

Privacy Statement

This privacy notice provides information about our processing of personal information on Local Plan and Community Infrastructure Levy (CIL) examinations in England.

Our published *Procedure Guide for Local Plan Examinations* provides detailed information about the plans process. It can be found here:

<https://www.gov.uk/guidance/local-plans>

Who are we?

Our Inspectors are appointed by the Secretary of State for Housing, Levelling-Up and Communities to carry out an independent examination of local plans which have been submitted. For CILs, our Inspectors are appointed by the charging authority to examine their Charging Schedule.

How do we collect information?

Local planning authorities (LPA) submit information to us in respect of their proposed plan and CIL– including the representations that they received on it. This information is sent to the Inspector.

During the examination, the Inspector will also hear oral representations from the parties and consider any further written representations that are accepted during that examination.

The LPA will provide a programme officer to support the Inspector, and representations are exchanged between the LPA and the Inspector through the programme officer.

What type of information do we collect?

The Inspector and Planning Inspectorate will need to know the name of those making representations. The Inspector will not need to know the address or contact details of those making representations. However, in some cases, in order to run virtual events by means of video or telephone conference, the Planning Inspectorate may need to know the e-mail address and/or telephone number of those making representations.

How is that information used?

The Inspector is required to examine whether the plan is sound and legally compliant¹ and in doing so they must consider any representations.² Those participating in a local plan examination should note that their representations will be 'made available' by the LPA in line with the Regulations.³ This includes publication on the LPA's website. During the examination the Inspector may write to the LPA regarding soundness, legal compliance and procedural matters and these letters will usually be published on the examination website. At the end of the examination the Inspector will provide the LPA with a report containing their conclusions, reasons and recommendations. The LPA must publish the report.⁴

To ensure an open and fair examination, it is important that the Inspector and all other participants in the examination process know who has made representations on the plan. Consequently, the names of those making representations will be 'made available' as set out above.

In some cases, in order to administer and run virtual events by means of video or telephone conference, the Planning Inspectorate may need to know the e-mail address and/or telephone number of those making representations.

What is the legal basis for our processing of information?

Our processing of personal information on plans and CIL casework is necessary for the performance of a task carried out in the public interest. There are also explicit statutory/legal obligations that underpin the examination of plans and CIL casework.

Our processing of any special category data (if any is provided) is on a similar basis, being necessary for reasons of the substantial public interest in exercise of our official function of administering and determining cases.

What are the consequences of failing to provide your information?

There is no statutory obligation on an interested party to participate in a case.

¹ Section 20(5) of the Planning and Compulsory Purchase Act 2004

² The Town and Country Planning (Local Planning) (England) Regulations 2012 – Regulation 23

³ The Town and Country Planning (Local Planning) (England) Regulations 2012 – Regulations 20, 22 and 35

⁴ Section 20(8) of the Planning and Compulsory Purchase Act 2004

How long do we keep your information?

We normally keep the documents submitted on the plan and CIL for a period of approximately 3 months following the local planning authority's decision as to whether they adopt their proposed plan.

We keep the Inspector's report for approximately 5 years.

Who do we share information with?

As set out above and in our casework guidance, representations received on the plan and CIL are exchanged between the LPA and the Planning Inspectorate through the programme officer, and are made publicly available by the LPA. We may also provide information to our sponsor department.

We may use third party service providers to assist us in the provision of our service – for instance through the provision of information technology services. Where we do so, contracts will be put in place to ensure that your personal information is processed only as instructed by us (unless otherwise required by law), and that appropriate measures are in place to ensure the security of information.

Transfer of information overseas

We do not transfer your information outside of the EU.

Your rights in respect of your personal information

Data protection legislation provides you with rights in respect of your personal information. Typically these are:

- the right to be informed;
- the right of access;
- the right to rectification;
- the right to erasure;
- the right to restrict processing;
- the right to data portability
- the right to object;
- rights in relation to automated decision making and profiling.

Given our lawful basis for processing information, your rights to erasure, data portability and to object to the processing of your information may not apply and we do not use automated decision making or profiling.

Your other rights may also not be absolute and, as our legal basis for processing information is not normally dependent on your consent, withdrawal of this is not normally applicable. However, if you have concerns over the use of your personal information, or wish to exercise your rights, then please contact us at the address below.

Complaints about the processing of your personal information

When we process your personal information we will comply with the Data Protection Act.

If you are unhappy with the way the Inspectorate processes your personal information then you should first contact the Inspectorate's Data Manager: dataprotection@planninginspectorate.gov.uk

Data Manager
The Planning Inspectorate
3rd Floor Temple Quay House
2 The Square

Temple Quay
Bristol
BS1 6PN

Alternatively, you can contact our respective sponsor's Data Protection Officer directly (please make clear that your query/complaint relates to the Planning Inspectorate)

DLUHC: dataprotection@communities.gov.uk

If you are still not happy, or for independent advice about data protection, privacy and data sharing, you can contact:

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

Telephone: 0303 123 1113 or 01625 545 745
<https://ico.org.uk/>

Changes to this privacy notice

We keep our privacy policy under review. This privacy policy was last updated on 25 January 2021.