



Privacy Notice - Planning and Development Control

When processing your personal data, the council is required under Articles 13 and 14 of the General Data Protection Regulation (GDPR) to provide you with the information contained in this document.

Data Controller

Name	Cumbria County Council
Address	Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
Registration Number	Z5623112

You can search the Information Commissioner's Register of Fee Payers at:
<https://ico.org.uk/about-the-ico/what-we-do/register-of-fee-payers/>

Data Protection Officer

The council's Data Protection Officer is Claire Owen. You can contact the Data Protection Officer by:

Email: dataprotection@cumbria.gov.uk
Post: Cumbria County Council, Legal and Democratic Services, 1st Floor,
Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
Online: [Contact Form](#)

Purpose

We are Cumbria County Council's Development Control Team and we are responsible for providing the following services:

- managing land-use planning related to minerals, waste and County Council developments;

- making decisions and providing advice on planning applications;
- making planning policies;
- working with neighbouring authorities on strategic policies;
- responding to allegations of unlawful development;
- enforcement of planning control;
- monitoring development;
- entering legal agreements; and
- promoting the best use of land

Data Collection

While providing services we collect data from our customers in the following ways:

- Applicant information either supplied to us directly (via email and/or post) or received via the national Planning Portal website: planningportal.co.uk/. In either case the information is often submitted via a professional planning agent commissioned to act on the applicant's behalf.
- Comments, representations, allegations and questions received via email, letter, and through our website: Cumbria.gov.uk/planning-environment/DC/dc.asp

Data Types

The following data is required to meet legal obligations and to enable officers to reach informed and robust recommendations and decisions:

- land use
- land condition
- land ownership
- names
- addresses
- contact details i.e. telephone numbers, email addresses
- signatures

We may also collect, store and use the following 'special categories' of more sensitive personal information:

- health

Legal Basis for Processing Data

Cumbria County Council is a Local Planning Authority and we use the information provided to us to make decisions about the use of land in the public interest. This is known as a "[public task](#)" and is why we do not need you to "opt in" to allow your information to be used.

To allow us to make decisions on their applications individuals must provide us with some personal data (e.g. name, address, contact details). In a small number of circumstances individuals will provide us with “[special category data](#)” in support of their application.

Some information provided to us we are obliged under the regulations to make available on the planning register which is accessible and open to the general public. The planning register is a permanent record of our planning decisions that form part of the planning history of a site.

When we collect your personal data (such as name, age, address) we rely on the following legal bases:

- **GDPR Article 6(1) (c) Legal Obligation**
- **GDPR Article 6(1) (e) Public Task/Public Interest/Official Authority**

Where the council is relying on GDPR Article 6(1)(c) all [Relevant Legislation](#) is listed below.

When we collect your ‘special categories of personal data’, (such as health, race, ethnicity, sexual orientation) we rely on the following legal bases:

- **GDPR Article 9(2) (d) Legitimate activities**

Relevant Legislation

These legal bases above are underpinned by acts of legislation that dictate what actions can and should be taken by local planning authorities, including:

- [The Town and Country Planning Act 1990](#)
- [The Town and Country Planning General Regulations 1992](#)
- [The Town and Country Planning \(Prescription of County Matters\) \(England\) Regulations 2003](#)
- [Planning and Compulsory Purchase Act 2004](#)
- [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)
- [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)
- [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)

Automated Decision-Making/Profiling

We do not use your information for automated decision-making or profiling purposes.

Data Transfers

Your personal data is not transferred to a third country or international organisation.

Redaction

We operate a policy where we routinely redact the following details before making forms and documents available online:

- contact details e.g. telephone numbers, email addresses
- signatures
- personal or special category data
- information agreed to be confidential or commercially sensitive

Occasionally it may be considered necessary, justified and lawful to disclose data that appears in the list above. In these circumstances the council will make all reasonable efforts to contact you if this processing is going to have an impact on your rights or privacy.

If you are submitting supporting information which you would like to be treated confidentially or wish to be specifically withheld from the public planning register, please let us know as soon as you can - ideally in advance of submitting the application. The best way to contact us about this issue is via email to developmentcontrol@cumbria.gov.uk.

Data Sharing

We may share your information with the following organisations (such as Natural England and the Environment Agency), and statutory consultees.

