

PUBLISHING PLANNING APPLICATIONS ONLINE

Data Protection Guidance for Planning Authorities

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INTRODUCTION

1. Legislation requires public consultation to be undertaken as part of the decision making process for planning applications. Publishing information online provides the public with an opportunity to engage with the process in a way that is convenient to them. Planning authorities have made considerable progress in enabling people to view, comment and track the progress of applications online.

2. Decisions on what and how information is published online are a matter for individually authorities. This has led to variations across Scotland in the information available on websites both during and after the decision making process. These variations have partly arisen as a result of uncertainties over:

- the need to comply with data protection principles; and
- the legislative framework for publishing information online.

3. The advice in this document replaces paragraphs 23 to 47 of *Planning Advice Note 70: Electronic Planning Service Delivery* and supersedes the *Data Protection Guidance for Planning Authorities* published in September 2008. It has been prepared in consultation with the Information Commissioner's Office (ICO) and takes account of comments and feedback received from planning authorities as a result of their experiences in moving towards an established online planning service. The principles set out in this document are equally applicable to applications for other permissions or consents under planning legislation, such as listed building and advertisement consents.

4. The ICO provides general advice on the processing of personal information and how to comply with the Data Protection Act 1998. The advice in the following paragraphs should be read in conjunction with the various data protection guides published by the Commissioner's Office which are available at [Guidance index - data protection - ICO](#).

DATA PROTECTION

The Data Protection Act 1998

5. The purpose of the Data Protection Act 1998 (DPA) is to protect people's personal information from misuse. The Act does this by placing duties on organisations and people who handle personal information. The DPA covers all processing of personal data which includes collection, storage, use and disclosure.

Personal data

6. Under the DPA, planning authorities are data controllers and some of the information they routinely handle will be "personal data". This is data which relates to a living individual and the individual can be identified from that data or from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller.

7. The definition of “personal data” in the DPA also includes “any expression of opinion about the individual and any indication of intentions anyone may have in respect of the individual.” This would cover any comments or opinions that could lead to the identification of an individual.

8. The ICO has published a quick reference guide to assist in determining whether data falls within the definition of personal data. The most common personal information planning authorities deal with is:

- names and addresses;
- signatures (hand written and electronic);
- personal telephone numbers including mobile phone numbers (but not commercial or business phone numbers);
- personal email addresses (but not commercial or business email addresses); and
- dates, certificates or previous consents that can be used to trace identification back to an individual.

9. It is not only personal identifiers that constitute personal data, it is any information from which an individual may be identified. This could also include descriptive or geographical data such as where content sets out, for example, possible loss of amenity and it is described in a way that identifies a specific property and, as a result, a specific individual.

Sensitive personal data

10. The DPA defines sensitive personal data as personal data covering an individual's:

- racial or ethnic origin;
- political opinions;
- religious or similar beliefs;
- membership of a trade union;
- physical or mental health;
- sexual life;
- commission or alleged commission of an offence; and
- legal proceedings or sentencing for any offence.

Other sensitive data

11. Other information which should be regarded as sensitive includes:

- 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;
- sensitive (or confidential) information or data from Environmental Impact Assessments (EIAs) or similar documents submitted in support of the application, for example information relating to sites or locations of protected bird and mammal species, etc.;
- sections within studies, design statements, reports, impact assessments etc. that are thought to be exempt under the Freedom of Information (Scotland) Act 2002 or the Environmental Information (Scotland) Regulations 2004;
- details of applications which are accompanied by a statement that the public disclosure of information would be contrary to the national interest (which may result in plans, drawings or other information being withheld from display).

Implications of retaining other information

12. Redacting personal information from what appears online does not necessarily change the status of the information. If planning authorities retain the original data (either electronically or in hard copy) it remains in possession of other information which, together with the online data, can identify a living individual in terms of the DPA. In such circumstances, the online data continues to be personal data for the purposes of the Act and must be handled accordingly.

