

Marine Management Organisation (MMO) Privacy Notices

These are the privacy notices associated with the MMO that explain how your personal data is used.

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Who controls your personal data?

The Marine Management Organisation is the controller of the information that you provide.

The MMO's [Personal Information Charter](#) offers further information on how we handle personal data with a view to being transparent under the Data Protection Act 2018.

The charter sets out what you can expect from use when we ask for, hold, or use, your personal data and includes the contact details when you wish to exercise one of your rights.

The [Information Commissioner's Office \(ICO\)](#) lists your rights under GDPR and the Data Protection Bill/Act 2018.

About our Privacy Notices

Once we have gathered your information as part of the business activities listed below, we retain the right to share your data with the Department for Environment, Food and Rural Affairs, its Executive Agencies, and the European Union and are obligated to.

We may also share your information with other organisation that are listed below for each business area within the MMO. This means that we do not require your permission to do so once you have acknowledged this privacy notice.

The data you provide will not be transferred outside of the European Economic Area.

Keeping your personal data

We will keep your personal data in line with our data protection policy and is reflected in the individual schemes listed below.

However, we may extend this if it is necessary to carry out a task that is in the public interest or as is required of the data controller.

Examples includes:

- Appeal
- Audit activity
- Complaint
- Irregularity
- Historic value, as determined by the Public Records Act
- Legal action
- A formal request for information
- If it sets a precedent.

Where possible personal data will be redacted or access restricted.

What happens if you decline to supply the data that we request?

If we ask for personal information and you do not give it to us, you may not meet the requirements of the scheme you are claiming payment under, and penalties may apply.

In addition, it will mean that we will not be able to fully perform the contract we have entered into with you, or we could be prevented from complying with our legal obligations, such as ensuring what RPA remains an accredited paying agency.

How your data is processed

Your personal data is processed by relying on decision making by human involvement.

How to raise a complaint

You have the right to make a complaint to [The Information Commissioner's Office \(ICO\)](#) at any time.

How the MMO handles personal data

Where processing is based on your consent, you have the right to withdraw that consent at any time. However, as a public body carrying out public functions, MMO generally does not rely on consent. We process most information as part of public tasks that we have an obligation to provide.

The MMO has determined that it is necessary to use personal information to manage the business functions listed below, so that tasks can be carried out in the public interest or as is required of the data controller.

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Communications

When we receive a complaint from a person we make up a file containing the details of the complaint. This normally contains the

identity of the complainant, their contact details and any other individuals involved in the complaint.

We will only use the personal information we collect to process the complaint and to check on the level of service we provide. We do compile and may publish statistics showing information like the number of complaints we receive, but not in a form which identifies anyone.

Processing your personal data is necessary for us to be able to process and respond to your complaint. As such, we have identified that this processing is necessary for the performance of a task carried out in the public interest.

Your personal data will be shared internally with the relevant business function to ensure that the right individuals are involved in the processing of your complaint.

Where your complaint involves another Government Department, we may need to share your contact details with them to ensure that all of your concerns are addressed appropriately. However, we will only do this where we have your consent to do so.

Your personal data will be kept by us for 3 years in line with our retention policy for our complaints procedure.

Failure to provide us with your contact details will mean that we are unable to process your complaint.

European Maritime Fisheries Fund

Under the EMFF scheme the following information is collected and stored:

- Your name, date of birth, address and full contact details
- Copies of your passport, driving licence and utility bills
- Gender
- VAT Status
- Bank account details
- Vessel ownership and registration details

MMO will collect personal information about you through the registration and application form on the EMFF grant application portal. It will either be directly received from you or your approved agent.

