

## **PRIVACY NOTICE**

### **Growth, Planning and Climate – Planning – High Hedge Notice: Pre-Application and Applications**

#### **Who we are**

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, [moray.gov.uk](http://moray.gov.uk) 01343 543451, is a Local Authority established under the Local Government etc. (Scotland) Act 1994. We are the Data Controller of the personal data being collected.

#### **Why we are collecting your personal data**

Under the High Hedges (Scotland) Act 2013, the Council has the power to act as an independent adjudicator in disputes between neighbours about high hedges within Moray. Your personal data will be collected via pre-application enquiries and formal applications made to the Council in relation to high hedge disputes. The personal data gathered includes:

- Name and contact details (address, email address and telephone number) of the enquirer/applicant.

As a Planning Authority, the Council must maintain a High Hedge Register. The High Hedge Register is contained within the Council's Planning Register available on the Planning webpages here:

<https://publicaccess.moray.gov.uk/eplanning/>

#### **Personal data we collect from other sources**

Personal data of the hedge owners (including their name and address) involved in the high hedge dispute is collected (via the high hedge notice application form).

#### **Personal data you give us about other people**

If you have provided, or have been asked to provide, someone else's personal data as part of this process, if reasonable to do so, then please make sure that you have told them that you have given their personal data to us for this purpose.

#### **Our legal basis**

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand the Council's legal basis in data protection law to be Article 6(1)(c) of the United Kingdom General Data Protection Regulation (UK GDPR); because the processing is necessary for the Council to comply with its legal obligations under the High Hedges (Scotland) Act 2013.

#### **Who we share this personal data with**

When an application is made, the Council (Planning and Regulatory Services Committee members, and Officers) will arrange a site visit to assess whether the hedge is a high

hedge, and, if the hedge has a negative impact on the reasonable enjoyment of the applicant's property.

During the investigation, personal data (such as the applicant and the hedge owner's address and contact details) may require to be shared with specialist advisors, such as an ornithologist, or bat surveyors.

### **Planning and Regulatory Services Committee**

High hedge applications are currently determined by the Planning and Regulatory Services Committee, as such the Council will share application information with the Committee Members. A list of names and addresses of parties who have submitted representations on the application will be included within the Committee Report, along with a summary of representations. Once a decision has been made by the Committee, personal data of those who made representations will be redacted. The name of the applicant and hedge address are published. A statement will be added to the Report to confirm that this has been done, before the Committee meeting agenda, minutes and accompanying papers are published on the Council's website here:

[www.moray.gov.uk/moray\\_standard/page\\_39823.html](http://www.moray.gov.uk/moray_standard/page_39823.html)

Both the applicant and hedge owner may appeal the decision to the Scottish Government Planning and Environmental Appeals Division (DPEA). Documents that were part of the original application, (including names and contact details of the applicant, hedge owner, and those who have made representations) will be shared with DPEA to allow them to carry out their statutory functions in relation to the appeal. The redaction of any information made available by DPEA on their website will be actioned and addressed by DPEA.

Your personal data may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are accurate and up to date. It may also be shared with other relevant Council Services where applicable.

The Council may share your personal data with other relevant Council Services and third parties, where we are under a legal obligation to do so. For example, this may be with Police, Social Security Scotland, UK Border Agency, or other Registered Professional Bodies.

The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council Services and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

## **How long the personal data is held for**

Your personal data will be securely stored by Moray Council for a pre-determined length of time. Information is only kept for the minimum amount of time necessary. We maintain a record retention schedule which sets out how long we retain different types of personal data. This is available on our website: [www.moray.gov.uk/RetentionSchedules](http://www.moray.gov.uk/RetentionSchedules) (under Section 5 of the Records Management Plan).

Names and addresses of high hedge notice applicants and hedge owners are publicly available via the Planning Register in perpetuity.

The Council stores information within the UK.

## **Your rights**

Moray Council is the Data Controller for this personal data. You have legal rights about the way the Council handles and uses your personal data. These include the right to ask for a copy of it, to ask us to correct it and to ask us to stop doing something with your personal data.

As so far as the legislation permits, you also have the right to request the deletion of your data, and to object to the processing.

For more information about these rights, please see the Information Management pages on the Council's website here: [www.moray.gov.uk/InformationRights](http://www.moray.gov.uk/InformationRights). Alternatively, email the Council's Data Protection Officer at: [IG@moray.gov.uk](mailto:IG@moray.gov.uk)

If you have a concern about the way the Council has handled your personal data, you can make a complaint to the Council's Data Protection Officer in the first instance; an e-form is available on the Council's website here: [www.moray.gov.uk/Complaints](http://www.moray.gov.uk/Complaints).

You also have the right to make a complaint to the Information Commission's Office. They are the body responsible for making sure organisations like the Council handle your personal data lawfully. They can be contacted via telephone: 0303 123 1113, or on their website: <https://ico.org.uk/>.