The eight principles

13. The DPA imposes obligations on those who record and use personal information to be open about how the information will be used and requires them to follow eight principles that are intended to ensure appropriate handling of information. These principles are that personal data is:

1. processed fairly and lawfully and only if certain conditions are met;
2. obtained for specified and lawful purposes;
3. adequate, relevant and not excessive;
4. accurate and where necessary kept up-to-date;
5. not kept for longer than necessary;
6. processed in accordance with individual's rights;

7. kept in a secure manner; and
8. not transferred outside of the EEA without adequate protection.

PUBLISHING PLANNING INFORMATION ONLINE

Lawfulness

14. The Scottish Government is satisfied that planning authorities are acting lawfully by placing planning information online:

The Local Government (Access to Information) Act 1985 (the 1985 Act) amended the Local Government (Scotland) Act 1973 to give the public a right to see background papers on which reports to committees are based. This right is in place for four years. Committee agendas, reports and minutes must be available for inspection for six years.

Schedule 2 of the **Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008** specifically allows Planning Registers to be made available on planning authority websites.

The Freedom of Information (Scotland) Act 2002 (FOISA) encourages public authorities to be open and transparent with particular regard to be given to making available information pertinent to decisions that are made in the public interest.

The Environmental Information (Scotland) Regulations 2004 (EIR) place requirements on planning authorities to make environmental information available on request and for certain types of environmental information to be publicly disseminated.

Schedules 2 and 3 of the **DPA** allow personal information to be published online where data controllers can demonstrate processing is necessary for the exercise of any functions of a public nature exercised in the public interest or, in the case of sensitive data, the processing is necessary for the exercise of any functions conferred on any person under an enactment. However, compliance with the eight DPA principles remains paramount.

The 1985 Act

15. This Act, when considered in conjunction with FOISA and EIR, confirms the principle that members of the public should have a right to access planning information. The 1985 Act defines “background papers” as those included in a list accompanying committee reports. So where a Council, for example, confirms in this list that:

“the background papers taken into account when considering planning applications on this agenda include all or some of the following items:

- application form, certificates, plans and other supporting information submitted with the application;
- further correspondence with the applicant, in connection with amendments to the application or any revised details and/or plans;
- letters from statutory consultees;
- representations from members of the public with respect to the application; and
- statutory plans, guidance etc.”

then there is a statutory requirement to make all these documents available for inspection by the public for four years. If any of the documents are part of the committee report then this period is extended to six years and advice in subsequent paragraphs should be adapted accordingly.

16. Where lists accompanying committee reports are less detailed than paragraph 15 Councils may, in the interests of openness and transparency, adopt local policies that papers taken into account in the decision making process should be made available in the same way. Most of these documents are, in any event, likely to be releasable under FOISA and made available under EIR.

17. Although the rights in the 1985 Act do not extend to decisions that are now delegated to officers, the Scottish Government view is that, in the interests of consistency, openness and fairness, delegated applications should, for the purposes of public access, be treated in the same way as an application going to committee.

18. When making documents available to the public, policies should recognise the benefits of publishing information on their websites. The 1985 Act includes a number of exemptions relating to exempt and confidential information. These exemptions, together with the DPA, must be adhered to when making information available under the 1985 Act.

The Planning Register

19. In addition to the 1985 Act, local publication and retention policies should take account of the legal duty on planning authorities to maintain a Planning Register and for this to be available for public inspection. The Register is in two parts with Part 1 containing documents that must be made available up until the application and, if relevant, any appeal or review is determined. Part 2 covers documents that must be available after a decision is made.

20. Part 1 must include:

- a) a description of the development to which the application relates;

- b) the name of the applicant and the address at which the applicant may be contacted or, where an agent is acting on behalf of the applicant, the name of that agent and the address at which such agent may be contacted;
- c) the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of such land;
- d) copies of–
 - (i) plans and drawings;
 - (ii) any design statement or design and access statement;
and
 - (iii) any pre-application consultation report.

