

Representation Form

We welcome your comments on the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39.

We have provided this form to help you tell us your views on soundness and legal compliance of the draft Plan. Your responses will form part of the submission of the draft Kent Minerals and Waste Local Plan 2024-39 to the Secretary of State for Independent Examination. Once completed this form can be uploaded online at www.kent.gov.uk/mineralsandwaste

If you are unable to upload the form online, please complete this Word/paper form and return it to:

Email: mwlp@kent.gov.uk

Address: Minerals and Waste Planning Policy Team, Planning Applications Group, Invicta House, Maidstone, Kent, ME14 1XX

**Please ensure your response reaches us by midnight on Thursday 29 February 2024.
Please note that responses received after this deadline will not be considered.**

What information do you need before completing the questionnaire?

Before commenting on the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39, we would strongly recommend that you read the [Guidance on making a Representation](#), the [Statement of Representations Procedure](#) and consultation documents. This consultation specifically invites comments on soundness and legal compliance and the guidance note explains the soundness tests and statutory plan making requirements relevant to this consultation.

Please note: There will not be any other opportunities to make further representations or provide evidence following this consultation. Please include all the information, evidence and supporting information necessary to support or justify your response and any suggested change(s) to the Plan. After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.

Full responses will be submitted to the Planning Inspector appointed by the Secretary of State for Independent Examination. A summary of the responses will be made publicly available on our website with all personal data removed. Please read our privacy statement below for further details.

You may also find it helpful to read our [Frequently Asked Questions](#).

Privacy: Kent County Council (KCC) collects and processes personal information in order to provide a range of public services. KCC respects the privacy of individuals and endeavours to ensure personal information is collected fairly, lawfully, and in compliance with the General Data Protection Regulation and Data Protection Act 2018. Read the full Privacy Notice at the end of this document.

Alternative formats: If you require any of the consultation material in an alternative format or language, please email: alternativeformats@kent.gov.uk or call: 03000 42 15 53 (text relay service number: 18001 03000 42 15 53). This number goes to an answering machine, which is monitored during office hours.

Section A - Personal Information

Q1. Please tell us in what capacity you are completing this form:

Please select one option.

- As an individual
- On behalf of someone else
- On behalf of an organisation / affiliation

Q1a. Please tell us your name or the person you are responding on behalf of:

Please provide a first and last name. Please write in below.

Waste Recycling Group (Central) Limited (Trading as FCC Environment UK Limited) and
S W Attwood & Partners

Q1b. Please tell us the name of your organisation / affiliation (if relevant):

Please write in below.

Axis

Q1c. Please provide details of who should be contacted regarding this response:

Please include an address, phone number and email address in the box below.

Alistair Hoyle
Axis
Unit 11
Well House Barns
Chester
CH4 0DH

T: 07917 302308
E: alistairhoyle@axis.co.uk

Section B - Representation

You will need to complete questions 2 and 3 for each part of the plan that you wish to comment on. Please duplicate these questions as many times as required to cover each part of the plan you wish to comment on.

If you would rather not provide feedback on a specific part, please state 'no comment' and move on to the next question.

Q2. Which part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation does this representation relate to? Please be specific in terms of paragraph numbers and document title. Please tell us in the box below.

Strategic Objectives 12 and 14
 Policy CSM4: Non-identified Land-won Mineral Sites
 Policy CSW2: Waste Hierarchy
 Policy CSW5: Strategic Site for Waste Management – Although no longer in use.
 Policy CSW9: Non Inert Waste Landfill in Kent
 Policy CSW12: Hazardous Waste Management

Q2a. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be legally compliant? Select one option.

- Yes
 No
 Don't know

Q2b. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be sound? Select one option.

- Yes
 No
 Don't know

The Inspector must be satisfied that the Local Plan meets four soundness requirements: is ‘positively prepared’, is ‘justified’, ‘effective’ and ‘consistent with national policy’. In the [Guidance on making a Representation](#) document you will find explanations on each of these four requirements and how they need to be met.

Q2c. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound, please select the reason for this: Please select all that apply.

✓	Positively prepared
✓	Justified
	Effective
✓	Consistent with national policy

On the following pages, please explain why you think this part of the Plan is unsound or not legally compliant, and set out any changes you feel should be made to this part of the Plan to make the Plan sound and legally compliant.

Q2d. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound and/or not legally compliant, please explain why in the box below.

Please be precise and give as much detail as possible.

