

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PROCEDURE MANUAL

EPLANNING: REDACTION POLICY

Level of Authority: Eplanning Project Board

Date agreed: 9 October 2008

The Redaction and Copyright Policy was agreed at the Eplanning Project Board at its meeting of 11 September 2008. Documents scanned into the electronic document management system (EDMS), IDOX will be redacted in accordance with this policy. This policy will be published on the Council's website.

Redaction is the term used to describe the editing process whereby personal data is removed from a document prior to publishing.

1 Introduction

- 1.1 With the Council's commitment to the eplanning project and the resulting move to a greater use of electronic communications in the planning system and greater publication, it is important that Midlothian ensure that personal information is processed in strict compliance with the Data Protection Act.
- 1.2 The Information Commissioner's Office (ICO) provides general advice on the processing of personal information and how to comply with the Data Protection Act. This policy has been prepared in accordance with the ICO recommendations, the Data Protection Act 1998 and the Council's own Data Protection Policy.
- 1.3 The following documents have also been considered in the drafting of the planning authorities redaction policy:
 - i) Planning Information Online, Data Protection Guidance for Planning Authorities, 2008 (The Scottish Government).
 - ii) Planning Advice Note 70: Electronic Planning Service Delivery, 2004 (The Scottish Government).
 - iii) The Town and Country Planning (Electronic Communications) (Scotland) Order, 2004 (The Scottish Government).

2 Eplanning and Data Protection

- 2.1 The eplanning programme will deliver a key change in the way the planning system is delivered through the provision of a range of online services to users. It will create an end to end eplanning service which will be transparent with all applications plans and progress updates viewable online.

(Important – Continues Overleaf)

- 2.2 With the move to have more planning information accessible online, there is a responsibility on all staff that are handling, storing and publishing planning information to ensure that it is done correctly and in line with data protection legislation. All information received by the planning authority will need to be captured, scanned and where necessary, redacted to ensure that information published online through the Council's online planning information system does not breach the Data Protection Act.
- 2.3 The advice provided by the ICO confirms that applicants and objectors should be made aware of which elements of their personal information will be published on the internet.
- 2.4 In response the planning authority will include the following statement on its application forms and website:

“Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.”

And, the following statement on general correspondence and acknowledgement letters:

“Please note that any information, consultation response, objection or supporting letters submit in relation to a planning application, will be published on the Council's website.”

3 Redaction Criteria

- 3.1 The Planning Authority will take extreme care when publishing personal information on the website and will avoid publishing the following data:
- Signatures (hand written and electronic)
 - Personal telephone numbers including mobile phone numbers (this does not include commercial or business phone numbers).
 - Personal email addresses (this does not include commercial or business email address).
 - Sensitive personal information relating to an individual's criminal history.
 - Sensitive personal information relating to an individual's state of health.
 - Personal information collected in order to comply with the diversity monitoring requirements of the Race Relations (Amendment) Act 2000, the Sex Discrimination Act 1975 and the Disability Discrimination Act 2005.
- 3.2 As well as redacting personnel information the planning authority will use its discretion to redact any comments or information it considers to be derogatory or offensive. However, it is important to note that the publishing of comments and views expressed in letters and reports submitted by applicants, consultees and representors on the Council's website, does not mean that the planning authority agrees or endorses these views, or confirms any statements of fact to be correct.

(Important – Continues On Next Page)

4 Copyright

- 4.1 The following should be considered as “literary works” for the purposes of the Copyright Designs and Patents Act 1988:
- Drawings, CAD drawings and site plans.
 - Additional information and reports accompanying the application.
 - Objectors’ comments.
 - Supporters’ comments.
 - Where there is an appeal, the appellant’s case and other person’s representation.
- 4.2 The owner of the copyright has the exclusive rights to copy the work, to issue copies of the work to the public and to communicate the work to the public. Unless otherwise permitted, for a planning authority to make such information available on its website without permission of the owner of the copyright (usually the author of the letter, drawings, plans etc) may constitute an infringement of the owner's copyright. Public downloading of the information may also be an infringing copyright of the work.
- 4.3 In order to mitigate the risks associated with infringing copyright the statements outlined in paragraph 2.4 of this policy will be published on the Council’s application forms, website and correspondence. The following statement will also be published on the Council’s website:
- “Plans, drawings and other material submitted to the local authority are protected by the Copyright, Designs and Patents Act 1988 (section 47). You may only use material which is downloaded and/or printed for consultation purposes, to compare current applications with previous schemes and to check whether developments have been completed in accordance with approved plans. Further copies must not be made without the prior permission of the copyright owner.”*
- 4.4 Ordnance Survey maps, and maps created from Ordnance Survey material are subject to Crown copyright. It is therefore recommended that the use of the mapping is limited to an allowance to view and download for private and non-commercial purposes only. It should be made clear that mapping may not be further sub-licensed, sold, demonstrated, lent, or otherwise transferred or exploited without prior written permission of Ordnance Survey. Ordnance Survey shall not be held liable for the map material not being fit for your purposes or applications.