21. Part 2 must include:

- a) a copy of the decision notice (which must include the location and description of the development);
- b) copies of any plans considered by the planning authority in determining the application;
- c) a copy of any environmental statement;
- d) a report setting out how the application was handled. This must summarise the main issues raised when considering the application including those in representations, consultations and various statements, summaries and reports and give details of the provisions of the development plan and any other material considerations to which the planning authority had regard in determining the application; and
- e) where appropriate, a copy of any appeal or review decision.

22. There is no legal requirement to maintain and publish Part 1 of the Register once a decision on the application is made. However, if the information constitutes “background papers” under the 1985 Act then there remains a legal duty on authorities to make the information available for four years. Authorities are therefore acting lawfully by retaining personal information for this length of time. There is an in perpetuity requirement to provide information under Part 2 of the Planning Register. In both instances, it is a matter for individual authorities whether this is done online and for how long whilst ensuring that any personal information is handled in accordance with the DPA.

PLANNING INFORMATION

Information submitted

23. Planning is about regulating the use of land so the information needed to assess a particular proposal will usually not be personal data. The main reason for submitting personal data will be to allow parties to correspond with each other. There is therefore an obvious need for planning authorities to hold details such as telephone numbers and e-mail addresses. However, such data is not relevant to the decision making process so there is no need for it to be published on websites.

24. Application forms will need to be handled in accordance with the DPA. This is because they will likely include telephone numbers and e-mail addresses if the applicant is a member of the public (including where an agent is acting on the applicant's behalf). Where the applicant is a company the personal data on the application form may be limited to the signature. If included, the applicant's personal name and address should also be regarded as personal information under the DPA although they must be included in planning applications and the applicant's name and contact address must also be shown on Part I of the Register.

25. On occasion, information relating to personal, medical and financial details of individuals may be included in documents submitted with the planning application. This will need to be handled in accordance with the DPA with particular care taken if the data is sensitive.

26. Another common circumstance where personal data will be a planning consideration is where someone commenting on a proposal sets out the likely impacts of any development on his or her property. For example, the weight given to concerns about potential noise from a proposed development may be directly linked to the relationship of a correspondent's property to the application site. There is therefore justification to publish representations in the interests of transparent decision making and to aid understanding of the relevance and weight that may be attached to comments received.

27. Any documents not containing personal information can be published without the need to consider the implications of the DPA. It will be for Authorities to decide how long these documents should be retained with consideration based on issues such as legislative requirements, relevance and ease of use of the website.

Documents prepared by planning authorities

28. Planning authorities are responsible for drafting a number of documents, such as committee reports, reports of handling and decision notices. When doing so, they should have regard to the DPA and avoid including unnecessary personal information wherever possible. For example, reports of handling should summarise the planning issues raised by those commenting on the application. There is no need for the reports to include the names and addresses of those who made the comments. If the preference of committee members is to see names and addresses then they should be included in an Annex, which allows the Council to more easily redact/remove the personal data once a decision has been made.

29. Where personal information, particularly sensitive data, is considered a material planning consideration that should be included in a report of handling then authorities should include this as an Annex to the report. The report should confirm that this has been done and the Annex should be excluded from the online Planning Register.

PLANNING APPLICATIONS AND THE DPA

Compatibility

30. The principles of open and transparent planning decision making are entirely compatible with the principles of the DPA which sets out how the rights of individuals should be properly protected. The need to protect personal information being used inappropriately is particularly important when it is placed online since it becomes widely available through searching and browsing by third parties, including those who might not be particularly interested in the planning merits of a specific proposal. The following paragraphs set out the steps that authorities should take to ensure personal data is handled effectively.

Transparent handling policies

31. As part of meeting the fairness condition of **Principle 1**, authorities should be clear and open about how information submitted with planning applications will be used. This should include making applicants aware of what information will be published on the internet so that the application is completed in that context. Handling policies should be included in application forms and guidance and should also be clearly stated on websites. These should always confirm that signatures and personal e-mail and telephone details will be redacted.

