PRIVACY NOTICE

Growth, Planning and Climate - Pre-Application Planning Enquiries - Local and Major Developments

Who we are

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, moray.gov.uk 01343 543451, is a Local Authority established under the Local Government etc. (Scotland) Act 1994. We are the Data Controller of the personal data being collected.

Why we are collecting your personal data

When you contact the Council's Planning Service with a pre-application enquiry via the Council's Customer Services team, completion of Pre-Application Advice Forms (Local and Major), or, by contacting a Duty Planning Officer, personal data will be collected from you including your name, address, phone number and email address.

This data is collected to enable us to respond to your enquiry, and to contact you if we require further information in order to provide comprehensive pre-application advice.

Personal data we collect from other sources

Personal data may be collected about you, such as your name, contact details (address, phone number and email address), and, circumstances related to your enquiry, from an agent submitting a Pre-Application Advice Form on your behalf.

Our legal basis

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand the Council's legal basis in data protection law to be Article 6(1)(e) of the United Kingdom General Data Protection Regulation (UK GDPR); because your personal data is necessary for the performance of a task carried out in the public interest by the Council. The Council has the power to provide pre-application advice for local developments under the Town and Country Planning (Scotland) Act 1997 and supporting regulations.

Who we share this personal data with

For local developments, pre-application information is not shared with any third parties outwith Moray Council. For major developments, pre-application information will be shared amongst attendees at confidential pre-application meetings. Depending on the type of development, attendees could include external statutory consultees, such as the Scottish Environment Protection Agency (SEPA), or Naturescot (formerly known as Scottish Natural Heritage).

Your personal data may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are

accurate and up to date. It may also be shared with other relevant Council Services and statutory consultees (such as SEPA) where applicable.

The Council may share your personal data with other relevant Council Services and third parties, where we are under a legal obligation to do so. For example, this may be with Police, Social Security Scotland, UK Border Agency, or other Registered Professional Bodies.

The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council Services and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

How long the personal data is held for

Your personal data will be securely stored by Moray Council for a pre-determined length of time. Information is only kept for the minimum amount of time necessary. We maintain a record retention schedule which sets out how long we retain different types of personal data. This is available on our website: www.moray.gov.uk/RetentionSchedules

The Council stores information within the UK.

Your rights

Moray Council is the Data Controller for this personal data. You have legal rights about the way the Council handles and uses your personal data. These include the right to ask for a copy of it, to ask us to correct it and to ask us to stop doing something with your personal data. As so far as the legislation permits, you also have the right to request the deletion of your data, and to object to the processing.

For more information about these rights, please see the Information Management pages on the Council's website here: www.moray.gov.uk/InformationRights. Alternatively, email the Council's Data Protection Officer at: IG@moray.gov.uk

If you have a concern about the way the Council has handled your personal data, you can make a complaint to the Council's Data Protection Officer in the first instance; an e-form is available on the Council's website here: www.moray.gov.uk/Complaints

You also have the right to make a complaint to the Information Commissioner's Office. They are the body responsible for making sure organisations like the Council handle your personal data lawfully.

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Telephone: 0303 123 1113 Website: https://ico.org.uk/
Online: https://ico.org.uk/make-a-complaint/data-protection-complaints/