority and Local Nature Recovery Strategy Responsible Authority.

This processing is completed directly by the Council and jointly with partners and commissioned private and third sector providers. The purposes of processing include:

- Informing people about minerals and waste development plan document preparation, publication, submission, examination, adoption, and events
- Informing people about the preparation, revision, adoption and implementation of other planning policy, strategy or evidence documents, and documents relating to application procedures
- Inviting people to respond to consultations on minerals and waste development plan documents, other planning policy, strategy and evidence documents and documents relating to planning application procedures
- Recording and publishing consultation responses.

Personal information collected and lawful basis

The service collects and processes personal information which is relevant to the service provided:

- Names
- Addresses
- Email addresses
- Telephone numbers
- Signatures
- Any other personal information that an individual or organisation may

provide to us within their comments or representations during the process of developing, consulting on and/or examining development plan documents, other planning policy or evidence documents, or documents relating to application procedures.

Due to the nature of Planning Policy work, we would not normally expect to process 'special category data' (e.g. information about medical history, political persuasion, union membership or ethnic origin), but it is possible that such data may be included within comments or representations.

There is more than one legal basis for the collection and processing of the personal information listed above:

- Compliance with legal obligations relating to the following legislation:
 - The Planning and Compulsory Purchase Act 2004, and any associated secondary legislation
 - The Environment Act 2021, and any associated secondary legislation
- Necessary to perform a task carried out in the public interest or in the exercise of our official functions
- Consent

Statutory consultees:

- Regulation 1 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) defines 'specific consultation bodies', and Regulation 4 sets out the bodies prescribed for the purposes of section 33A(1)(c) of the Act (the Duty to Cooperate). Together, these bodies are included as 'statutory consultees' in Worcestershire County Council's planning consultation database.
- The lawful basis for processing the personal data of statutory consultees is necessary for compliance with a legal obligation (UK GDPR article 6(1)(c)).
- Some of these organisations have more than one contact registered on the database, but only one of these is recorded as the 'Statutory consultee' - any other contacts from the same organisation are listed and processed as 'non-statutory consultee'.
- The lawful basis for holding the contact details for statutory consultees and sending them information about planning policy development and policy evidence-base development is the legal obligations imposed by the Town and Country Planning (Local Planning) (England) Regulations 2012 (as above). For some topics which are not directly the development of planning policy documents but nonetheless fall within Worcestershire County Council's wider planning policy duties, the legal basis for contacting the 'statutory' consultees is the undertaking of a task in the public interest.
- These bodies may also select to 'opt in' (consent) to information about planning application procedures and/or other Environmental Policy matters. (Please note: processing and consultation relating to planning applications themselves is addressed in the [Development Management Development Management and Enforcement Privacy Notice](#)).

Non-statutory consultees

- In the Town and Country Planning (Local Planning) (England) Regulations 2012, 'general consultation bodies' are defined as various types of bodies whose activities benefit any part of the area or which represent various interest groups in the area. When preparing a local plan, regulation 18 requires local planning authorities to notify and invite representations from 'such of the general consultation bodies as the local planning authority consider appropriate' and 'such residents or other persons

carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations'.

- 'General consultation bodies', individual members of the public and other organisations self-select for their details to be recorded on the database (consent), and are recorded as 'non-statutory consultee' (i.e. anyone who is not a 'statutory consultee').
- Non-statutory consultees are able to choose which project types they would like to receive information about and will not be contacted about those they do not select. They can change which project types they are registered for on request, and they can request to be removed from the database if they no longer wish to receive any information/consultations.
- Subsequent processing of the personal data is undertaken as a task in the public interest (see further detail below).

Whilst non-statutory consultees may request for their contact details to be removed from the planning consultation database so that they are not contacted in future, the service will retain a 'point in time' record of the contact details of everyone who was consulted at each stage. Consultation comments and representations will be retained for the life of the document and may not be deleted until the document to which the consultation relates has been superseded and the subsequent retention period reached (see 'How long we will hold your information' section below).