The Regulation 19 Plan (paragraph 5.2.39) states that, since there are no specific requirements for engineering clay for bulk fill, waterproof capping or flood defence, there is no requirement for engineering clay for bulk fill. Policy CSM2 states that: *“The stock of existing planning permission for engineering clay is sufficient to supply Kent’s requirements for engineering clay over the plan period. Applications for sites supplying engineering clay will be dealt with in accordance with the policies of the Plan. The need for additional supplies of engineering clay will be assessed based on the latest assessment of supply and demand set out in the Annual Monitoring Report”.*

The Regulation 19 Plan recognises that sites identified in the Mineral Sites Plan help provide the framework that seek to enable a stock of planning permissions for, amongst other things clay, to be maintained at required levels. The presumption is that provision will be made by means of the allocated sites coming forward and providing the mineral required at the appropriate time. Applications on non-allocated sites will need to be considered having regard to the relevant objectives and policies of the development plan as a whole (under Policy CSM4).

Paragraph 215 of the NPPF (December 2023) states that it is essential that there is sufficient supply of minerals to provide the infrastructure, buildings, energy and goods

that the country needs. Since minerals can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

Whilst it is accepted that the Regulation 19 Plan remains sound (in accordance with the NPPF) without the allocation of sites for engineering clay, insofar as it would still be consistent with national policy, it places all applications for additional engineering clay to be determined against Policy CSM4 for 'Non-identified Land-won Mineral Sites'. In effect it relegates all such applications to be considered against a policy which has been prepared with the objective of dealing with 'additional' sites that have not successfully come through a strategic allocation process. It effectively forces developers bringing forward sites for engineering clay to justify them as 'exception' sites. Consequently, we question whether it would remain justified (an appropriate strategy, taking into account the reasonable alternatives) and thus sound without minor re-drafting.

Policy CSM4 requires that: *“With the exception of proposals on land allocated...proposals for mineral extraction and additional sites assessed for allocation in the Minerals Sites Plan will be considered having regard to the policies of the development plan as a whole and in the context of the Vision and Objectives of the Plan...Where harm to the strategy of the development plan is shown, permission will be granted only where it has been demonstrated that there are overriding benefits that justify extraction at the exception site.”*

We recommend that in order to ensure the Policy CSM4 remains sound, it is split so that for applications for sites that seek the winning and working of mineral that has been subject to allocation 'testing' (i.e. Aggregates, Brickearth and Clay for Brick Manufacturing and Silica Sand) then proposals at non-allocated sites be considered against the policies of the plan as a whole and in the context of the Vision and Objectives of the Plan. For applications for engineering clay, the same provisions should apply, but a general presumption in favour be included in recognition that such development could not be delivered as an allocated site. This would help ensure that adequate supply can come forward without delay and in accordance with an appropriate assessment of supply and demand.

The Strategic Objectives for the Regulation 19 Minerals and Waste Local Plan are clear that [Strategic Objective 12] the management of waste should be close to the source of production such that net self sufficiency is maintained throughout the plan period, and [Strategic Objective 14] that there should be sufficient capacity to maintain a county-wide network for the sustainable management of Kent's waste. These Strategic Objectives are supported by FCC and SW Attwood & Partners. However, the current policies which are applicable to hazardous waste management do not support these objectives of managing waste close to the source of production and providing sufficient capacity to maintain a county-wide network for the sustainable management of Kent's waste.

Following the proposed deletion of 'Policy CSW 5 - Strategic Site for Waste Management' and the associated deallocation of Norwood Quarry and Landfill (hereafter 'the Site'), planning applications for the management of hazardous waste can no longer rely on the support of a site allocation and instead would be determined principally against policies CSW9 and CSW12 (CSW2 is referenced within CSW9 and is also relevant).

It is our view that the deletion of Policy CSW5, along with the current wording of Policies CSW2, CSW9 and CSW12, make the Plan unsound when considered against the tests in the NPPF.

We fully acknowledge that one of the principal objectives of Government policy on sustainable waste management is the movement of waste up the 'Waste Hierarchy', in that the Waste Hierarchy ranks waste management options. However, the Waste Hierarchy has five levels, regardless of the proportions of waste managed within each level, and landfill forms an integral part of it. It is embodied in waste policy and strategy that appropriate provision needs be made for each of the levels, including safe and effective disposal for those wastes which cannot be managed higher up the Waste Hierarchy. Waste which cannot be managed further up the Waste Hierarchy (whether because of its nature, matters of practicability, economics, or lack of available alternative waste management capacity) will go to landfill.

