

## Shetland Islands Council

### Planning Service Development Management Data Protection Privacy Statement

#### Who we are?

Shetland Islands Council is a local authority established under the Local Government etc. (Scotland) Act 1994. Its office headquarters is located at 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ, United Kingdom.

You can contact our Data Protection Officer by post at this address, by e-mail at: [dataprotection@shetland.gov.uk](mailto:dataprotection@shetland.gov.uk) and by telephone on (01595) 744550.

The Data Protection Officer for Shetland Islands Council is the Executive Manager – Governance and Law.

#### Why do we need your personal information and what do we do with it?

You are giving us your personal information to allow us to process applications submitted to the Council in its role as planning authority for the Shetland Islands Council area. This includes planning, listed building, conservation area, advertisement, lawful use, hazardous substances and high hedge applications as well as requests for non-material variations. We also deal with general planning enquiries related to the development and use of land and the enforcement of planning control.

We also use your information to verify your identity where required, contact you by post, email or telephone and to maintain our records.

#### Legal basis for using your information

We provide these services to you as part of our statutory function as your local authority. Processing your personal information is necessary for the following purposes:

1. To allow us to carry out our statutory functions under the Town and Country Planning (Scotland) Act 1997, as amended, and related planning legislation.
2. To contact you and inform you in relation to the submission and assessment of applications.
3. To allow us to consider and respond to general planning enquiries and consultations related to the development and use of land and planning enforcement.
4. To allow us to deal with any representations by you made during public notification and consultation on planning matters.

The legal basis for processing for each of these purposes is that it is:

- a) Necessary for compliance with a legal obligation to which the Council is subject; and
- b) Necessary for the performance of a task carried out in the public interest by the Council.

In relation to these purposes we must comply with various pieces of legislation. Some of the key legislation is listed below.

- The Town and Country Planning (Scotland) Act 1997, as amended

- The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
- Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
- The Local Government (Scotland) Act 1973
- The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
- The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004, as amended

There may be consequences if you do not provide your information. Depending on the situation, the consequences may include:

- Your application not being accepted by us as valid.
- Your representation not being accepted by us.
- No contact information to inform you of the outcome of the Council's determination of an application.
- No contact information to issue a response to your request for information or your enquiry.
- No contact information for us or the DPEA to contact you.
- Missing information for stakeholders (the public, developers, Council services, government agencies and so on) to consider a planning matter.

### **What personal data we hold, and how we obtain it?**

The types of personal data we hold and process about you can include:

- Your name, signature and contact details (including your postal address, email address and/or phone/mobile number);
- Information about health/disability if relevant to planning application fees;
- Financial information, if relevant to your application;
- Information specific to businesses including registered owners, business address, contact details, employment details and business vehicles (for investigative and enforcement purposes); and
- Date of birth, name and address, contact details, land ownership interests (for purposes of reporting breaches of planning legislation to the Procurator Fiscal).

If you provide anyone else's details in your application or other submission, please make sure that you have told them that you have given their information to Shetland Islands Council. We will only use this information to contact them in relation to the application/correspondence you have made or in carrying out our planning functions.

All personal data we get from you from your communications with us, for example, when you submit an application, representation on an application or when you submit an enquiry to us, is held within a secure information management system.

### **Who do we share your information with?**

Where necessary your information will be shared with:

- Scottish Ministers (DPEA)
- Scottish Government and its Agencies

- Non-departmental Government Bodies
- Scottish Environment Protection Agency
- Scottish Natural Heritage
- The Crown Office and Procurator Fiscal Service
- Shetland Islands Council Services, e.g. Legal, Licensing, Building Standards, Grounds, Trading Standards and Environmental Health
- Other external bodies, including statutory consultees and key agencies, during the consultation process, as appropriate, where they are deemed to have a necessary and/or justifiable input to the proceedings of a Planning application/enquiry, e.g. Scottish Water, Historic Environment Scotland, Community Councils

Information included in applications will be made publicly available online and/or by inspection as part of a statutory register. Signatures will not be published online.

