

Public



# **Privacy Impact Assessment**

## **Planning Applications Management System (Replacement)**

Version 1.3

Version History			
Version	Date	Details	Author
1.0	09/04/2018	First Draft	
1.1	16/04/2018	Second Draft - Inclusions	
1.2	30/08/2018	Final Draft	
1.3	06/09/2018	Final – Includes Legal Services Revision	

## Annex A – PIA Screening Questions

Question	Y/N	Additional Comments & Reasons
Is there a requirement under GDPR to carry out a PIA?	N	No high risks have been identified
Will the project involve the collection of new information about individuals?	N	Scope of management system unchanged
Will the project compel individuals to provide information about themselves?	Y	Details about the applicant and/or agent and any representations
Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?	Y	Planning application forms are public documents and will contain details of the applicant and/or agent
Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?	N	Only for the purpose of processing planning applications and/or representations
Does the project involve you using new technology that might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition.	N	None identified
Will the project result in you making decisions or taking action against individuals in ways that can have a significant impact on them?	N	None Identified
Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be private.	N	Information typically more likely to contain commercially and environmentally sensitive information
Will the project require you to contact individuals in ways that they may find intrusive?	N	Information only used for application processing and consultation where consultees have supplied contact information

## Annex B

## **Requirement for PIA**

### Project Aim and Objectives

The Council is the statutory Planning Authority for all Waste & Mineral applications within Derbyshire outside of the Peak District National Park and City of Derby. The Council is also the Planning Authority for applications where the Council itself is the applicant or where there is a significant strategic impact.

The Councils existing Planning Application management system is in need of replacement; this assessment covers the replacement system.

The Council is under a statutory obligation to process applications in a controlled and timely manner, specifically within the following:-

Town and Country Planning Act 1990, as amended,  
Town and Country Planning (Development Management Procedure) (England) Order 2015,  
Town and Country Planning (Environmental Impact Assessment) Regulations 2017  
Community Infrastructure Levy Regulations 2015, as amended  
Environment Act 1995  
Environmental Protection Act 1990  
Growth and Infrastructure Act 2013  
Human Rights Act 1998  
Localism Act 2011 - Act Chapter 20 2011  
Planning (Hazardous Substances) Act 1990 - Act Chapter 10 1990  
Planning (Listed Buildings and Conservation Areas) Act 1990 - Act Chapter 9 1990  
Planning and Compensation Act 1991  
Planning and Compulsory Purchase Act 2004

Inherent in the planning process is the collection of personal data, in the form of contact information, as either an applicant or as a consultee. An individual planning application can involve significant consultation with individuals and groups representing both commercial and private interests.

Usually, the personal data collected is restricted to just the minimum amount of personal information required to process applications, such as name, address and contact details but on occasion, more sensitive information may be supplied by the applicant on the application form to support their position – the Council does not mandate the supply of this information.

### Benefits to the organisation, to individuals and to other parties

The benefits to the organisation are:

- a) Ability to implement the Council's Service Plan;
- b) Ability to include processes that are required as a result of changes to legislation;
- c) Performance management across all aspects of planning application processing;
- d) Management of all planning applications received by and on behalf of the Council;
- e) Monitoring and management of developer contributions;
- f) Monitoring and management of development – compliance of application conditions

The benefits to individuals are:

- a) Processing of applications in a timely and ordered manner;

