

Privacy Notice – Defra Consultation Exercises

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

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

Defra uses Citizen Space to run its consultation exercises. Citizen Space is provided by Delib Ltd (Delib). For information about Delib, including how they will use personal data, please click on the following hyperlink: 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.

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.

Will my personal data go outside the UK?

Yes, if you send or receive emails by the Citizen Space website, including when you use the 'Help/feedback' form, they will be processed in the EU. Any personal data in these emails will be subject to the UK and EU GDPR, which protect your rights in relation to your personal data.

Responses to questions in consultation exercises are kept in the UK. Therefore, if you respond to a consultation exercise, any personal data that you provide in that response will not be used by Defra or Delib 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 documents for any particular consultation exercise. If you withdraw your consent, Defra may be able to continue to use any personal data it has already received up to that time for the purpose of consultations you have replied to, 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?

Defra will hold your personal data for up to two years after the end of the consultation period.

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>