32. Some application forms will include the home address of the applicant. In certain circumstances, this information will be included in Part 1 of the Register and, in many cases, the home address will also be the application site. Such information, when linked to a name, is likely to be personal data under DPA and must be handled accordingly. As this could become burdensome or irrational, compliance with DPA can best be secured by explicitly confirming that these details may be published on the website and, depending on local policies, provide the applicant with an opportunity to request that the details be removed once a decision on the application has been made.

33. Handling policies for applicants should confirm:

“when you submit a planning application, the information will be published on the Council's website. In order to comply with the Data Protection Act, personal information, such as signatures, personal telephone and email details, will be removed before publication. Where appropriate, other “sensitive” personal information within documents will also be removed prior to publishing online.

when provided, the applicant's home address will also be published on the website. In certain circumstances, it may be possible to remove this

information once a decision on the application has been made. Please contact the Council with any requests for this to be done.”

34. A similar handling message should be communicated to people who wish to make representation on a planning application. Authorities have considerable discretion in how they handle representations and processes will be dependent on local circumstances, such as software capability, business preferences and internal procedures for dealing with applications. However, as indicated in paragraph 26, there is justification for publishing representations online so authorities should endeavour to do so in the interests of public convenience and transparency of decision making. In terms of the DPA, it is vital that correspondents are given a clear and concise statement of how their comments will be handled. This should be confirmed in any correspondence, online advice and forms, and in press and site notices. The statement should indicate:

- how comments will be handled including confirmation of whether they will be published online;
- whether names and addresses will be published and, if so, when these will be removed (see paragraph 36);
- which other parts of the correspondence will be removed i.e. signatures, e-mail addresses and telephone numbers;
- the need to avoid making personal comments or expressing opinions about others and that such comments will not be published;
- the steps to be taken if a correspondent does not want their address or other comments to be published.

35. If the correspondent does not wish their name or address to be published, planning authorities should confirm what the implications of this are and if there are alternative local procedures in place to deal with the specific circumstances of the case.

36. To ensure compliance with **Principle 5** of the DPA, the Scottish Government and the ICO would recommend that representations should be removed from websites when an unchallengeable decision on the application has been made. If this is not done, all addresses and personal identifiers should be redacted on the grounds that post-decision there is no longer justification for making personal data available on websites. If the representation forms part of the background papers under the 1985 Act then offline copies should continue to be made available for inspection at Council offices for 4 years.

Identifying personal data

37. Planning authorities should have mechanisms in place to ensure that all documents (including online comments) made available online are scrutinised so that any personal data is identified and dealt with appropriately. This will include, as a matter of course, all documents, such as applications and representations, that are

likely to include telephone numbers, e-mail addresses and signatures. Checks should also be done to ensure that no other personal information is included in supporting documents.

38. The Scottish Government encourages authorities to allow members of the public to submit representations online. However, a process should be put in place which enables authorities to review comments before they are made available for public scrutiny. This is particularly important for emotive applications where checks may be needed for obscene, illegal or defamatory comments. Under the DPA, planning authorities have data controller responsibilities for dealing appropriately with such comments and **Principle 4** places an obligation on them to ensure that personal information is accurate.

Handling personal data

39. As part of the lawfulness test in **Principle 1**, planning authorities must satisfy conditions in the DPA before processing personal data. Before doing so, they should make a judgement on how relevant any personal information is to the proposed development. If the information is not considered relevant it should be redacted before being placed online since it fails the relevance test in **Principle 3**.

40. On receipt of a planning application, either electronically or in hard copy, authorities should, if applicable, remove any signatures and personal telephone and e-mail details. Where there is no other personal information, or the processing of such information is covered in handling policies, then the application can be published online since the applicant should already be aware of the Council's handling policy.

41. If other personal or sensitive personal information, particularly if related to a third party, is submitted, then further consideration will need to be given to how this is handled. In most instances, authorities should be able to discuss this with the applicant or their agent. Discussions should include:

- an opportunity for the applicant to resubmit any documents containing personal or sensitive personal information; or
- seeking agreement from the individual concerned before publishing personal or sensitive personal information; and
- if consent to publish is given, planning authorities and the individual concerned should agree how long the information remains on the internet; or
- redacting the personal or sensitive personal information before the document is published on the internet and advising the applicant accordingly.