Links to any relevant project documentation

ICT Project Reference P3779

<https://edrmlive/livelink/lisapi.dll?func=ll&objId=81730964>

ICT Procurement Reference ICT17048

<https://edrmlive/livelink/lisapi.dll?func=ll&objId=82399422>

Summary of Identified Need for PIA

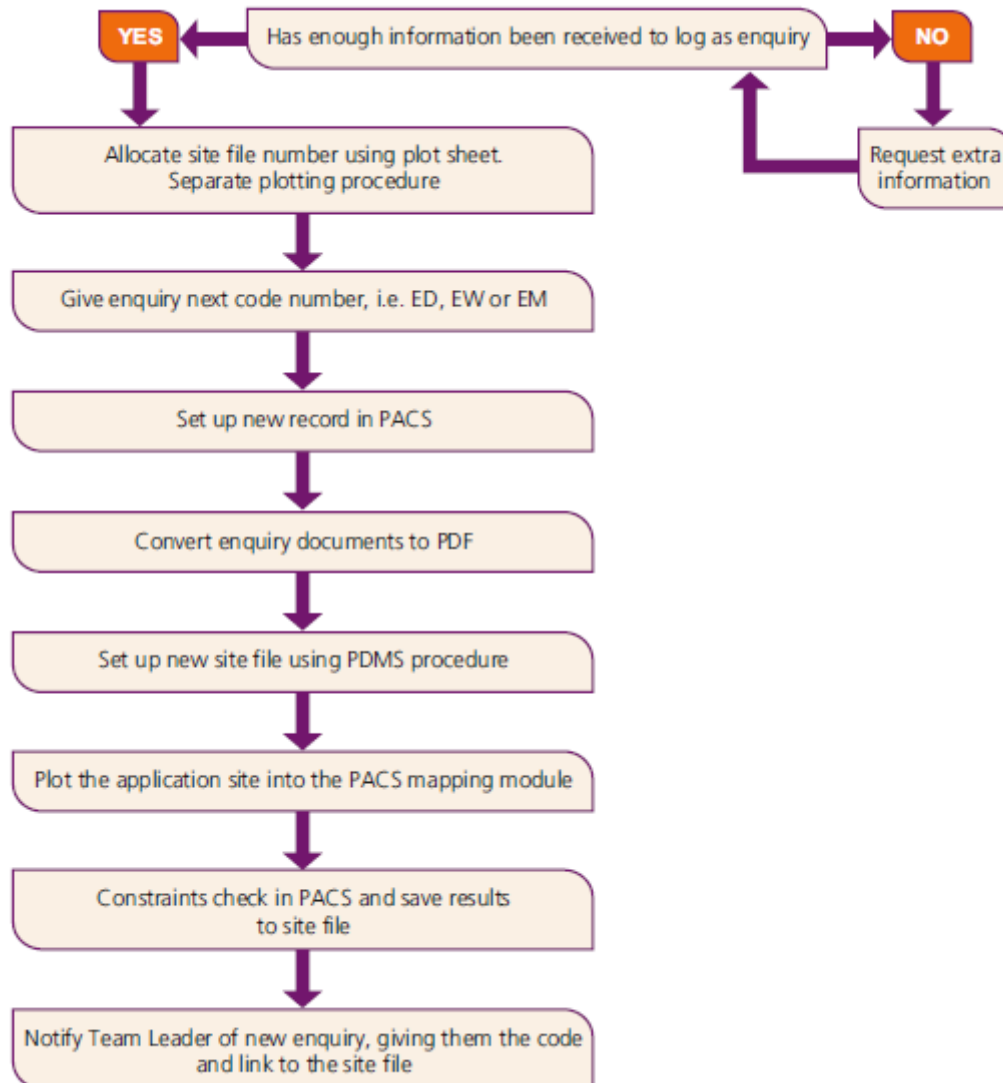
The planning management system will hold personal information.

It is conceivable, that the replacement system will be hosted outside of the Council data centre, so every care will need to be employed to ensure that all data is held and processed in accordance with current legislation and disposed of in accordance with the Council retention policy.