If it is necessary to make a video recording of, or to live-stream any examination hearings, we will collect, store, and use the following categories of personal information about you:

- Your voice will be recorded if you participate in the hearings
- Your image will also be recorded if you participate in-person at the hearings venue, or if you use a video feed to participate in the hearings remotely
- Your image may also be recorded if you are physically present at the hearings venue to observe the hearing session(s)
- Participants names will be recorded and shown on the video wall during the hearings.

The 'right to be forgotten' or 'right of erasure' does not apply in relation to comments and representations submitted, or recordings of participation in hearing sessions, as processing is necessary for compliance with legal obligations, the performance of a task carried out in the public interest.

Who we may share your information with

We may need to share some or all of the personal information you have given to us or we've collected about you with partner organisations where relevant. These include but are not limited to:

- Third parties appointed by Worcestershire County Council to provide services relating to the preparation of development plan documents, other planning policy or evidence documents, or documents relating to application procedures
- People or companies appointed as Programme Officer for the examination of development plan documents
- The Secretary of State for Housing, Communities and Local Government
- The Planning Inspectorate (PINS) for England and Wales and any third parties supporting a Planning Inspector in respect of an examination in public of a development plan document (you may also wish to refer to the Planning Inspectorate's [Privacy Notices](#)).

Personal data will only ever be shared with partner organisations when it is strictly necessary to help us meet our legal obligations or undertake tasks in the public interest.

You may have the right to refuse the sharing of your information. We will not pass it on to any other parties unless required to do so by law or in all reasonable circumstances the disclosure is fair and warranted for the purposes of processing or subject to a data protection exemption.

We have specific data sharing agreements in place with local agencies and with the Planning Inspectorate and sometimes the law requires that we may have to pass your details on to a third party, for example, to prevent crime.

Any information submitted in response to consultations on development plan documents, other planning policy or evidence documents, or documents relating to application procedures will be in the public domain and will usually be published 'verbatim' alongside an identifier including the name of the consultee/representor. The planning service will assess comments and representations, and will redact (blank out) any 'personal data' and 'special category data' they contain from any published documentation. A non-redacted copy will be kept for WCC's internal use and this may be shared with the Programme Officer and Planning Inspectorate at examination stage, as required.

If you wish to participate in any examination hearing sessions, the names of those invited and participating are likely to be viewable by others taking part in or observing the hearing. This data will also be shared with any member of the public that listens to, or views, any live stream or recordings of the hearing sessions.

How long we will hold your information

Development plan documents, other planning policy or evidence documents, and documents relating to application procedures, and the evidence base which supported their development and examination, will be retained for the life of the document.

Once a Development Plan Document, other planning policy or evidence document, or document relating to application procedures has been superseded, a copy of the document will be sent to archives for retention in perpetuity. The evidence base which supported its development and examination will be deleted/disposed of after six years from the document being superseded.

Any recordings of hearing sessions may remain available to view until 6 weeks after the adoption of the relevant Development Plan Document (or until the end of any Judicial Review proceedings should a Judicial Review be brought within that six-week period).

More information about our retention periods can be found in our [summary Disposal Schedule](#).

Please note stated retention periods may be subject to any legal holds imposed under the Inquiries Act 2005 that may concern the information and override standard retention periods.

Your information rights

You are entitled to a copy, or a description, of the personal data we hold that relates to you,

subject to lawful restrictions. Please go to our [Make a Data Protection Request webpage](#) to find out how to make a request.

For rectification or restriction of your personal data, please in the first instance contact PlanningDatabase@worcestershire.gov.uk or 01905 766374 to exercise these Information Rights or call the main Worcestershire County Council contact telephone number of **01905 765765**.

The rights of erasure and data portability are not available for this service. This service does not use Automated Decision Making or Profiling as a process.

Please see our overarching Privacy Notice (<http://www.worcestershire.gov.uk/privacy>) for further contact details and if you have a complaint about your information rights.