42. Similar procedures should be applied to representations submitted on planning applications with signatures and personal telephone and e-mail details always removed before online publication. In most instances, it is likely to be

appropriate to simply remove any other personal or sensitive comments before online publication and advise the writer accordingly. If timetables permit, or the relationship of comments to the planning merits of an application are considered important, the writer may be given the opportunity to submit amended comments.

43. If information is published, planning authorities should be aware that the individual has a right to object if publication causes unwarranted and substantial damage or distress.

ONLINE RETENTION POLICIES

Good practice

44. Decisions on what information should be published online are a matter for individual authorities. This has led to inconsistencies of approach across Scotland which means that public access to planning information varies depending on where development is proposed. Work has been undertaken with planning authorities to consider whether good practice advice could be given to improve consistency. This confirmed:

- the public should be able to access relevant and up-to-date online planning information;
- information should be presented in a way which makes it easy for the public to find what they want;
- documents, such as correspondence with applicants or acknowledgement letters, should only be published if they are relevant to the public's understanding of the application or how it is being processed;
- all information which enables the public to participate effectively in the decision making process should be published;
- the relevance of published information is different once a decision is made; and
- Reports of Handling summarise much of the information relevant to how a decision was reached so, on publication, the need for making supporting information available reduces.

Local policies

45. Annex A provides good practice advice on how the above principles could be applied to documents commonly associated with planning applications. The advice is intended to complement legal requirements to make some information available in the Planning Register and the 1985 Act which, so far as the DPA is concerned, would satisfy the lawfulness test so long as publication takes account of the advice provided in previous paragraphs. The Annex is based on the following principles:

Part 1 of the Planning Register: it is recommended as good practice that authorities show this online.

Part 2 of the Planning Register: it is also recommended as good practice that authorities show Part 2 of the Register online. A minimum of 4 years is suggested as good practice (coordinating with the 1985 Act) although there is no barrier to showing information and documents online for longer.

the practicalities of removing documents from public view after specified timescales depend on software capabilities. Authorities without this automated capability may choose instead to remove certain documents (particularly those not on Part 2 of the Register) from public view immediately a decision is made.

all documents shown online are 'DPA checked', including the removal of signatures, private email addresses and private phone numbers; and also checked for any other sensitive information e.g. health or financial information; and for any potentially racist/defamatory statements – all of which should be redacted before publication online.

Durations

46. **Principle 5** of the DPA requires that personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes. The purpose of the planning application process is to ensure that decisions on land use are made in the long term public interest in an inclusive and transparent way. Publishing associated information online is encouraged so local communities and others have convenient access to relevant information which better enables them to contribute to the decision making process and understand how a decision was reached.

47. To ensure compliance with Principle 5 of the DPA, documents containing personal data should be removed from the internet once the information is no longer required for the purpose it was provided. In most instances, this will be where a decision has been made and there are no further opportunities for challenge. At this time, personal data which must be retained to comply with the 1985 Act should be safely archived offline and kept for at least 4 years. Personal information included in documents in Part 2 of the Register must not be disposed of.

48. As confirmed above, redacting personal information from what appears online does not necessarily change the status of the information in terms of the DPA. If planning authorities retain the original data (either electronically or in hard copy), the online data continues to be personal data for the purposes of the Act and must be handled accordingly, including removal from the internet once the need to make it available has passed.

OFFLINE RETENTION OF INFORMATION

49. Annex A gives advice on the retention of various categories of planning documents. Legislative control applies to documents on the planning register;

committee reports (including background papers) and to documents which contain personal information. Other than those, documents and data can be kept in accordance with each Council's own preferences, but the Annex includes some good practice advice which may help with consistency across the country.