Therefore, it is indisputable that the Kent Minerals and Waste Local Plan must provide a policy framework for the management of hazardous waste within each level of the Waste Hierarchy. The Council's current approach to achieving this in the Regulation 19 Draft Plan is principally through Policies CSW9 and CSW12.

Before we look at the specific wording of the Policies CSW9 and CSW12, referring where appropriate to Policy CSW2, it necessary to consider the deletion of Policy CSW5 and the deallocation of the Norwood Landfill Site and whether this results in a Plan which is sound. Paragraph 35 of the NPPF explains that Plans are 'sound' if, inter alia, they are:

- (a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the areas objective needs;
- (b) Justified – an appropriate strategy, taking into account the reasoned alternatives, and based on proportionate evidence;
- (d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the NPPF and other statements of national planning policy, where relevant.

The NPPF at Paragraph 16 (c) explains that plans should be shaped by early, proportionate and effective engagement between plan-makers and, inter alia, operators. Whilst a meeting was held between the Council and FCC, this was not until 6 October 2023, just one month before completion of the Regulation 19 Pre-Submission Draft

(dated November 2023). At that point, and also evident in the Regulation 18 Draft, there was a misconception that there was not a need for additional hazardous waste landfill capacity during the Plan Period. This is fundamentally not the case and earlier and more effective engagement with the Operator, as is advocated by Paragraph 16 (c) of the NPPF, may have shaped a different approach to the Regulation 19 Plan, which should have reinserted Policy CSW5 and the Norwood Quarry and Landfill allocation.

The Environment Agency (EA) records (in the Waste Data Interrogator) that Norwood Landfill is one of just 16 hazardous landfills in England; however, only three landfill sites receive the EWC waste code 19 01 07 (solid waste from gas treatment), which is the type of waste (EfW residues) received at the Norwood Site. Other than the Norwood Site, the other landfills accepting this type of waste are Whitemoss Landfill in the North West and Wingmoor Quarry in the South West. The EA Waste Data Interrogator also indicates that only approximately 10% of the 19 01 07 Waste Code generated from London and the South East of England was actually managed in the region, with the majority being managed at facilities in the East of England and West Midlands areas, and therefore which are distant from the point of source. The data from the EA Waste Data Interrogator illustrates that there are limited hazardous waste treatment or hazardous disposal facilities accepting air pollution control residues (APCR) in the South East. Thus, the Norwood Site performs a very significant role in the sustainable management of hazardous APCR waste in the South East region.

The Council's previous assertion, in the Regulation 18 Draft, that existing void at the Norwood Site would not be exhausted until 2038 is incorrect. At present, the Site's inputs are sourced only from the Allington EfW; however, once a pending Permit variation has been approved by the EA to introduce a new waste code, the Site will be able to accept hazardous biomass bottom ash (BBA) which is produced by the MVV facility at Ridham Dock.

The Norwood Site currently accepts approximately 10,000-15,000 of hazardous residues from the Allington EfW facility. Following the Permit variation it is forecasted that an approximate additional 12,000tpa of hazardous BBA would be available to be accepted from the MVV facility thus roughly doubling the inputs to the Site. The material from the MVV facility is currently hauled a considerable distance to be disposed of. Based on the current remaining void at the Norwood Site of circa 158,000m³, and conservatively projected inputs of 22,000tpa (or 21,359m³ at 1.03t / m³), all remaining void would be filled within circa 7-8 years. This does not take into consideration other sources of waste which may be accepted at the Site, such as when additional EfW capacity comes on line and demand for outlets for hazardous waste residues increases. Therefore, by 2030/2031, there will be no hazardous landfill capacity (for EfW residues) remaining in Kent and, in the current Draft Plan, no specific provision made by the Council to deliver any. Accordingly, there would be 8-9 years of the Plan period with no permitted or allocated voidspace. The Council has not provided any evidence to refute FCC's position

that there will be a continued need for hazardous waste landfill capacity over the Plan period.

The National Planning Policy for Waste (NPPW) at Paragraph 3 states that: “...waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams” and “consider the need for additional waste management capacity of more than local significance and reflect any requirement for waste management facilities identified nationally”. At Paragraph 4 of the NPPW it is stated that: “Waste Planning Authorities should identify, in their Local Plans, sites and/or areas for new or enhanced waste management facilities in appropriate locations.” Having established that there is a need for additional hazardous waste capacity during the Plan period, the current Regulation 19 Draft, by not allocating sites and/ or areas, is inconsistent with the policies of the NPPW. Thus, having regard to the test at Paragraph 35 (d) of the NPPF, the current Draft plan is unsound.