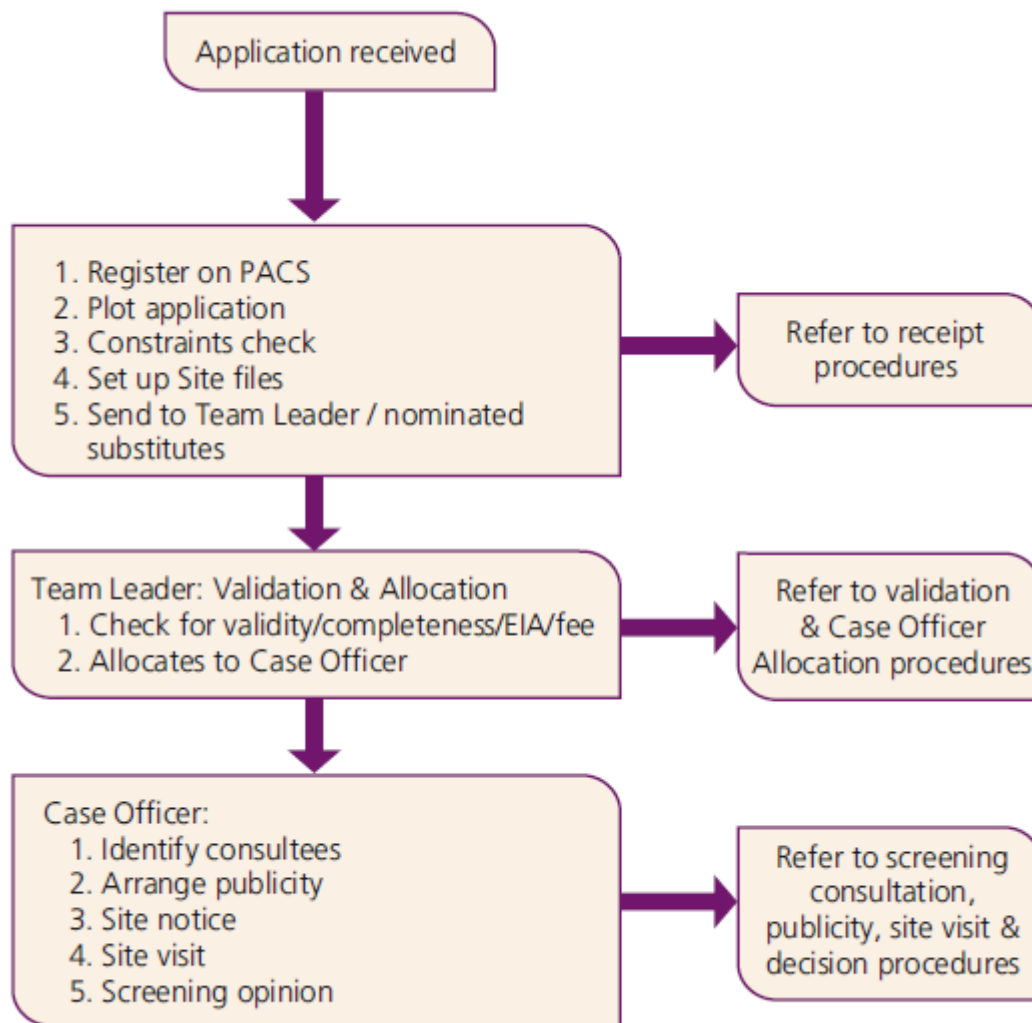
In most circumstances this information won't be sensitive, however there are occasions when it could be, so appropriate procedures will need to be established with suppliers to ensure adequate protection is in place to safeguard personal data.