50. The Annex recommends:

- Part 2 of the planning register: documents/information should be kept indefinitely.
- committee reports should be kept at least 6 years but given that most will be included in the 'Report of Handling' which are in Part 2 of the planning register, they should be kept indefinitely.
- background papers to a committee report should be kept for at least 4 years (but see paragraph 51 below).
- everything else: no legislative requirement to keep, but it is recommended at least 4 years (for consistency with the above), with justification up to 10 years and beyond if authorities think that there is a business case to keep it (see paragraph 51 below).

51. The retention of personal information for business needs is a matter for individual Councils who must make a judgement on whether it continues to be necessary for them to hold the data for one of the reasons set out in Schedules 2 and 3 of the DPA. The Scottish Council on Archives (SCA) has undertaken work on generic retention schedules for local authority functions. [Schedule 21](#) covers planning and recommends that, for business needs, documents relating to the planning application process should be retained for 10 years before being reviewed for historical value.

52. The DPA recognises that there may be grounds for keeping personal data for historical, statistical or research purposes and provides that such data may be kept indefinitely as long as it is not used in connection with decisions affecting particular individuals, or in a way that is likely to cause damage or distress. If information is kept under these provisions, good practice suggests that it is kept in a secure location.

53. If deleting personal information is not straightforward (i.e. where documents contain other information that needs to be kept or is an integral part of back office databases) it can be kept provided a "beyond use" test is met where the data controller holding it:

is not able, or will not attempt, to use the personal data to inform any decision in respect of any individual or in a manner that affects the individual in any way;

does not give any other organisation access to the personal data;

surrounds the personal data with appropriate technical and organisational security; and

commits to permanent deletion of the information if, or when, this becomes possible.

54. Data controllers are encouraged to review retention schedules in light of experience. If they decide to no longer keep whole or specific parts of documents containing personal information, they needn't sift previous documentation if it would be too onerous but could apply the new schedule from a specific date onward.

Document/ Information	Register Pt1	Register Pt 2	Showing online before decision	Showing online after decision	Retention policies
Register Pt 1:					
Name & Address of applicant/agent	Yes 2(a)	No	Normally these details will be shown on public access systems which form Part 1 of the register.	It is not strictly a requirement to show these details, but these will normally be shown on public access systems. This information will normally be contained in decision notices and reports of handling.	These details will normally be retained on Part 2 of the planning register as part of the decision notice.
Description of development	2(b)		Good practice would be to show the planning application form online so that the public can see exactly what has been applied for.	Good practice would be to show the application form until the end of the appeal/review challenge period or to remove it from view once the decision is made. The decision notice is discussed below.	The application form is considered a background paper to the report of handling (because that is where the application details have been sourced) so should be retained for at least 4 years (coordinating with the 1985 Act) and thereafter in accordance with local business needs (e.g. up to 10 years, see SCA guidance in paragraph 51).
Address of application site	2(c)				
Plans and drawings	Yes 2(d)(i)	Yes 3(a)(ii)	Good practice: show current plans (superseded plan may still need to be shown to aid understanding of how a proposal might have changed).	Part 2 of the Register requires the public availability of plans, so it would be good practice to show online the plans upon which the decision was based (including non-material variations – see below).	Planning register requires that these are not disposed of.
Design and Access Statements	Yes 2(d)(ii)	No	Good practice would be to show such statements.	Not strictly a requirement to show such statements after the decision is made. Good practice would be to show the statements until the end of the appeal/review challenge period or to remove them from view once the decision is made.	Such statements should always be referred to (a background paper) in the report of handling so should be retained for at least 4 years (coordinating with the 1985 Act) and thereafter in accordance with local business needs (e.g. up to 10 years, see SCA guidance in paragraph 51).
Pre-application consultation report	Yes 2(d)(iii)	No	Good practice would be to show such statements.	Not strictly a requirement to show such statements after the decision is made. Good practice would be to show the statements until the end of the appeal/review challenge period or to remove them from view once the decision is made.	Such statements would normally be referred to (a background paper) in the report of handling, so should be retained for at least 4 years (coordinating with the 1985 Act) and thereafter in accordance with local business needs (e.g. up to 10 years, see SCA guidance in paragraph 51).