Turning now to the current policies in respect of hazardous waste management and hazardous landfill. Policy CSW12 relates to hazardous waste management. Whilst Paragraph 6.12.3 states that hazardous waste management capacity can be addressed through Policy CSW12 should it be required, Paragraph 6.12.4 indicates that proposals for future provision for landfill capacity for hazardous residues from air pollution control will be considered against other policies of the Plan including CSW9. Notwithstanding this current ambiguity, Policy CSW12 confirms that proposals for hazardous landfill sites will be considered against Policy CSW9.

The reasoned justification for Policy CSW9 at Paragraph 6.9.3 explains the Council’s position that additional landfill capacity will only be considered acceptable if it is demonstrated that suitable alternative management capacity is not available. The reasoning for this is to ensure that the availability of such capacity is kept to a minimum to discourage the management of waste at the bottom of the hierarchy. Policy CSW9 stipulates that planning permission will only be granted for non-inert landfill (confirmed at the footnote that this includes hazardous waste landfill) where it can be demonstrated, in a waste hierarchy statement, that the waste stream cannot be managed in accordance with the objectives of Policy CSW2 and no alternative suitable capacity for its management exists. Policy CSW2 requires a demonstration that the waste will be managed at the highest level of Waste Hierarchy ‘practicable’. If the reference in Policy CSW2 to ‘practicable’ encompasses the principles of sustainability and recognises the need to balance the benefits of managing waste up the Waste Hierarchy against the disbenefits of hauling waste considerable distances then we would have no in principle objection to the thrust of Policy CSW9. An amendment to Policy CSW2 and/ or to the reasoned justification preceding that policy will be required to explain this. Furthermore, the inclusion within criterion 1 of the Policy to ‘*alternative suitable capacity for its management exists*’ is superfluous and potentially at odds with the reference to

practicability (subject to the amendment proposed above) in Policy CSW2 and should be deleted.

It is our view that without these amendments the Plan would be unsound as it would not be:

- Positively prepared (providing a strategy which, as a minimum, seeks to meet the areas needs);
- ‘Justified’ (providing an appropriate strategy); or
- ‘Consistent with national policy’ (not being in accordance with Paragraph 16 (d) of the NPPF which states that plans should contain policies that are clearly written and unambiguous, so it is evident how the decision should react to development proposals).

From the Council’s stated position at the Regulation 18 Draft stage and from personal communications with the Council (meeting on 6 October 23) there would appear to be a misunderstanding by the Council that the allocation of the Norwood Site would discourage the development of alternative treatment activities and the management of waste up the Waste Hierarchy. This allocation of the Norwood Site would provide certainty that hazardous waste disposal capacity can be delivered as and when required, but it would not discourage the alternative treatment of the waste if it was practicable and sustainable to do so. It would be entirely appropriate for the Plan to allocate the Site, thus being in accordance with the policies in the NPPW, whilst also including policies (CSW2 and CSW9 (as amended)) which require applications to demonstrate that waste cannot practicably or sustainably (see comment above) be managed further up the Waste Hierarchy. This is a similar position to that taken in the adopted Kent Minerals and Waste Local Plan 2013-2030.

Q3. Please explain in the box below what change(s) you consider necessary to make the draft Kent Minerals and Waste Local Plan 2024-39 legally compliant and/or sound.

Please be precise as possible and explain why this change(s) would make the draft Local Plan legally compliant and sound. Please also include in your response any suggested revised wording you feel is necessary.

Textual changes to Policies CSM4, CSW2 and CSW9.
Re-insertion of CSW5 and the strategic allocation of the Norwood Quarry and Landfill Site.

Q4. If you support the draft Kent Minerals and Waste Local Plan 2024-39, and wish to make any comments to that affect, please use the box below.

The Planning Inspector will determine whether hearing sessions are required. If they are, he/she will also decide the most appropriate procedure to hear from those who have indicated that they wish to participate at the hearing sessions during the examination.

Q5. Do you consider it necessary to attend and give evidence at any hearing sessions during the examination? Select one option.

- Yes, I wish to speak to the Inspector at any hearing sessions
- No, I wish to communicate through written representations
- Don't know

Q5a. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary in the box below:

Thank you for taking the time to complete this form.