## **Information Flows & Processing**

Pre-Application Advice

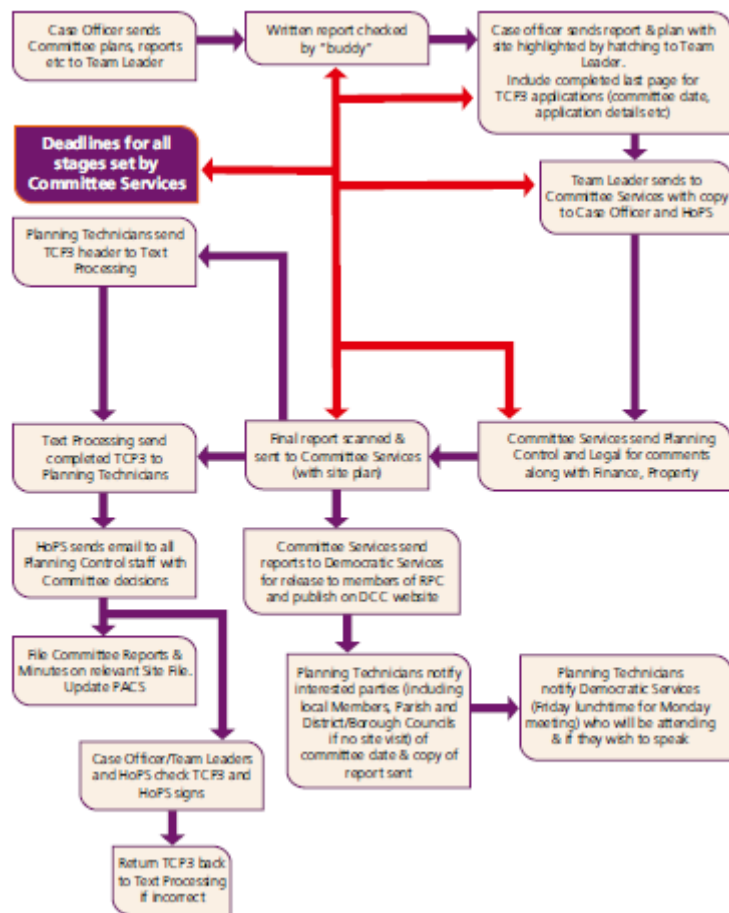


## Application

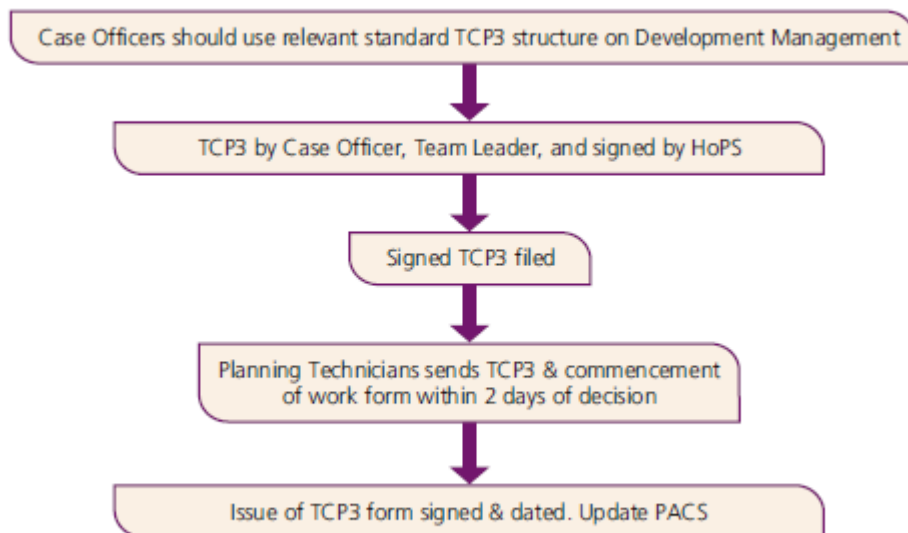


## Committee

## Controlled



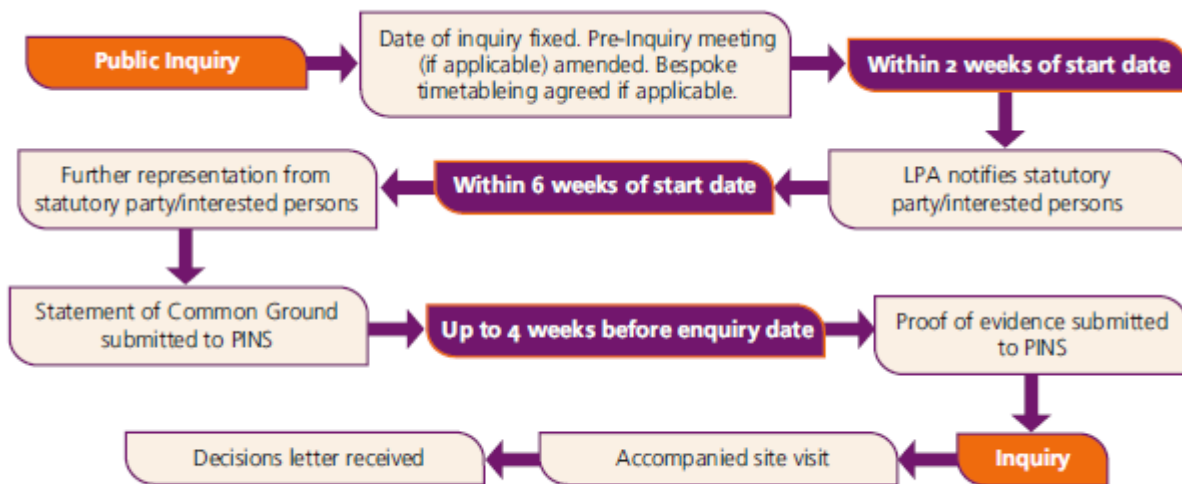
## Decision



## Public Inquiry



Controlled



## Consultation Requirements

None – Legal Obligation to process planning applications in a timely manner.

**Privacy Risks, Solutions and Approval**

Privacy Risk	Risk to Individuals & Organisation	Risk Initial Score	Action Identified	Target Score (after applying actions)	Risk Control Plan (Treat/Control/Tolerate /Accept/Terminate/Transfer)	Evaluation: is the final impact on individuals and the organisation after implementing each solution a justified, compliant and proportionate response to the aims of the project?	Approved By
System data is accessed by unauthorised persons and used or shared inappropriately.	Both	8	Access to the system will be limited to only those with the correct role based access activity.  The use of the system will be managed locally through relevant training and guidance to practitioners.	4	Control	Yes	

## Controlled

Sensitive information is collected	Individuals	8	Redact any sensitive personal information at point of capture e.g. Planning Application Form	4	Treat	Yes	
Applicants are unaware of legislation relating to publishing of personal information	Individuals	8	Ensure Planning Application form and website include a notice that under relevant legislation, planning application details are deemed a public document.	4	Tolerate	Yes	

Controlled

## PIA Outcomes

Who has approved the privacy risks involved in the project?