While responding to your enquiries or complaints it may be necessary to share your personal data with other parts of the council or other public bodies or organisations. The council will make all reasonable efforts to contact you if this processing is going to have an impact on your rights or privacy.

Data Security and Retention

All of the information you give us will be kept safe and secure whether it is written or on a computer system. We will treat any personal information confidentially and will comply with the Data Protection Act 2018. This means that, if we keep any of your personal data we must:

- tell you what information we need to collect from you
- only use the information for the reason we have agreed with you
- not ask for more information than we need to provide the services
- let you see any information we have collected about you, on request
- keep the information safe, secure and confidential
- personal information will be deleted in accordance with council policy

The information you supply will be kept on a secure council system and can only be accessed by authorised employees within the Planning and Development Control Team. This includes professionals who are working with applications, where there is a valid reason for them to do so.

Cumbria County Council will only store your information for as long as is legally required in accordance with the council's Retention and Disposal Schedule or in situations where there is no legal retention period established best practice will be followed.

Your Rights - Data Subject Access

The General Data Protection Regulation (GDPR) provides you with the right to access information the council, as a public authority holds about you. Upon receipt of a valid request the council will:

- provide you with a response within one month;
- let you know if your request is subject to an extension;
- make reasonable efforts to comply with the format of your request;
- inform you if your request is going to be refused or a charge is payable.

You can make a Data Subject Access Request by contacting:

Email: information.governance@cumbria.gov.uk
Post: Cumbria County Council, Information Governance Team
Parkhouse, Baron Way, Carlisle CA6 4SJ
Telephone: (01228) 221234
Online: [Contact Form](#)

Your Rights - Other

In addition to your right of access the General Data Protection Regulation (GDPR) also gives you the following rights:

- the right to be informed via the council's Privacy Notice;
- the right to withdraw your consent. If we are relying on your consent to process your data then you can remove this at any point;
- the right of rectification, we must correct inaccurate or incomplete data within one month;
- the right to erasure. You have the right to have your personal data erased and to prevent processing unless we have a legal obligation to process your personal information;
- the right to restrict processing. You have the right to suppress processing. We can retain just enough information about you to ensure that the restriction is respected in future;
- the right to data portability. We can provide you with your personal data in a structured, commonly used, machine readable form when asked;
- the right to object. You can object to your personal data being used for profiling, direct marketing or research purposes;
- you have rights in relation to automated decision making and profiling, to reduce the risk that a potentially damaging decision is taken without human intervention.

Where our processing of your personal data is based on your consent, you have the right to withdraw your consent at any time. If you do decide to withdraw your consent

we will stop processing your personal data for that purpose, unless there is another lawful basis we can rely on – in which case, we will let you know. Your withdrawal of your consent won't impact any of our processing up to that point.

Where our processing of your personal data is necessary for our legitimate interests, you can object to this processing at any time. If you do this, we will need to show either a compelling reason why our processing should continue, which overrides your interests, rights and freedoms or that the processing is necessary for us to establish, exercise or defend a legal claim.

Unless otherwise stated above you can exercise any of these rights by contacting:

Email: dataprotection@cumbria.gov.uk
Post: Cumbria County Council, Legal and Democratic Services, 1st Floor, Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
Online: [Contact Form](#)

Verifying Your Identity

When exercising the rights mentioned above please be aware that under GDPR Article 12(6) additional information can be requested to verify that you are the data subject if your identity is unconfirmed. Please note that:

- additional documentation is only required when the council cannot verify your identity using internal council systems that relate to the service you are requesting information about;
- the council will contact you for this documentation prior to processing your request;
- the statutory deadline for responding to your request will start when you have provided the additional documentation;
- failure to provide additional documentation may lead to the council rejecting your request.

Complaints

If you have any concerns about the information contained in this Privacy Notice please contact: developmentcontrol@cumbria.gov.uk.

If you have concerns about the way the council has processed your data, please contact the council's Data Protection Officer via:

Email: dataprotection@cumbria.gov.uk
Post: Cumbria County Council, Legal and Democratic Services, 1st Floor, Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
Online: [Contact Form](#)

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law you can complain to the Information Commissioner's Office (ICO): <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>