

Privacy Notice
Durham County Council
Legal & Democratic Services
Property, Planning & Project Management

1. Who we are and what we do

The Property, Planning & Project Legal Services Team is part of the Legal and Democratic Services Team of Durham County Council (the Data Controller).

The team provides general legal advice and conducts work of a legal nature on behalf of all of Durham County Councils services in respect of their functions.

Services provided cover planning, highways, property and procurement legal advice and as well as representing the council in the course of its statutory and regulatory functions.

For the purposes of Data Protection, Durham County Council is the Data Controller for your information.

2. What type of personal information do we collect and how do we collect it?

The type of personal information collected varies dependent upon the nature of the matter being dealt with. The type of information typically collected can include:

- Name
- address
- contact details

We also collect and receive special category data such as:

- Health/medical information and records
- Employment records

We collect information about you in the following ways:

- By consent or personal contact
- By third parties, including referrals from Councillors, officers or other parties providing information

3. What is our power to obtain and use the personal data?

We collect and use your personal information so that either we can comply with our legal obligations, or we can perform a task in the public interest or for our official functions, under Article 6.

When we collect special category personal information we rely on one of the following Article 9 conditions:-

- processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- processing is necessary for reasons of substantial public interest,

4. What is your personal information used for?

The PPP Team collects and processes information about you for the following purposes:

- To respond to requests for advice.

- To provide service delivery to our client services.
- In advising or representing client departments in legal proceedings
- To advise or represent client departments in regard to the Councils statutory and regulatory functions.

5. Will your personal information be shared?

In certain circumstances your personal information may be shared with other council departments or external organisations, where we have a statutory obligation to share such as for the purposes of the prevention or detection of crime or for legal proceedings.

Some organisations your data will be shared with include:

- Her Majesties Courts and Tribunals Service
- Experts/Solicitors/Barristers for the purposes of obtaining advice and representation.

6. How do we keep your personal information secure?

The security of your personal information is important to us. This is why we follow a range of security policies and procedures to control and safeguard access to and use of your personal information. We secure information by controlling access to systems and networks allows us to stop people who are not allowed to view your personal information from getting access to it.

We use an encrypted case management system and have secure methods to communicate information.

7. How long will we keep your personal information?

After we deliver a service to our client department, we have to keep your information as a business record of what was delivered. The type service will determine how long we have to keep it. Our corporate retention guidelines show how long we keep it for different services. This ranges from months for some records to decades for more sensitive records.

The retention periods for Property, Planning and Project Management include:-

Compulsory Purchase Orders	Permanent
Contracts <u>Under seal</u>	12 years after contract expires
Contracts Under hand	6 years after contract expires
Conveyancing	12 years after closure
Copyright	80 years after last action
Highway status assessments and side road orders	Permanent
Section 116 stopping up orders, permanent traffic orders, temporary traffic orders	7 years after last action
Judicial review	7 years after last action
Land charges personal and LA searches	7 years after last action

Planning appeals	6 years after last action
Lawful development certificate	12 years after date of the agreement
Section 106 Agreement	Permanent
Records relating to S106	12 years after the date of the agreement

8. Is your personal information processed overseas?

We do not process your personal information outside the EU.

9. Marketing (if applicable)

At no time will your information be passed to organisations external to the Council or its partners for marketing or sales purposes or for any commercial use without your prior express consent.

10. What are your Information Rights?

Your Information Rights are set out in the law. Subject to some legal exceptions, you have the right to:

- have any inaccuracies corrected;
- have your personal data erased;
- place a restriction on our processing of your data;
- object to processing; and
- request your data to be ported (data portability).

To exercise any of these rights please contact dpo@durham.gov.uk

You also have the right to request a copy of the personal information council holds about you. To do this, you can apply on line or download an application form from the [DCC website](#) or you can contact the data protection team at dataprotection@durham.gov.uk

To learn more about these rights please see the [ICO website](#).

If something goes wrong with your personal information, or you have questions about how we use it, please contact Data Protection Officer at DPO@durham.gov.uk or by calling 03000 268 050

If we have not been able to deal with your complaint, you can also contact the [Information Commissioner's Office](#)

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

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

Fax: 01625 524 510