Document/ Information	Register Pt1	Register Pt 2	Showing online before decision	Showing online after decision	Retention policies
Any direction given under the Act	Yes 2(e)	No	Good practice would be to show such directions.	Not strictly a requirement to show such statements after the decision is made. Good practice would be to show the direction until the end of the appeal/review challenge period or to remove it from view once the decision is made.	Such statements would normally be referred to (a background paper) in the report of handling so should be retained for at least 4 years (coordinating with the 1985 Act) and thereafter in accordance with local business needs (e.g. up to 10 years, see SCA guidance in paragraph 51).
Register Pt 2:					
Decision Notice	N/A	Yes 3(a)(i)	N/A	This is required on part 2 of the register, so good practice would be to show such statements.	Planning register requires that these are not disposed of.
Environmental Statement	No	Yes 3(b)	Not strictly a requirement to show such a statement before decision, but in the interests of making relevant interests available to the public, good practice would be to show such statements (note particular care needed in redacting any sensitive environmental information e.g. re. protected species).	This is required on part 2 of the register, so good practice would be to show such statements.	Planning register requires that these are not disposed of.
Report of Handling	No	Yes 3(c)	Where reports of handling are prepared for committee it would be good practice to show such reports online three days before the committee meeting (coordinating with the 1985 Act).	These are normally required on part 2 of the register, so good practice would be to show such statements. Where a review of a case is subsequently decided, reports of handling are not required to be retained on the register. However, authorities may decide to continue to show these in the interests of having relevant background information in the public domain.	Planning register requires that these are not disposed of, unless there is a review of the case. Where there is a review of the case it should be retained for at least 4 years (coordinating with the 1985 Act) and thereafter in accordance with local business needs (e.g. up to 10 years, see SCA guidance in paragraph 51).
Appeal and Review decision and review plans	N/A	Yes 3(d)&(e)	N/A	These documents are required on part 2 of the register, so good practice would be to show such documents.	Planning register requires that these are not disposed of.

Document/ Information	Register Pt1	Register Pt 2	Showing online before decision	Showing online after decision	Retention policies
Statement of refusal under the EIA Regulations	No	Yes 3(f)	N/A	These are required on part 2 of the register, so good practice would be to show such statements.	Planning register requires that these are not disposed of.
Other documents:					
Appeal and Review documents	No	No	N/A	Not strictly a requirement to show these documents. <u>Appeals:</u> documents will be held and displayed by DPEA during the processing of an appeal but it is good practice to display these on the authorities’ planning systems in order to have all relevant planning documents available at the same location. <u>Reviews:</u> There is a requirement in the 2008 Local Review Procedure Regulations to have such documents available for public inspection (although some authorities may arrange this through their committee administrative services). It would be good practice to display these on the planning systems in order to have all relevant documents available at the same location.	There is not strictly a requirement to retain these, but if consistency is sought with other planning documents, they should be retained for at least 4 years (coordinating with the 1985 Act) and thereafter in accordance with local business needs (e.g. up to 10 years, see SCA guidance in paragraph 51).

