

# **Scottish Government Planning and Environmental Appeals Division**

## **Privacy Notice**

This privacy statement explains how we use any personal information we collect about you.

### **What do we do?**

The Planning and Environmental Appeals Division (DPEA) of the Scottish Government determines appeals against certain decisions made by planning authorities and other bodies across Scotland. This includes planning, listed building, advertisements, lawful use, high hedge and appropriate alternative development appeals.

Other key areas of our work include the examination of strategic and local development plans, and public local inquiries held in connection with applications for consent under the Electricity Act 1989, compulsory purchase and other orders, and core path plans promoted by access authorities under the Land Reform (Scotland) Act 2003.

In the majority of cases handled by DPEA a reporter is appointed by Scottish Ministers to carry out the examination of a case and make the final decision. In certain cases the reporter will report with recommendations to Scottish Ministers or other public body who will then make the final decision.

### **What information do we collect about you?**

When determining appeals or processing other casework, DPEA receives a variety of personal information from a number of sources, including appeal forms and documents of support. The types of personal information supplied can include:

- contact information – your name, address, e-mail address, telephone or mobile numbers.
- your occupation.
- information about your health or finances.
- information relating to expressed opinions or intentions in respect of planning or other appeals.

The legal basis for processing this information falls within Article 6(1)(e) of the General Data Protection Regulation (GDPR) – processing is necessary for the performance of a task carried out in the public interest.

## **Who will we share your information with**

The basic premise of the work carried out by DPEA is that all decisions or recommendations are made in a fair, open and transparent manner. In practice what this means is that all submissions made on an appeal or other casework, that are to be considered by the reporter, will be copied to other parties involved in the case. In cases where the reporter has to report to Ministers your information will also be passed to the appropriate Division of the Scottish Government who will take the recommendations contained within the report forward and ultimately issue Scottish Ministers decision. DPEA also publishes the vast majority of information submitted on cases to its website. This information is redacted as below.

## **Information for all external users of the DPEA portal**

Registering for an account to access information via the DPEA website at [www.dpea.scotland.gov.uk](http://www.dpea.scotland.gov.uk) requires the submission of some personal information to create an account. The information stored during the process of registering an account will be retained by the Scottish Government and will not be used for any other purpose. Users may request the deletion of their personal information by contacting [dpeaitfinance@gov.scot](mailto:dpeaitfinance@gov.scot) at any time.

## **Information for appellants and agents**

DPEA will publish on its website a copy of your completed appeal form and relevant supporting documents and drawings. This will include your name and address, and where an agent is acting on your behalf, the name and address of that agent.

In order to protect your personal data from any unnecessary disclosure, DPEA will redact your personal telephone number; personal mobile number, personal e-mail address and signature from the information that may be viewed via the website. Any sensitive information about your health or finances, will also be removed before publication.

## **Information for consultees and objectors/supporters**

DPEA may publish your comments on its website as well as circulate to other parties involved in the case as appropriate. This may include your name and address. In order to protect your personal data from any unnecessary disclosure DPEA will redact your personal telephone number; personal mobile number, personal e-mail address and signature from the information that may be viewed via the website. Any sensitive information about your health or finances, will also be removed before publication.

DPEA will not publish comments which in their view may be considered defamatory or obscene.

## **Data Protection**

DPEA will process your personal data in accordance with the GDPR and will:

- only use the information for the purposes of dealing with and considering the

appeal or other casework.

- only publish the information for as long as reasonably necessary. For completed appeals and other casework this is usually for a period of 7 years after the date of the final decision. There are two exceptions to this rule, as follows:
  - documents which include, amongst others, letters issued by DPEA and letters of representation received from members of the public, which will be removed 12 weeks after the date of the decision
  - documents which include, amongst others, the initial appeal or application documentation, the decision and other selected key documentation, are retained for a period of 30 years.

See [DPEA's Case Publication Protocol](#) for more information on our arrangements for publication and removal of documents from our [web publication site](#).

