

**Service Area: Legal & Governance
Directorate: Finance & Resources
PN-220
02/2021**

The **Planning, Environment and Leisure Solicitors** are part of Nottingham City Council, who are the data controllers for the personal data that we process about you. When we process personal data relating to you, we will only do so when it is necessary and where we have a lawful reason to do so.

We will use the information provided by you for a number of reasons, depending on the service or reasons for interacting with you. These include:

- Entering Agreements relating to the Council's functions particularly in relation to Town and Country Planning and Highways
- Determining applications for Certificates of lawful use
- Advising generally in relation to the exercise of the Council's functions (particularly with regard to regulation and licensing)
- enforcement and prosecution

When we process your personal data, we will comply with data protection legislation and enable you to exercise your rights contained within the legislation.

Lawful basis for processing

The basis under which the Council uses personal data for this purpose is that this is

- necessary for the performance of a task carried out in the public interest by the Council or in the exercise of official authority vested in the Council

and, (where that information relates to an application for a licence, certificate, permission, agreement etc)

- with your consent

The team advises on and carries out work under a wide range of legislation including:-

- The Town and Country Planning Act 1990 and associated legislation
- The Highways Act 1980
- The Licensing Act 2003
- Various Local Government Acts including the Local Government (Miscellaneous Provisions) Acts 1976 and 1982
- The Housing Act 2004
- The Environmental Protection Act 1990
- Various legislation relating to food safety, trading standards, health and safety at work, public health, pollution control, transport and public protection

The information provided by yourself (or one of our client departments including Community Protection and the planning department) may include the following special categories of personal data:

- Race or Ethnic origin
- Political opinions
- Religious beliefs
- Trade Union membership
- Physical or mental health

- Sex life or sexual orientation
- Genetic and biometric data

Information in these categories is used by the Council on the basis that such use is necessary for reasons of substantial public interest under article 9(2) UK GDPR and Schedule 1 DPA 2018.

The information provided by you may also include criminal data. The basis on which this information is processed is for statutory reasons of substantial public interest and for the purposes of legal claims.

Criminal Investigations

The basis under which the Council uses personal data for this purpose is that this is necessary for law enforcement purposes.

Part 3 of the Data protection Act 2018 applies to processing personal data for 'law enforcement purposes'. When processing personal data for 'law enforcement purposes', the Council are acting as a 'Competent Authority' and have law enforcement powers given to us within statute.

It covers processing for the prevention, investigation, detection or prosecution of criminal offences, or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

In practice, the lawful basis would either be necessary for the performance of a task carried out for law enforcement purposes by Nottingham City Council, or based on consent. There may be circumstances where the Council obtains consent from the individual whose data is being processed, although this will only be appropriate in certain circumstances in the context of law enforcement.

The information provided by you may include the following sensitive personal data:

- Race or Ethnic origin
- Political opinions

- Religious beliefs
- Physical or mental health

In order to process this type of data Nottingham City Council must be able to demonstrate that the processing is strictly necessary and satisfy one of the conditions in Schedule 8 or is based on consent.

The conditions for sensitive processing in Schedule 8 of the Act are:

- necessary for statutory purposes for reasons of substantial public interest;
- necessary for legal claims

The Planning, Environment and Leisure Solicitors will mainly process sensitive information for statutory purposes for reasons of substantial public interest and for the purposes of legal claims.

Do you need to provide the information?

You are not obliged by statute to provide some of the information that is specified here. However, we will not be able to process your application without it.

How long will NCC retain the data for?

The information that you have provided will be kept for 7 years.

The Council publish an Information Asset Register (IAR), this will outline the retention periods for the personal data we process. You can find this IAR on our website <https://geoserver.nottinghamcity.gov.uk/information-asset-register/>

Can the information be used for any other purpose?

The information provided by you may also be used for the purpose of any other function carried out by the Council. Information about these functions and the legal basis on which information is used for them can be found at <http://www.nottinghamcity.gov.uk/privacy-statement/>

The information will only be used for another purpose where it is lawful to do so.

Information Rights

The UK General Data Protection Regulation provides for the following rights as prescribed by the legislation:

- A right to request a copy of your information
- A right to request rectification of inaccurate personal data
- A right to request erasure of your data known as 'the right to be forgotten'
- A right to in certain circumstances to request restriction of processing
- A right in certain circumstances to request portability of your data to another provider
- A right to object to processing of data in certain circumstances
- A right regarding automated decision making including profiling

The Data Protection Act 2018 part 3 also provides the following rights:

- A right to request a copy of your information
- A right to request rectification of inaccurate personal data
- A right to request erasure of your data known as 'the right to be forgotten'
- A right to in certain circumstances to request restriction of processing
- A right in certain circumstances to request portability of your data to another provider
- A right not to be subject automated decision making

However, Nottingham City Council can restrict the above rights in certain circumstances for example to avoid obstructing an investigation, avoid prejudicing the prevention, detection, investigation or prosecution of criminal penalties or to protect the rights and freedoms of others.

Data Protection Officer

The Data Protection Officer is Naomi Matthews. You can contact the data protection officer at:

Loxley House,
Station Street,
Nottingham,
NG2 3NG

or at data.protectionofficer@nottinghamcity.gov.uk .

Information Commissioner's Office

The Information Commissioner's Office (ICO) website provides guidance on data protection and privacy matters, you can visit the website at www.ico.org.uk. You also have the right to complain to the ICO if you consider that the Council have processed your personal data incorrectly or that we have breached our obligations to you. You can contact the ICO at:

Wycliffe House,
Water Lane
Wilmslow,
Cheshire
SK95AF

www.ico.org.uk

Further Information

For more information about these rights please refer to our detailed privacy statement at <https://www.nottinghamcity.gov.uk/privacy-statement> .