

How your personal Information is used by Planning.

Here at Midlothian Council, we take your privacy seriously. Under the Data Protection Act 2018, you have a right to know how we collect, use and share your personal data.

This privacy notice explains the information we need in order to carry out Planning services. This activity is part of the Planning Service provided by Midlothian Council. [More information about the Communities and Economy Service privacy notice.](#)

Our Privacy Promise

We promise to collect, process, store and share your data safely and securely.

What lets us collect your information?

If we work with you we will be acting under some, or all, of the legislation noted below:

- Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act (2006)
- Environmental Assessment (Scotland) Act 2005

What kinds of personal data do we collect?

The personal data we collect might include your **name, address, or other information that identifies you**. If necessary, we might also collect what is called 'special category' data – that is, sensitive information such as medical/health information.

How do we collect your personal data?

We collect your personal data in many different ways. You might give us your personal data yourself, by entering your information in a form on the Council website, registering on the Planning Application search site, registering on the Midlothian Local Development Plan portal or by contacting a Council officer in person, in writing or over the phone. We might also receive your personal data from other agencies or local authorities. If we share information regularly with another organisation, the conditions for sharing your personal data are set out in an Information Sharing Agreement.

How do we use your personal data?

- Your personal data is required for legislative reasons under The Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act (2006)

Why do we share your personal data?

There is a legal obligation to share your data with Statutory consultees/key agencies and The Planning and Environmental Appeals Division (DPEA).

With whom do we share your personal data?

If necessary, we might share your personal data with other agencies and authorities, depending on the service being provided. We will only share your personal data if it is necessary to do so, and the appropriate conditions have been met.

The external bodies with whom we share Statutory Consultees information might include (organisations with a star are mandatory):

- Other services within Midlothian Council (internal Consultees)
- Statutory consultees* see table below
- Key Agencies* see table below
- Councillors* - as elected for Midlothian Council
- Community Councils*
- Public Register* - as per legislation

Personal data also might be shared between Midlothian Council services, including Schools.

How long do we keep your personal data?

Your personal data is kept in line with Midlothian Council's Retention Schedule. The retention schedule sets out the kinds of information the Council creates and uses, how long it should be kept, and what should be done with it at the end of its 'life'. [Our retention schedule](#)

Further to the General Data Protection Regulation we will remove all personal data from representations after 6 months of the planning application being determined if no Planning Appeal or Local Review Body appeal has been received, thereafter all personal information will be removed 6 months after the Appeal or Local Review Body decision date.

Local Development Plan consultees will have all personal data removed 6 years after adoption of the plan (subject to legislative changes).

Further Information

You can also find out more about how we use your information to detect and prevent fraud or crime, information collected through our website, recorded telephone calls, CCTV, the rights you have under the Data Protection Act, and how to contact us by referring to the overarching [Midlothian Privacy Notice](#).

Personal data shared with:

Statutory Consultees (external) (Planning)	Key Agencies (Local Development Plan)
---	--

Architecture & Design Scot	Scottish Natural Heritage (SNH)
Architectural Heritage	Scottish Environment Protection Agency (SEPA)
Archaeology Services	Scottish Water
The Coal Authority	Scottish Enterprise
Edinburgh Airport (Safeguarding)	SEStrans
City of Edinburgh Council	NHS Lothian
East Lothian Council	Other consultees
Scottish Water	Historic Environment Scotland
Scottish Fire and Rescue	Transport Scotland
Forestry Commission	Forestry Commission Scotland
Scottish Gas Networks	
Historic Environment Scotland	
Health and Safety Executive	
Ministry of Defence	
National Grid Plant Protection	
National Health Service	
Network Rail	
Police Scotland	
RSPB Scotland	
Scottish Borders Council	
Scottish Civic Trust	
Scottish Government	
Scottish Environmental Protection Agency	
Scottish Ministers	
Transport Scotland	
Scottish Power Energy Networks	
Sports Scotland	
Scottish Wildlife Trust	
West Lothian Council	
Consultees (internal)	
Building Standards	
Economic Development	
Environmental Health	
Estates	
Landscape and Design	
Sport and Leisure	
Rights of Way	
Education (Schools)	
Planning Obligations	
Local Plans	
Transportation	
Access and Woodlands	
Lothian Wildlife Information Centre	