# Applications, personal data, and redactions

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# Protection of personal data in applications

There are situations where personal data (including special category data) will be provided to Local Authorities in application submissions.

This will need to be managed by the Local Authority under the relevant processes and conditions to ensure compliance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

Otherwise, there is a significant risk that a personal data 'breach' could occur, and the Local Authority may be liable to prosecution for it.

# Planning Portal and Local Authority responsibilities

Based on guidance published by the information commissioner in regard to personal data obtained from other sources (i.e. not directly from the individual concerned) there is a clear division between:

- The Planning Portal's responsibilities in regard to any personal data provided by a user's interaction with our services (governed by our terms and conditions, privacy policy, etc…); and

- The Local Authority's responsibilities, which begin when they receive data from the Planning Portal. Generally, this will be contained within a submitted application.

This provides the user with a clear and consistent 'line' in regard to where the responsibility for personal data lies.

While we provide the automated redactions detailed below as part of the overall package of benefits we deliver to Local Authorities, we cannot take any responsibility for any actions of Local Authorities once they receive data from us.

# Use of the Planning Portal to submit applications

Users are required to register an account on the Planning Portal in order to create and submit applications.

All users of the Planning Portal are bound by our terms and conditions of use. These contain the necessary information in regard to our use of the data they choose to enter into our services.

They are reminded of this every time they sign in.

Through our content and guidance as well as in specific messaging on the online application system prior to submission, we notify users that information they provide in applications will be transmitted to the relevant Local Authority and once validated, be made publicly available.

We additionally state that once the Local Authority receives the application, it will inform them of its process to determine the application and its data management policies.

# Receiving applications from us

When submitted applications are downloaded by Local Authorities, our system provides all the elements of the application.

As part of this, there are two separate PDF 'application forms' generated to provide a record of the questions asked by the system, and the information entered by the applicant or agent.

The first version shows all the information provided, while the second redacts certain details.

All other parts of the application, including all data files, forms and supporting documents, are currently provided in an unredacted state.

# The redacted PDF application form

The currently redacted fields are shown below. These generally fall into two categories:

a.  Fields requiring specific entry of personal data (e.g. contact information)

b.  Fields where personal data may be entered as part of the expected response (e.g. details of consultations with third parties; details of 'member interests')

To provide a consistent level of redaction across all our application types we ensure that:

- All applicant and agent contact details (not including name and postal address) are redacted.

- All question fields that specifically request third party names and contact details (not including postal address) are redacted.

This means that for third party ownership information (e.g. certificates or tree ownership), the redacted version will ONLY show postal addresses, not the names and other contact details associated with them.

In setting these levels for redaction we wanted to strike a balance that cover the basic needs of all LPAs in England without removing details that some authorities may want to make publicly available on the planning register.

Based on the policies of individual LPAs, further redactions may be required on the application form before it is published or, details we redact by default may need to be made available.

## How redactions appear on the form

All redacted PDF forms generated on the current Planning Portal system show '*****REDACTED*****' for any redacted information:



Redacted PDF forms from the previous system just show redactions as a blank field:



Any applications that were submitted on the previous system and migrated to the current one will still show the previous style of redactions as the forms were generated on the previous system.

Generally, these will all be applications with a reference below PP-11000000 that were submitted before 29 January 2022.

## The redacted fields

1. **Applicant Details**

   1.1. Primary number

   1.2. Secondary number

   1.3. Fax number

   1.4. Email address

2. **Agent Details**

   2.1. Primary number

   2.2. Secondary number

   2.3. Fax number

   2.4. Email address

3. **Tree Ownership** (where applicant is not the owner of the trees)

   3.1. Title

   3.2. First name

   3.3. Surname

   3.4. Company name

   3.5. Primary number

   3.6. Secondary number

   3.7. Fax number

   3.8. Email address

4. **Site Visit** (where 'Other Person' is specified)

   4.1. Title

   4.2. First name

   4.3. Surname

   4.4. Telephone number

   4.5. Email address

5. **Pre application advice**

   5.1. Title

   5.2. First name

   5.3. Last name

6. **Authority/member interests**

   6.1. Details (free text field)

7. **Lawful Development Certificate - Interest in land**

   7.1. Lessee/Occupier – Owner details (free text field)

   7.2. Other - Anyone who has an interest (free text field)

8. **Ownership Certificates B & C**

   8.1. Name(s) of Owner(s)/Agricultural Tenant(s)

9. **Agricultural holdings (Wales only)**

    9.1. Name(s) of agricultural tenant(s)

10. **Non-Material Amendments - Eligibility (England only)**

    10.1.     Name(s) of person(s) notified

# Making details of applications publicly available

Legislation requires that details of applications are made available to the public.

Many Local Authorities use their online presence to do this in addition to the statutory requirement of making records available to view in person.

However, this also presents a risk that any unredacted personal data within applications could be made available via these routes.

It is therefore the Local Authorities responsibility to ensure that they comply with the relevant legislation when making such information publicly available.

# Help and guidance

Guidance provided by DLUHC, ICO and the Planning Advisory Service is available to assist Local Authorities to meet their legislative duties.

Finally, there is a wider set of fields on the application forms that have been identified as having an increased chance to have personal data entered into them.

- Any address fields (particularly where the address is linked to an individual by being presented alongside their name or other contact details).

- Development descriptions / Descriptions of (proposed) work

- Existing/Proposed use descriptions

- Reasons/grounds for the application

- Information in support of an application

- Neighbourhood/Community consultation: Details

- Pre application advice: Details

- Advertisements - Interest in the land: Details of why permission has not been obtained

- Lawful Development Certificates – Interest in the land: Details of why owners have not been informed

- Ownership Certificate C: Steps taken to find/notify owners

- Ownership Certificate D: Steps taken to find/notify owners

It should also be noted that any free-text field on a form can, by definition, have text freely entered into it. Therefore, there is a small chance that personal information could be entered into them, even where it is not requested or expected.

**Therefore, a full check of all applications forms (and any supporting documents) should always be carried out prior to it being made publicly available.**