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Whether the Council's request for historical guest data is in compliance with UK GDPR and the Council's own data retention and destruction policy?

Whether it is acceptable for agents or myself to reproduce or supply data which, by policy and law, should no longer exist?

Whether the Council recognises that denial of an application to issue a Certificate of Lawfulness on the grounds of non-disclosure of such data may put applicants in a position of either breaching data protection laws or forfeiting their lawful rights?

Why is 10 years of data retention considered reasonable, not onerous and likely excessive under UK GDPR and by what process did the Council arrive at this decision and when and where this was minuted. Is it a matter of public record?

This information is not held.

A certificate of lawfulness is a statutory mechanism for establishing the planning status of land. In this instance, seeking a certificate to establish the planning status of the property as a short-term let. The requirements for obtaining a certificate are set out in primary legislation and government guidance.

There are specific sections with the Town and Country Planning (Scotland) Act 1997 that set out how the concept of 'lawfulness' is to be assessed. Regarding whether a use is lawful, consideration is given to whether there has been a material change of use and if there has been, whether it has subsisted in the same manner and without interruption for 10-years calculated from the date of submission back.

Further to this being set out in primary legislation, there is also government guidance, Planning Circular 10/2009 Planning Enforcement, Annex F. This is explicit in stating that the onus of proof to obtain a certificate of lawfulness rests with the applicant.