Publication of Photographs in the Planning Process

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Summary

The planning process has public participation and engagement as a core principle. To enable public engagement Guildford Borough Council’s website is used to host our planning register and all associated documentation that is required in the decision making process.

Photographs are often used by applicants to illustrate the proposal set out in their application but also by consultees and other third parties to make representations either for or against the proposal.

This policy is designed to explain why photographs should be published on the Guildford Borough Council website but also to explain circumstances where redaction should be used and photographs are not published online.

Justification for Publishing Photographs

Photographs are used to illustrate particular points and to provide valuable context to written descriptions in planning documents and with representations submitted by third parties. The planning process is conducted in the public domain and designed to be transparent so that public engagement is encouraged.

The key piece of legislation relevant in the publishing of photographs online is Town and Country Planning (Development Management Procedure) (England) Order 2015 (As Amended). This piece of legislation sets out the process for determining planning applications and importantly for the context of this policy, outlines the requirement for local planning authorities to publish planning documents on their website for public inspection.

Under Article 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, Guildford Borough Council are required to publish “a copy (which may be photographic or in electronic form) of the application together with any accompanying plans and drawings”

* It should also be noted that the General Data Protection Regulation (GDPR) (2018) allows personal information to be processed where such processing is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority”.

Photographs that Guildford Borough Council will Publish

Guildford Borough Council will publish any photographs supplied by applicants or their agents as part of their application submission, any amended submission, and an additional submission during the life of the application. These will be published on the Guildford Borough Council website for public inspection.

Guildford Borough Council will publish any photographs supplied by statutory and non-statutory consultees during the life of the application. These will be published on the Guildford Borough Council website for public inspection.

Guildford Borough Council will publish any photographs supplied by third parties during the life of the application. These will be published on the Guildford Borough Council website for public inspection.

Photographs that will be Redacted

Guildford Borough Council will redact any photographs using redaction software to cover entirely or in part any photographs which contain the following:

Personal information that is defined by the Data Protection Act (2018) which is not relevant or integral to the planning application. Examples include but are not exclusive to dates of birth, signatures, email addresses, telephone numbers.

We will redact vehicle registration plates and images of children, as well as people’s faces.

Any images that would compromise security for buildings such as financial institutions, prisons, police stations and secure storage facilities will also be redacted.

On a case by case basis any images that are deemed to be sensitive and should not be in the public domain will be redacted if it can be demonstrated that there is a sound legal basis for doing so.

The above is not a comprehensive list of cases where photographs may be redacted, and the Council is able to depart from this policy where it is considered appropriate to do so.

Complaints Procedure

Guildford Borough Council recognise that there is an element of judgement required to correctly implement this policy for the publication of photographs.

We will endeavour to make sure that all photographs suitable for publication are published on the Council website and any images requiring redaction are correctly processed by our team.

If anyone believes we have made an error they can report their concerns to our planning caseworkers to review the photographs that have or have not been redacted. The planning caseworkers can be contacted by using our online form here [Contact Support (guildford.gov.uk)](https://my.guildford.gov.uk/customers/s/contact-support). If there is no agreement between the customer and caseworkers on how the complaint should be resolved the matter can be escalated to the Data Protection Officer by contacting DPO@guildford.gov.uk