



From mountain to sea

Privacy Notice: Planning Enforcement

The Data Controller of the information being collected is Aberdeenshire Council.

The Data Protection Officer can be contacted at Town House, 34 Low Street, Banff, AB45 1AY.

Email: dataprotection@aberdeenshire.gov.uk

Your information is being collected to use for the following purposes:

- To investigate breaches of planning control and the conditions attached to planning consents and to take formal action where a satisfactory outcome cannot be achieved by negotiation.

Your information is:

Being collected by Aberdeenshire Council	X
Has been provided to Aberdeenshire Council by a member of the public.	X

Please pick the applicable option

The Legal Basis for collecting the information is:

Personal Data		Special categories of personal data
Consent		The data subject has given explicit consent to the processing
Performance of a Contract		Processing is necessary for the purposes of carrying out the obligations of the controller or of the data subject in the field of employment, social security social protection law
Legal Obligations	X	
Vital Interests		Processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent
Task carried out in the Public Interest		Processing relates to personal data which are made public by the data subject
Legitimate Interests ¹		Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity



From mountain to sea

	Processing is necessary for reasons of substantial public interest	
	Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment, or the management of health or social care systems	
	Processing is necessary for reasons of public interest in the area of public health	
	Processing is necessary for archiving purposes in the public interest , scientific or historical research purposes or statistical purposes	

Please tick all that apply

Where the Legal Basis for processing is either Performance of a Contract or Legal Obligation, please note the following consequences of failure to provide the information:

The Council would be unable to carry out its statutory duties to enforce planning controls as set out in Part IV of the Town and Country Planning (Scotland) Act 1997 as amended and in Chapter IV of the Planning Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Your information will be shared with the following recipients or categories of recipient:

Information provided to the Planning Enforcement Team by members of the public will normally be kept confidential. However, whilst the Council will do its best to honour requests for confidentiality, such requests may limit the ability of the authority to take formal action and cannot be guaranteed if the case leads to court proceedings.

Landowners can challenge the issuing of an Enforcement Notice through an appeal to Scottish Ministers.

Details of planning enforcement notices can be viewed on line via the Public Access Register on the Council's website. Details can also be requested from the Planning Enforcement Team

Your information will be transferred to or stored in the following countries and the following safeguards are in place:

Not applicable



From mountain to sea

The retention period for the data is:

The Planning Enforcement Register which contains details of served enforcement notices, breach of condition notices and stop notices is retained permanently.

Enforcement case files also have to be kept permanently for legal reasons.

The following automated decision-making, including profiling, will be undertaken:

No applicable

Please note that you have the following rights:

- to withdraw consent at any time, where the Legal Basis specified above is Consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- to data portability, where the legal basis specified above is:
 - (i) Consent; or
 - (ii) Performance of a Contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.