

Privacy Notice - Planning Enforcement

Who we are:

Planning Enforcement
Development Management Manager- Enforcement and Conservation
Royal Borough of Windsor and Maidenhead
Town Hall
Maidenhead
SL6 1RF

Lawful basis for processing the information:

The Town & Country Planning Act 1990
Planning and Compulsory Purchase Act 2004
The Town and Country Planning (General Permitted Development) (England) Order 2015
Planning (Listed Buildings and Conservation Areas) Act 1990
The Town and Country Planning (Use Classes) Order 1987
Town and Country Planning (Control of Advertisements) Regulations 2007
The Town and Country Planning (Development Management Procedure) (England) Order 2015
The Town and Country Planning (Environmental Impact Assessment Regulations 2011

General Data Protection Regulation Article 6(1)(a) 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

How we collect information:

Personal data is supplied by service users either by post, email or electronically via the Council's website.

We may also have personal data provided to us by Solicitors acting on behalf of potential house buyers.

Categories of information collected:

As part of an enforcement investigation we collect names, addresses, telephone numbers, email addresses and signatures relating to complainants and those being accused of an alleged breach of planning control. In some circumstances we will also collect registration numbers, photos of perpetrators, details of directors and company secretaries of businesses being investigated and land registry documents

How we use the information provided:

The information gathered is used to establish if a breach of planning control has occurred. It will then be used to assess if the breach is expedient to enforce. During the course of an investigation the team will attempt to resolve any breach identified by engaging with those responsible for the breach. This may involve contacting relevant parties in person, via email or post.

The data collected is recorded on our Planning system (Uniform). Documents are held in the Council's document Management System and documents are marked as sensitive and are not made available to the public. The only documents that are available to the public are enforcement notices and documents relating to an appeal against an enforcement notice.

Local authorities have a legal duty to make enforcement notices available on a public register. An enforcement notice will detail the planning unit that it relates to as well as those that have been served with copies i.e. the owners/ operators of the site.

Who has access to the information about you:

Officers within the planning department have access to the data collected. Members of the public have access to personal data on enforcement notices and submitted appeals.

Who we may share your information with:

Data is shared with other Council departments including, Residential Services, Environmental Protection and Shared Legal Services (SLS). We may also share information with Thames Valley Police.

Residential Services consult us on House in Multiple Occupancy Licence applications to establish if the proposed licence holder has been the subject of any legal proceedings concerning breaches of planning control. The Enforcement Team check the Council's Uniform database to see if we have any record of a conviction against the site address concerned. N.B-There is no ability to search by the name of the defendant as planning convictions are tied to the land rather than perpetrator.

Information is shared with colleagues in Environmental Protection when we work together with cases involving a breach of planning control and a statutory nuisance. Information is shared as officers will work together to gather evidence to initiate

formal enforcement action either under the relevant planning legislation or Environmental Protection Act.

Information is shared with SLS when they are instructed to review a file/provide advice or instigate legal proceedings. If external counsel is instructed, information is provided to chambers by either SLS or the Planning Enforcement Team.

If police support is requested on a site we would share known details of the transgressor with Thames Valley Police.

How long we store your information:

The Council maintain a record of enforcement investigations and copies of all enforcement notices are kept indefinitely.

We hold copies of all current enforcement investigations and appeals on secure servers with appropriate access controls and firewalls.

Hard copies of some historic enforcement investigations are stored securely at the Town Hall or with our secure off site contractor Iron Mountain.

Does your service utilise automated decision making? : No