Representations made on applications are not confidential. Your name and/or organisation, comments, and any other information you provide with or in your representation may be made available online or to anyone on request for information. Your contact details, such as email address and telephone numbers, will not be made public in the documents we publish, nor will your signature.

We may publish a summary of your representation along with your name and/or organisation and address in publicly available documents. These documents may be available for public inspection on the Council's or the Scottish Government's Planning and Environmental Appeals Division (DPEA) website and at selected locations such as public libraries and Council offices. Websites may be indexed by various search engines meaning it may also be possible to find your name and address and a summary of your comments using an online search engine such as Google, Bing and others.

We may be obliged by the Freedom of Information (Scotland) Act 2002 or Environmental Information (Scotland) Regulations 2004 to provide copies of the information you give to us in response to a request for these.

We will not publish comments which in our view may be considered defamatory or obscene.

Your information is also analysed internally and externally to help us improve our services and to comply with legislation. We provide an internal audit service because the law states we must do so. The law also states we must be audited externally. The external auditors are appointed by Audit Scotland. Our internal audit team and the external auditors may process any personal information held within the Council for its contractors and partners) in order to assess and provide assurances on the arrangements for governance, risk management and internal control within the service area. External audit will also ensure that the financial position stated in the annual accounts give a true and fair view in accordance with the law and codes of practice.

We are also legally obliged to share certain data with other public bodies, such as HMRC/Revenue Scotland and will do so where the law requires this. We will also generally comply with request for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate.

### **Will we send your information outwith the UK?**

We do not transfer your information outwith the UK. If it becomes necessary to do so, we would ensure that the appropriate safeguards are in place.

## How long do we keep your information for?

We only keep your personal information for the minimum amount of time necessary. Sometimes this time period is set out in the law, but in most cases it is based on the business need. We maintain a records retention and disposal schedule which sets out how long we hold different types of information for. You can view this on our website at <http://www.shetland.gov.uk/information-rights/InformationManagement.asp> or you can request a hard copy from the address above.

## Your rights under data protection law

### Access to your information

You have the right to request a copy of the personal information that we hold about you.

### Correcting your information

We want to make sure that your personal information is accurate, complete and up to date. Therefore you may ask us to correct any personal information about you that you believe does not meet these standards.

### Deletion of your information

You have the right to ask us to delete personal information about you where:

- you think that we no longer need to hold the information for the purposes for which it was originally obtained
- you have a genuine objection to our use of your personal information – see *Objecting to how we may use your information* below
- our use of your personal information is contrary to law or our other legal obligations.

### Objecting to how we may use your information

You have the right at any time to tell us to stop using your personal information for direct marketing purposes.

### Restricting how we may use your information

In some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information that we hold about you or we are assessing the objection you have made to our use of your information.

This right might also apply if we no longer have a basis for using your personal information but you don't want us to delete the data. Where this right is realistically applied will mean that we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Please contact us as stated above if you wish to exercise any of these rights.

If you want any more information on how we will use your information you can visit our web site at <http://www.shetland.gov.uk/information-rights/DataProtection.asp>

or email [dataprotection@shetland.gov.uk](mailto:dataprotection@shetland.gov.uk).

## Complaints

We aim to directly resolve all complaints about how we handle personal information. If your complaint is about how we have handled your personal information, you can contact the Council's Data Protection Officer by E-mail at [dataprotection@shetland.gov.uk](mailto:dataprotection@shetland.gov.uk) or by Phone on (01595) 744 550.

However, you also have the right to lodge a complaint with the Information Commissioner's Office, who can be contacted by post at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

Phone: 0303 123 1113 (local rate) or 01625 545 745.

Visit their website for more information at- <https://ico.org.uk/concerns>

Please note if your complaint is not about a data protection matter or does not concern the handling of personal information, please contact us using the Council's Complaints Handling Procedure.