After the 12 week and 7 year periods have expired the documentation you have submitted and any personal information contained therein will be retained for a period of fifteen years in line with the Scottish Government file retention policy, except for those documents that contain information deemed necessary to the public interest, which will be retained for a period of 30 years

Your responsibilities:

- only provide personal information if you are happy for it to be placed in the public domain, including publication on the internet.
- do not include personal information about another person (including family members) unless the individual concerned has consented and you can, if required, provide evidence of this consent.
- tell us as soon as possible if any of the personal information you have provided should change.

## **Access to your personal data**

For any enquiry or concern about this privacy policy, DPEA's general privacy policy, or to request access to your personal data (a Subject Access Request) please contact the Scottish Government Data Protection Officer via:

- in writing to the Data protection and Information Assets Team, Information and Technology Services, V Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, or
- by e-mail to [dpa@gov.scot](mailto:dpa@gov.scot)

For details of how to access your personal data please see further information at <https://beta.gov.scot/publications/subject-access-request-form/>. We aim to resolve

any enquiries or concerns about the processing of your personal data to your satisfaction. However if you are not satisfied with our response, you may contact the Scottish Government Data Protection Officer by e-mail [dpa@gov.scot](mailto:dpa@gov.scot), by telephone 0131 244 9430 or in writing to Scottish Government, Data Protection Officer, Directorate for Internal Audit and Assurance, Area 3D North, Victoria Quay, Edinburgh, EH6 6QQ. If you remain unhappy you can contact the Information Commissioner's Office, 45 Melville Street, Edinburgh, EH3 7HL, by telephone 0303 123 1115 or by e-mail [scotland@ico.org.uk](mailto:scotland@ico.org.uk)

## **Other websites**

Websites which may be accessible through links to "related sites" from the DPEA web pages are not covered by this privacy statement, so when you link to other websites you should read their own privacy policies.

## **CCTV**

DPEA operates a monitored CCTV systems at the front door of our office in Falkirk. The purpose of this CCTV is for the safety of the public and staff at these locations and to prevent and detect crime. There is a sign displayed notifying you that CCTV is in operation.

We will only disclose CCTV images to third parties for the purposes as stated above. CCTV images will not be released to the media for entertainment purposes or places on the internet.

You have the right to see CCTV images of yourself and be provided with a copy subject to certain criteria. Please see above information relating to completing a Subject Access Request.

## **Webcasting**

DPEA will film and/or record pre-examination meetings, hearings and inquiries held in relation to our casework in order to enhance public access to open and transparent discussions on planning and related casework. This includes "virtual" meetings held by Zoom or other means. For meetings that parties are physically attending DPEA will use best endeavours to ensure that the public seating areas will not be filmed. In relation to "virtual" meetings only those parties participating who have enabled their camera will be recorded - any party who is only viewing the proceedings will not be recorded. Any party participating who does not want their image recorded or filmed should speak to DPEA staff in advance of the session opening..

Recent webcasts and an archive of recordings can be found at <https://dpea.public-i.tv/core/portal/home>

The recordings are available on the video publication site for 12 weeks from the date the final decision is made, after which they are removed from publication . The recordings are retained for a period of 7 years, with the exception of any reporting data relating to the recordings, such as viewer location or IP address, which is retained for 2 years.

You have the right to see filmed images of yourself and be provided with a copy subject to certain criteria. Please see above information relating to completing a

Subject Access Request.

### **DPEA Annual Review**

DPEA retains contact details of stakeholders who we send a copy of our Annual Review. The legal basis for processing this information falls within Article 6(1)(e) of the General Data Protection Regulation (GDPR) – processing is necessary for the performance of a task carried out in the public interest.

### **DPEA Stakeholder Group**

DPEA retains contact details of our current Stakeholder Group for the purposes of making arrangements and circulating papers relating to 6 monthly meetings of this Group. The legal basis for processing this information falls within Article 6(1)(e) of the General Data Protection Regulation (GDPR) – processing is necessary for the performance of a task carried out in the public interest.