What solutions need to be implemented?

Risk	Approved Solution	Approved by
Unauthorised System Access	Purchase a system with control measures in-built	
Inappropriate use of system data held in system	Ensure all staff are trained and made aware of their responsibilities	
Applicants are unaware that their details are included in a public document	Notices to be attached to planning application form and website	
Retention periods are not adhered to	Regular compliance checking	

## PIA Integration

Controlled

Who is responsible for integrating the PIA outcomes back into the project plan and updating any project management paperwork?

Who is responsible for implementing the solutions that have been approved?

Who is the contact for any privacy concerns that may arise in the future?

Action to be taken	Date for completion of actions	Responsibility for action
Retention schedule validated	On Implementation	
Employees using system will need to be identified and briefed – to include existing and new employees, agency and temporary workers, including apprentices, student placements and volunteers	On implementation and through induction of new employees and other system users	
Contact point for future privacy concerns		
Date of ratification by IGG		

## Annex C - Linking the PIA to the GDPR principles

## Principle 1 - Personal data shall be processed fairly and lawfully

There must be lawful basis for processing the personal data as follows;

**(a) Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.

**(b) Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

**(c) Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).

**(d) Vital interests:** the processing is necessary to protect someone's life.

**(e) Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

**(f) Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

**Have you identified the purpose of the project and which lawful basis applies?**

Yes – Legal Obligation and Public Task.

**How will you tell individuals about the use of their personal data?**

Planning Application Form Guidance Notes

Website

**Do you need to amend your privacy notices?**

Yes – Existing notices are not compliant with GDPR

**If you are relying on consent to process personal data, how will this be collected and what will you do if it is withheld or withdrawn?**

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Not Applicable – Legal Obligation

**If special categories of personal data have been identified have the requirements of GDPR been met?**

Not Applicable

**As the Council is subject to the Human Rights Act, you also will where privacy risk are especially high need to consider:**

- **Will your actions interfere with the right to privacy under Article 8?**  
No
- **Have you identified the social need and aims of the project?**  
Not Applicable – Legal Obligation
- **Are your actions a proportionate response to the social need?**  
Not Applicable – Legal Obligation

**Principle 2 - Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.**

**Does your project plan cover all of the purposes for processing personal data?**

Yes – Information only used within the Planning Management System

**Have you identified potential new purposes as the scope of the project expands?**

**Principle 3 - Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.**

**Is the quality of the information good enough for the purposes it is used?**

Yes

**Which personal data could you not use, without compromising the needs of the project?**

None

**Principle 4 - Personal data shall be accurate and, where necessary, kept up to date.**

Controlled

**If you are procuring new software does it allow you to amend data when necessary?**

Yes

**How are you ensuring that personal data obtained from individuals or other organisations is accurate?**

No Validation – Information only required to enable exchange of correspondence.

**Principle 5 - Personal data processed for any purpose or purposes shall not be kept for longer than necessary for that purpose or those purposes.**

**What retention periods are suitable for the personal data you will be processing?**

<https://www.derbyshire.gov.uk/working-for-us/data/how-to-dispose-of-confidential-information-safely/records-retention-schedules/records-retention-schedules.aspx>

**Are you procuring software that will allow you to delete information in line with your retention periods?**

Yes

**Principle 6 - Personal data shall be processed in accordance with the rights of data subjects under this Act.**

**Will the systems you are putting in place allow you to respond to subject access requests more easily?**

Yes

**If the project involves marketing, have you got a procedure for individuals to opt out of their information being used for that purpose?**

Not Applicable – No marketing being undertaken



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**Principle 7- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.**

**Do any new systems provide protection against the security risks you have identified?**

Yes

**What training and instructions are necessary to ensure that staff know how to operate a new system securely?**

New system - All users will need training

**Principle 8 - Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.**

**Will the project require you to transfer data outside of the EEA?**

No

**If you will be making transfers, how will you ensure that the data is adequately protected?**

Encryption where required