Aberdeenshire COUNCIL

From mountain to sea

Privacy Notice: Planning Application

The Data Controller of the information being collected is Aberdeenshire Council.

The Data Protection Officer can be contacted at Town House, 34 Low Street, Banff, AB45 1AY.

Email: dataprotection@aberdeenshire.gov.uk

Your information is being collected to use for the following purposes:

- To process an application for planning permission or other permission required under Scottish planning law.
- To process a letter of representation relating to a planning application.
- To process a Planning Processing Agreement.
- To process an Environmental Impact Assessment screening or scoping request.
- To process a request for pre-application advice.
- To process a request for a Local Review.
- To process an appeal to Scottish Government.
- To process any notices or additional permissions applied for during the project.
- To carry out enforcement action if required.
- To allow Aberdeenshire Council to collect payments from you, if and when they become due.

Your information is:

Being collected by Aberdeenshire Council either directly through paper-based applications or online via the national planning portal maintained by Scottish Government.

The Legal Basis for collecting the information is:

Personal Data		**Special categories of personal data**	
Consent		The data subject has given explicit **consent** to the processing	
Performance of a Contract		Processing is necessary for the purposes of carrying out the obligations of the controller or of the data subject in the field of employment, social security social protection law	
Legal Obligations	X		
Vital Interests		Processing is necessary to protect the **vital interests** of the data subject or of	

		another natural person where the data subject is physically or legally incapable of giving consent	
Task carried out in the Public Interest		Processing relates to personal data which are made **public** by the data subject	
Legitimate Interests		Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity	
		Processing is necessary for reasons of ***substantial public interest***	
		Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of ***health or social care*** or treatment, or the management of health or social care systems	
		Processing is necessary for reasons of public interest in the area of ***public health***	
		Processing is necessary for archiving purposes in the ***public interest***, scientific or historical research purposes or statistical purposes	

Please tick all that apply

Where the Legal Basis for processing is either Performance of a Contract or Legal Obligation, please note the following consequences of failure to provide the information:

The information is required to ensure work is carried out in accordance with The Town and Country Planning (Scotland) Act 1997, The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Planning etc. (Scotland) Act 2006, The Town and Country Planning (Appeals) (Scotland) Regulations 2013, Planning Hazardous Substances (Scotland) Act 1997, and various pieces of subordinate legislation. Failure to provide the required data would mean that your application could not be progressed and your development could not legally proceed.

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Your information will be shared with the following recipients or categories of recipient:

- Information on planning applications and appeals are published on the Planning register. The Planning register can be searched and viewed by the public online via the Council's website.
- Certain applications will require people living within 20m of an application boundary to be notified by the planning service advising them that an application has been received and is available for comment.
- Certain applications will require publication in local newspapers.
- Certain applications will require a site notice to be displayed on the property or site.
- We will share the details of your application with any statutory consultee required to process the application.
- Financial information may be shared with HM Revenue and Customs, National Fraud Initiative, Spikes Cavell, Sheriff Officers and Debt Collection Agencies and Department of Work Pensions.

Your information will be transferred to or stored in the following countries and the following safeguards are in place:

N/A

The retention period for the data is:

Information on the Planning Register is retained by the Council permanently. Other information including correspondence, superseded plans and drawings will be destroyed between 5 and 10 years after completion of development.
Financial information will be retained for 7 years.

The following automated decision-making, including profiling, will be undertaken:

None

Please note that you have the following rights:

- to withdraw consent at any time, where the Legal Basis specified above is Consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- to data portability, where the legal basis specified above is:
  (i) Consent; or
  (ii) Performance of a Contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.