Document/ Information	Register Pt1	Register Pt 2	Showing online before decision	Showing online after decision	Retention policies
<p>Representations</p> <p>Consultation responses</p> <p>Other reports & supporting documents e.g. transport assessments, flooding assessments and correspondence with applicant/agent</p>	No	No	<p>There is not a requirement to show these documents online. Some authorities choose to show them (once DPA checked), and others not. Some show the documents for committee applications three days before the meeting (coordinating with the 1985 Act).</p> <p>Good practice: It is for each authority to decide their practice, but there is no barrier to showing these documents online.</p>	<p>There is not a requirement to show these documents online. Some authorities choose to show them and others not. Some show the documents until the appeal/review challenge period has expired.</p> <p>Good practice: It is for each authority do decide their practice, however if showing documents online after decision, it would be good practice to remove them at the end of the appeal/review challenge period (or when a decision is made on any appeal/review).</p>	<p>The content of these documents will normally be summarised in Reports of Handling, and regarded as background papers so should be retained for at least 4 years (coordinating with the 1985 Act) and thereafter in accordance with local business needs (e.g. up to 10 years, see SCA guidance in paragraph 51).</p>
<p>Processing agreements</p>	No	No	<p>There is not a requirement to show these documents online. Some authorities choose to show them (once DPA checked), and others not. Some show the documents for committee applications three days before the meeting (coordinating with the 1985 Act).</p> <p>Good practice: It is for each authority to decide their practice, but there is no barrier to showing these documents online.</p>	<p>Good practice: There is probably no good reason to display these online after a decision is reached.</p>	<p>There is not strictly a requirement to retain these, but if consistency is sought with other planning documents so should be retained for at least 4 years (coordinating with the 1985 Act) and thereafter in accordance with local business needs (e.g. up to 10 years, see SCA guidance in paragraph 51).</p>

Document/ Information	Register Pt1	Register Pt 2	Showing online before decision	Showing online after decision	Retention policies
Legal agreements	No	No	N/A	<p>There is not a requirement to show these documents online although the contents of Section 75 agreements should be summarised in the Report of Handling. Some authorities choose to show the full agreement and others not. Some show the documents until the appeal/review challenge period has expired. Particular care needs to be taken to ensure that no sensitive financial information is displayed online.</p> <p>Good practice: It is for each authority to decide their practice, however if showing the documents online after decision, it would be good practice to remove them at the end of the appeal/review challenge period.</p>	<p>These documents form part of the formal decision of the authority (which has to be retained) and therefore it would be good practice that these are not disposed of as long as they remain in force.</p>
Notices of initiation and completion	No	No	N/A	<p>There is not a requirement to show these documents online. Some authorities choose to show them and others not.</p> <p>Good practice: It is for each authority to decide their practice, however as they may contain personal information and are not included within part 2 of the Register it would be good practice not to show these online, or if they do, they should have a timescale for removal.</p>	<p>Receipt of these documents will normally be recorded within authorities' back-office systems. There is not strictly a requirement to retain copy of the documents, but if consistency is sought with other planning decisions, so should be retained for at least 4 years (coordinating with the 1985 Act) and thereafter in accordance with local business needs (e.g. up to 10 years, see SCA guidance in paragraph 51).</p>
Non-material variation application, plans and decision	No	No	N/A	<p>As these documents form part of the formal decision of the authority, it would be good practice to accord with part 2 of the register and to show the plans and decision online.</p>	<p>These documents form part of the formal decision of the authority (which has to be retained) and therefore it would be good practice that the plans and decision are not disposed of.</p>

Document/ Information	Register Pt1	Register Pt 2	Showing online before decision	Showing online after decision	Retention policies
Documents discharging conditions attached to a detailed consent	No	No	N/A	<p>There is not a requirement to show these documents online. Some authorities choose to show them and others not. Some show the documents until the appeal/review challenge period has expired.</p> <p>Good practice: It is for each authority to decide their practice, however if showing the documents online after decision, it would be good practice to remove them at the end of the appeal/review challenge period as they are not within part 2 of the Register.</p>	<p>These documents form part of the formal decision of the authority (which has to be retained) and therefore it would be good practice that the formal discharge documents are not disposed of.</p>
Enforcement etc documents	No	No	<p>In the interests of privacy and data protection it would be good practice not to display enforcement documents prior to formal action being approved.</p>	<p>There is a requirement in terms of Section 147 of the Town and Country Planning (Scotland) Act to have a register of enforcement etc notices available for public inspection. It would therefore be good practice to display the required register online. It would be good practice not to display other associated documents which are likely to contain personal and sensitive information.</p>	<p>The documents which form part of the enforcement etc register should not be disposed of.</p> <p>These should be retained for at least 4 years (coordinating with the 1985 Act) and thereafter in accordance with local business needs (e.g. up to 10 years, see SCA guidance in paragraph 51).</p>