Full responses will be submitted to the Planning Inspector appointed by the Secretary of State for Independent Examination. A summary of the responses will be made publicly available on our website with all personal data removed. Please read our privacy statement below for further details.

Closing date for responses: midnight on Thursday 29 February 2024

Minerals and Waste Local Plan privacy statement

We keep this privacy notice under regular review and was last updated on 4 January 2024.

Kent County Council (KCC) respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data and tell you about your privacy rights and how the law protects you.

Who we are

KCC collects, uses and is responsible for certain personal information about you. When we do so we are regulated under the General Data Protection Regulation (GDPR) which applies across the European Union (including in the United Kingdom) and the Data Protection Act 2018. We are responsible as 'controller' of that personal information. The Planning Applications Group, as the minerals and waste planning authority for Kent, has a statutory duty to prepare a plan for waste management capacity and mineral provision in accordance with the Planning and Compulsory Purchase Act 2004 ('the Act') and the Town and Country Planning (Local Planning) (England) Regulation 2012 ('the Regulations'). Our Data Protection Officer is Benjamin Watts.

The personal information we collect and use

Information collected by us

In the course of providing a minerals and waste planning service, we collect the following personal information when you provide it to us:

- name
- address
- signature
- email
- telephone number
- full address of the development
- landowner and land occupier information
- any other information that you may provide to us within your correspondence.

We also collect 'special category data' (personal data which is more sensitive and is treated with extra care and protection, for example race and ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about health, and genetic and biometric data) if it is provided to us.

We also obtain personal information, including special category data if it is provided, from other sources as follows:

- name, address, signature, email, telephone number, full address of the development and comments submitted via agents and interested parties via KCC's consultation portal.
- name, address, email, telephone number shared with us from other third parties such as from the district councils, other enforcement agencies, other KCC departments, cabinet members, county councillors, central government.

How we use your personal information

We use your personal information to comply with our statutory duties and any legal obligations and where it is necessary to perform a public task in the public interest as the mineral and waste planning authority.

We store and use personal information submitted to us in relation to the Minerals and Waste Plan making processes in order to:

- make decisions about the use of land in the public interest
- to develop and review the Minerals and Waste Local Plans (MWLP)
- to produce and maintain a Statement of Community Involvement
- to undertake consultation events (such as in relation to a call for sites, site plans)
- to produce a Local Aggregate Assessment (LAA) and Annual Monitoring Review (AMR).

We have a statutory obligation to provide these services in accordance with planning legislation including:

- Town and Country Planning Act 1990
- Planning and Compulsory Purchase Act 2004
- Town and Country Planning (Local Development) Regulations 2004 as amended
- The Town and Country Planning Act (Local Planning) (England) Regulations 2012
- Planning Act 2004
- Town and Country Planning Development Management Procedure England Order 2015
- Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- Local Government Act 1972
- Local Government Act 1974
- Local Government (Access to Information) Act 1985

- any Regulations made pursuant to the above legislation.

Reasons we collect and use your personal information

We rely on public task or legal obligation as the lawful basis on which we collect and use your personal data.

We rely on substantial public interest as the lawful basis on which we collect and use your special categories of personal data.

We rely on the statutory or government purposes condition in the Data Protection Act 2018 to process your special category data.

We take the following appropriate safeguards in respect of your special category data when relying on the conditions above:

- We have a Special Category and Criminal Records Appropriate Policy Document in place when using your special category data. This policy is retained throughout the time we use your data and for 6 months after we cease to use it.
- We have a retention schedule which explains how long data is retained.
- We maintain a record of our processing in our 'Record of Processing Activities' and record in it any reasons for deviating from the periods in our retention schedule.

The provision of contact details and your correspondence or representation (including where you choose to provide special category data) enables us to provide a minerals and waste plan making service.

Anyone can make a representation in relation to a current consultation event (for example, in relation to the MWLP work and review of the Statement of Community Involvement), but comments must be made in writing and should not be anonymous.

Representations can be submitted via the consultation portal or directly to the MWLP Team. Any views or comments received as part of a MWLP consultation event will be taken into account and [at Regulation 19 stage] will be sent in unredacted form to the Secretary of State and the Planning Inspectorate as part of the plan making process.

As we have a statutory basis for collecting your personal data, if you do not provide your name and contact details, we may not be able to acknowledge your response or communicate with you and this may affect the service that we provide.

