

Planning Data Retention & Privacy Policy

Introduction

The Local Planning Authority accumulates information from both individuals and external organisations. It also generates a wide range of documents and records.

These documents and records are in several different formats, including letters, emails, reports and legal documents, plans, drawings and photographs. These could be in both hard copy and electronic.

In some cases it is necessary to retain certain documents in order to fulfil statutory requirements and also to meet operational needs.

Premature destruction of documents can result in the inability to defend litigious claims, operational difficulties and failure to comply with the Freedom of Information Act and General Data Protection Regulations.

Likewise, it is unreasonable to retain all documents indefinitely. An agreed disposal schedule will enable the Local Planning Authority to maintain sufficient office and electronic storage. Lengthy or indefinite retention of personal information could result in the Local Planning Authority breaching General Data Protection Regulations.

Aim

To give a clear indication to our customers how we will process, store and when and how we will dispose of their information.

To provide a tool to East Cambridgeshire District Council Planning Department to ensure the retention of business information for as long as it is needed, in the most suitable format and enable disposal of information in a consistent and controlled manner. Taking into account the context within which it operates, including legislative requirements.

Scope

This document applies to all information held by the Local Planning Authority.

Retention and Disposal Policy

This Document contains a checklist in Appendix 1, outlining the points which need to be considered when looking to dispose of a document.

In appendix 2 is a full schedule for documents, including the minimum retention periods both recommended and statutory.

Where a retention period for a specific document has expired, a review should be carried out prior to a decision being made to dispose of it. This should not be time consuming and should be straightforward. Consideration should be given to the method of disposal to be used.

Appendix 1

Checklist to be completed before disposing of consultee and neighbour responses

	Yes	No
Is there any ongoing negotiations (S106 or otherwise) on the site?		
Has the development been completed?		
Is there any enforcement case (opened or closed) on the site? If yes would the document be needed in any future prosecution?		
Is there any other reason to retain for planning history for future development of the site?		

Appendix 2

Ref No	Function Description/Purpose of holding	Retention Action	Information to be redacted before publishing online	Disposal technique	Legislation requirement
1	Valid Planning Application submission (including application form, plans and supporting documents & any amendments received) to form Part 1 of the Planning Register	All information to be scanned on receipt. Paper copies are retained for 12 months following decision or receipt of appeal decision, whichever is later.	Applicants telephone and email addresses. All signatures.	Electronic kept in perpetuity. Recycling for hard copies as all information in the public arena.	Town and Country Planning (Development Management Procedure) Order - Article 40 (3), (4A), (5) & (7)
2	Decision Notices (Planning or Appeal) and Legal Agreements to form Part 2 of the Planning Register	All information to be scanned on receipt Paper copies are retained for 12 months following decision or receipt of appeal decision, whichever is later.	All signatures	Electronic kept in perpetuity. Recycling for hard copies as all information in the public arena.	Town and Country Planning (Development Management Procedure) Order - Article 40 (4), (4A), (5), (6) & (7)
3	Consultee and Contributor comments to gather professional opinions and local views as part of the planning process	All information to be scanned on receipt and entered into the back office system. Paper copies are retained until decision is issued. Electronic copies kept for 6 years, unless necessary to retain for longer following completion of checklist in Appendix 1.	Contributor names, phone numbers, emails and email addresses. Consultee signatures. Car registration plates if photos provided.	Paper copies will be disposed as confidential waste. Electronic copy will be removed from our Document management system following a review.	Limitations Act

4	Agents contact details to inform of Agents forums, sending of newsletters and departmental updates. To be selected when registering applications	Consent to hold names and email addresses until such a time they do not wish to receive further information from the Planning Department. Annual review of Agents contact details in Uniform to ensure they are still on our mailing list.	As contact details will be their professional contacts no redaction needed except for signatures.	If request received to be removed from mailing list, deletion of electronic entry.	GDPR 2018
5	Enforcement Complainants details	Information uploaded to Uniform system to allow contact throughout investigation. All information scanned at time of case closure and hard copies disposed of.	No documentation or information available publicly.	Hard copies disposed in confidential waste. Electronic storage of personal data to be deleted after 6 years from case closure, following completion of checklist in Appendix 1.	
6	Enforcement Complaint details (including address, nature, visits, letters)	Information stored within our back office system. Hard copies scanned in during the life of the case and final scan of any other document at close of case.	No documentation or information available publicly.	Hard copies disposed in confidential waste.	
7	Enforcement Notice details (Who, When, Where, What) to form part of the Enforcement Register	Information stored within back office system. Hard copies scanned in and available on Council's website.	All signatures	Electronic kept in perpetuity, however register entry kept in line with Town and Country Planning (Development Management Procedure) Order Article (4). Recycling for hard copies as all information in the public arena.	Town and Country Planning (Development Management Procedure) Order - Article 43 (1), (2), (3) & (4)

8	General correspondence or complaint in relation to an application or enforcement case	All information to be scanned on receipt. Hard copies added to working file (in confidential envelope if necessary).	If not confidential, all signatures, personal email addresses, names and personal phone numbers.	Paper copies will be disposed as confidential waste. Electronic copy will be removed from our Document management system following a review and if necessary completion of checklist in Appendix 1.	Limitations Act
9	General correspondence and complaints not related to an application or enforcement case	All information to be scanned on receipt to Parish General file within document management system.	Not publicly available.	Electronic copies disposed of after 6 years.	