

# Privacy Notice – Defra Consultation Exercise on Extended Producer Responsibility

## Who is collecting my personal data?

The data controller is the Department for Environment, Food and Rural Affairs (Defra). You can contact Defra's Data Protection Manager by email at: [data.protection@defra.gov.uk](mailto:data.protection@defra.gov.uk)

Any questions about how Defra is using your personal data and your associated rights should be sent to the above contact.

The Data Protection Officer responsible for monitoring whether Defra is meeting the requirements of the legislation can be contacted by email at:

[DefraGroupDataProtectionOfficer@defra.gov.uk](mailto:DefraGroupDataProtectionOfficer@defra.gov.uk)

Defra uses [Citizen Space](#) to run its consultation exercises. Citizen Space is provided by [Delib Ltd](#). For information about Delib, including how they will use personal data, please click on the following hyperlink: [https://www.delib.net/about\\_delib](https://www.delib.net/about_delib) and click on the links to their Privacy Notice at the foot of the page.

## Why is Defra using my personal data?

Defra uses your personal data when it consults you and receives your comments and views on proposed legislation or policy on subject matters that you have indicated are of interest to you. Defra may contact you directly inviting you to give your comments and views in reply to a consultation exercise or you may decide to reply to a consultation exercise that you have seen on GOV.UK or elsewhere.

If you reply to a consultation exercise, your personal data will likely consist of your name and contact details and the comments and views that you give in your reply. Defra will use your personal data to record your comments and views and take your reply into account – as far as possible with all other replies – when decisions are being made as a result of the consultation.

Defra may also disclose personal data when replying to requests under freedom of information laws. If you would like to inform Defra that you would like all or any part of your reply to a consultation to be kept confidential, please follow the procedure set out in the 'Confidentiality and data protection information' section of the letter accompanying the consultation exercise. As mentioned in that section, Defra will take your views requesting confidentiality into account as far as possible, but an absolute guarantee of confidentiality cannot be given. The 'Confidentiality and data protection information' section of the letter accompanying the consultation provides further details about this.

## What is the legal basis in data protection law for Defra's use of my personal data?

There are two legal bases in data protection law that apply to Defra's use of your personal data for consultation exercises:

- (1) your consent; and
- (2) the use (or processing) of your personal data is necessary for the performance of a task carried out in the public interest.

Your consent is the initial legal basis for the use of your personal data for the purpose of consultation exercises. If Defra has contacted you directly to inform you of a consultation exercise, it's because you have previously informed Defra that you would like to receive communications in relation to the subject matter of the consultation. Whether you received a consultation exercise directly from Defra or any other way, if you reply to a consultation exercise, you do so freely and voluntarily after having the opportunity to be fully informed by the consultation documents.

If you reply to a consultation exercise, the legal basis for Defra's use of your personal data in your reply is that the use is necessary for the performance of a task carried out in the public interest. The relevant task in the public interest is that people and organisations, especially those likely to be affected by proposed legislation or policy, are consulted on the proposals and have the opportunity to give their views and comments. Defra will consider views and comments received in response to a consultation before making final decisions.

If Defra discloses personal data when replying to a request under freedom of information laws, the legal basis is that Defra's use of your personal data is necessary for the performance of a task carried out in the public interest. The relevant task in the public interest is that Defra must comply with its obligations under the freedom of information laws.

### **Who will my personal data be shared with?**

Defra will publish a summary of responses; this will not include any personal data.

Within Defra, your personal and identifying data will be available to teams working on the consultation. These would include the following: the policy team named in the consultation documents; the Consultation Coordinator; and the team analysing the consultation responses. On occasion, Defra will engage outside contractors for analysis, where this is the case, this will be clearly stated in the consultation document. Any outside contractor will be subject to Defra's data protection policy.

In this instance, Defra has contracted the Office of Public Management Ltd, trading as Traverse, to support the analysis of responses to this consultation. Traverse will treat personal data they receive and analyse as confidential and will only have access to the response data for the period of the analysis, following which the data will be permanently removed from their system and supplied to Defra.

As the providers of Citizen Space, Delib will also have access to your personal data. For details of Delib's use of your personal data please see their [Privacy Notice](#).

Due to the fact this is a joint consultation with Scottish Government, Welsh Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, responses to this consultation are of interest to the Devolved Administrations. If your response focuses on the impact of this policy in one of the Devolved Administration areas, it may be shared with policy officials in Scotland, Wales or Northern Ireland. This is stated explicitly in the

consultation document, and the option is provided to send your response directly to each of the Devolved Administrations.

### **Will my personal data go outside the UK?**

Your personal data will be held within the UK on servers provided by Rackspace UK. However, for the automated emails sent by the system, Delib uses Mailgun (a sub-processor based in the EU), and so the recipient email addresses and message content will be processed outside the UK within the EU. No other data (e.g. response data) is held or used outside the UK.

### **If you are relying on my consent to use my personal data, can I withdraw my consent?**

You have the right to withdraw your consent at any time by using the Defra contact details given in the consultation exercise documents. If you withdraw your consent Defra may be able to continue to use any personal data it has received, particularly if your reply has already been included in the consideration of the proposals that are the subject of the consultation.

### **If I reply to a consultation exercise, how long will my personal data be held for?**

The consultation responses will be held by Defra, in accordance with its data retention policy, and will be reviewed and potentially deleted after 8 years.

### **What are the consequences for me if I don't provide my personal data or allow it to be used for the purpose of consultations?**

Your participation in consultation exercises is voluntary and there will be no repercussions for you if you choose not to reply to a consultation or if you withdraw your reply at any time.

### **What are my rights?**

A list of your rights under data protection law is accessible at:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

### **How do I complain?**

You have the right to lodge a complaint about the use of your personal data at any time with the Information Commissioner's Office (ICO – the data protection supervisory authority). If you wish to exercise that right, full details are available at:

<https://ico.org.uk/make-a-complaint/>

### **Defra's Personal Information Charter**

Please also see Defra's Personal Information Charter, accessible by the following hyperlink, which broadly sets out details of Defra's processing of personal data:

<https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs/about/personal-information-charter>.