If you are submitting supporting information, which you would like to be treated confidentially or is special category data, please let us know as soon as you can, ideally in advance of submitting your representation or correspondence. You can do this by contacting the MWLP Team.

How long your personal information will be kept

All information submitted within a response to a consultation event (such as the MWLP, Statement of Community Involvement) including names, addresses, signatures and contact details, will be retained by the council for 6 years after the end of the relevant plan making cycle.

All information submitted within a response to the Aggregate Assessment Survey and Annual Monitoring Review including names, addresses, signatures and contact details, will be retained by the council on a permanent basis.

Personal information including your name and contact details which is retained on our database during the plan making process for the purpose of keeping you informed about the plan making process will be deleted 6 years after the end of the relevant plan making cycle.

Personal information including your name and contact details retained on our consultation database will be retained for the purpose of keeping you informed unless you opt out of this via your registration within the consultation database.

Who we share your personal information with

All information (including personal data and special category data for which we have a legal basis to process) stored on our databases and in our case files may be shared with a contracted external provider who is carrying out planning or IT work on behalf of the planning authority.

All information submitted in response to a MWLP consultation event will be shared in redacted form on our website and on our consultation database. We usually publish the full text of consultation responses you provide on our website. We will redact your address, signature and email address and any special category data from your comment however, you should be careful not to provide any personal data or special category data (previously called sensitive personal data) about yourself in these comments which is capable of identifying you or anyone else. If you do so, you must be aware that these may be seen by the public at large and may be shared as detailed in this privacy notice.

All information submitted in response to a MWLP consultation [at Regulation 19 stage] (including personal data and special category data for which we have a legal basis to process) will be shared with the planning inspector appointed by the Secretary of State to conduct the minerals and waste plan examination, and during examination in public, will be subject to the current Planning Inspectorate privacy guidance.

All information submitted in response to a Statement of Community Involvement consultation will be shared only in redacted form.

All information submitted in response to a local aggregates assessment request will only be shared on our website in an aggregated format and this will not include personal data.

Where relevant, information may be shared in the event of a request made under the Freedom of Information Act 2000 or Environmental Information Regulations 2004. In such cases personal data will be redacted and any information that has been provided on a confidential basis will be withheld, if an exemption under the relevant regulations apply.

We will share personal information (including unredacted information if required) with law enforcement or other authorities if required by applicable law or in connection with legal proceedings.

In the event of a legal challenge, unredacted correspondence (including personal data and special category data for which we have a legal basis to process) will be sent to the courts and may be disclosed to third parties.

Where relevant, unredacted correspondence (including personal data and special category data for which we have a legal basis to process) received will be sent to the Local Government and Social Care Ombudsman regarding alleged complaints about maladministration by a public authority.

We will share personal information with our legal and professional advisers in the event of a dispute, complaint or claim. We rely on Article 9(2)(f) where the processing of special category data is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.

We will sometimes need to share the unredacted information we have with other departments in KCC and other external statutory bodies.

Your rights

Under the GDPR you have a number of rights which you can access free of charge which allow you to:

- know what we are doing with your information and why we are doing it
- ask to see what information we hold about you
- ask us to correct any mistakes in the information we hold about you
- object to direct marketing
- make a complaint to the Information Commissioner's Office.

Depending on our reason for using your information you may also be entitled to:

- object to how we are using your information

- ask us to delete information we hold about you
- have your information transferred electronically to yourself or to another organisation
- object to decisions being made that significantly affect you
- stop us using your information in certain ways.

We will always seek to comply with your request however we may be required to hold or use your information to comply with legal duties. Please note: your request may delay or prevent us from delivering a service to you.

For further information about your rights, including the circumstances in which they apply, see the guidance from the [UK Information Commissioner's Office](#) on individuals' rights under GDPR.

If you would like to exercise a right, please contact the Information Resilience and Transparency Team at data.protection@kent.gov.uk.

Keeping your personal information secure

We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

Contact

Please contact the Information Resilience and Transparency Team at data.protection@kent.gov.uk to exercise any of your rights, or if you have a complaint about why your information has been collected, how it has been used or how long we have kept it for.

You can contact our Data Protection Officer, Benjamin Watts, at dpo@kent.gov.uk, or write to: Data Protection Officer, Sessions House, Maidstone, Kent ME14 1XQ.

GDPR also gives you right to lodge a complaint with the [Information Commissioner](#) who may be contacted on 03031 231113.