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<b>Service Area:</b>	Regeneration and Planning
<b>Work Area:</b>	Development Management
<b>Contact Details:</b>	planning@caerphilly.gov.uk
<b>Privacy Notice Name:</b>	Planning Application & Appeal Processing Files - Contributors
<b>Description of Privacy Notice:</b>	This privacy notice will explain how Caerphilly County Borough Council will use the information provided by contributors who comment on a planning application

## How we will use your information

### Purpose and legal basis for using your information

#### Purpose of processing

Caerphilly County Borough Council will process the representation you have made on a planning application for the purposes of ensuring your comments have been considered in the determination of the application. Your contact details will be retained to enable us to inform you of any amendments to the application and to advise you of any appeal received relating to the application. Your planning application representation and any subsequent appeal representation will be forwarded to Planning and Environment Decisions Wales (PEDW) to ensure your comments have been considered in the determination of the appeal.

#### Legal basis for processing

There is a public task obligation to process your information as detailed by one of more of the following:

Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) (Wales) Order 2012  
Town and Country Planning (Control of Advertisements) Regulations 1992  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning (Listed Buildings and Conservation Area) Regulations 1990  
Historic Environment (Wales) Act 2016  
Town and Country Planning (Crown Land Applications) Regulations 1995  
Planning (Hazardous Substances) Act 1990  
Planning (Hazardous Substances) Regulations 2015  
Town and Country Planning General Regulations 1992  
Town and Country Planning (General Permitted Development) Order 1995  
Environment Act 1995  
Land Compensation Act 1961  
Town and Country Planning (Trees) Regulations 1999  
Town and Country Planning (Inquiries Procedure) Rules 1992 as amended

In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Act must be identified, which is outlined below:

1(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

In order for the processing of sensitive personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 9 must be identified, which is outlined below:

2(g) 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.

### **The right to withdraw consent**

You have the right to withdraw any representations made. Please contact the Service Area whose details are contained on the top of this document.

## **Who will have access to your information**

### **Identity of Data Controller and Data Protection Officer**

The Data Controller for your information is Caerphilly County Borough Council. The Data Protection Officer is:

Mr Carl Evans  
Corporate Information Governance Manager / Data Protection Officer  
Email: [dataprotection@caerphilly.gov.uk](mailto:dataprotection@caerphilly.gov.uk)  
Tel: 01443 864322

Other Data Controllers may also be responsible for your information, depending on the specific circumstances. Please contact the Service Area for further information.

### **Details of main users of your information**

Staff within the Council's Development Management Team and Administrative Support staff will record your representation in the application database, including your contact details, for the purposes of acknowledging your representation, re-consulting with you if any amendments to the application are received and to advise you if any appeal is received relating to the application.

Your planning application representation will not be published on-line but the whole planning file, including your representation, will be open to public inspection and copies of your representation may be made available to third parties on request.

Your name will not be relevant to the determination of the application but your address will be important to determine the significance of the impact of the planning proposal and may be referred to in the Committee/Delegated report relating to the application. This report is published on-line.

Appeal representations may be published on-line in a redacted format.

## **Details of any sharing of your information with other organisations**

The Council will provide Planning and Environment Decisions Wales with a copy of your representation if an appeal is received relating to the planning application.

## **Details of any external data processors**

Some historic planning applications are scanned to a document management system by an external company. The Council will ensure that this processing is compliant with data protection principles and relevant agreements are in place.

## **Requests for information**

All recorded information held by Caerphilly County Borough Council may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and the Data Protection legislation.

If the information you provide is subject to such a request, where possible Caerphilly County Borough Council will consult with you on its release. If you object to the release of your information we will withhold your information if the relevant legislation allows.

## **How long will we retain your information**

### **Details of retention period**

How long Caerphilly County Borough Council retains information is determined through statutory requirements or best practice.

The Council holds records of planning applications from 1947 to the current date. Records are held in a variety of formats e.g. microfiche, electronic document management systems and paper format, the format depends on the age of the application.

## **Your Rights (Inc Complaints Procedure)**

### **Your rights under Data Protection**

Data Protection gives data subjects (those who the information is about) a number of rights:

- The right of subject access – Application forms for this process are available on our website: [SAR Form](#)
- The right to be informed
- The right of rectification
- The right to erasure
- The right to restrict processing
- The right to object
- The right to data portability
- Rights in relation to automated decision making and profiling

Further information on your rights is available from: [www.ico.org.uk](http://www.ico.org.uk)

To enact your rights please contact the service area detailed on the top of this form.

### **Complaints Procedure**

If you are unhappy with the way that Caerphilly County Borough Council has handled your request / information, you have the right of complaint. Please contact the Service Area detailed at the top of this document outlining your issues.

If you remain unhappy you also have a right of complaint to the Information Commissioner's Office. Please follow this link for further information on the complaints process.

[www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Questions-and-complaints](http://www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Questions-and-complaints)

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# Summary Privacy Notice

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Your planning application representation will not be published on-line but the whole planning file, including your representation, will be open to public inspection and copies of your representation may be made available to third parties on request.

The legal basis for processing your information is it is necessary for the performance of a task carried out in the public interest.

Your name will not be relevant to the determination of the application but your address will be important to determine the significance of the impact of the planning proposal and may be referred to in the Committee/Delegated report relating to the application. This report is published on-line.

The Council will provide Planning and Environment Decisions Wales with a copy of your representation if an appeal is received relating to the planning application. Appeal representations may be published on-line in a redacted format.

You have a number of rights in relation to the information including the right of access to information we hold about you and the right of complaint if you are unhappy with the way your information is being processed.

For further information on how we process your information and your rights please click the following link:

[{Hyperlink to Full Privacy Notice on our website}](#)