MMO will only use your personal information to assess your EMFF grant application for eligibility and for EMFF grant claims to determine that you have defrayed the eligible expenditure in accordance with the terms and conditions set out in the EMFF offer letter. MMO will use your personal information in the following circumstances:

- Where it is necessary for performing the contract we have entered into with you
- Where MMO needs to comply with a legal obligation
- Where it is in the public interest to do so
- Making a decision about your EMFF grant application
- Checking you are legally entitled to apply for an EMFF grant
- For any audit by DEFRA, UK Audit Authority or European Court of Auditors
- To prevent fraud

The MMO will share information collected under the EMFF scheme other Government Departments and Agencies to comply with the EMFF Regulations and to enable grant payments

Information will be shared with the following under an information sharing agreement for the following purposes –

- Shared Services Connected Ltd (SSCL) an agency which processes EMFF payments on behalf of MMO
- Leidos – who manages the E-system on behalf of MMO
- Marine Coastal Agency (MCA) – data is shared with MCA to allow them to contact you to ensure that the you are compliant with :
 - MSN 1871 (F) The Code of Practice for the Safety of Small Fishing Vessels of less that 15m length overall or
 - MSN 1872 (F) The Code of Practice for the Safe Working Practice for the Construction and Use of Fishing Vessels of 15m length overall to less than 24m registered length
- Fisheries Local Action Groups (FLAG) – to manage and administer FLAG EMFF grants on behalf of MMO

As a public authority, in certain situations, we may also be required by law to disclose information about you to other public authorities. For example, information may be disclosed where this is required to meet HMRC statutory requirements, any national security and/or law enforcement requirements. However, any personal data shared under this scheme is only to the extent, and in such manner, as is necessary for the purposes of the scheme or as is required by Law.

All information collected under this scheme will be processed in line with the principles set out in HM Government Security Policy Framework, issued by the Cabinet Office, when handling, transferring, storing, accessing or destroying information.

We will only hold the information collected under this scheme while there is an ongoing business need or Regulatory requirement to retain the information.

Electronic Recording System

The Electronic Recording and Reporting System (ERS) is used to record, report, process, store and send fisheries data (catch, landing, sales and trans-shipment). It provides at regular intervals electronic logbook data of fishing vessels to the fisheries authorities of the Member States. These data allow monitoring behaviour and catch amounts of fishing vessels in real-time, in particular for control purposes. The data are mainly managed by the Member States' Fisheries Monitoring Centres (FMCs). For ease of exchanging ERS data between the FMCs, a central system hosted on the Commission servers is used. In specific cases ERS data are addressed to the Commission.

At the Commission, the data are processed under the responsibility of the Head of Unit MARE/D4 (Directorate-General for Maritime Affairs and Fisheries, Directorate D: Mediterranean and Black Sea), acting as the Controller.

The legal bases for such processing are in particular the following:

- Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance

with the rules of the common fisheries policy, in particular Art. 111 (1) and (2).

- Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy, in particular Art. 43 (1) and Art. 45 (3).
- in the context of international agreements:
 - for NAFO: the Council Regulation No 538/2008 amending the Regulation 1386/2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation;
 - for NEAFC: the Regulation No 1236/2010 of the European Parliament and the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries.

As ERS data processed and managed by the Commission may involve personal data, [Regulation \(EC\) 45/2001](#), of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, is applicable.

The ERS data processed contain the name of the vessel master declaring the logbook information and in some cases the vessel master's postal address. If the ERS data is combined with data available in the Fleet Register, it is possible to identify the name and address of the vessel owner and agent related to the ERS declarations.

ERS data are mainly managed by the Member States' Fisheries Monitoring Centres. In specific cases data are addressed to the Commission. Then only authorised staff members of DG MARE have access to ERS data.

In the context of international agreements, ERS data are exchanged via secured channels with third countries and international organisations (Regional Fisheries Management Organisations -

RFMOs) and are only managed in secure systems and solely used for inspection and surveillance purposes.

Your personal data processed by the central system will remain in the database until the transmission of ERS message is finalized (successful transmission takes a couple of seconds; in case of malfunctioning system, the transmission will be repeated up to a week).

In case of ERS data addressed to the Commission, the data are stored for duration of the processing and analysis but no longer than two years for specific cases unless there are on-going legal proceedings in which the data are needed to support the findings.

Fishing Effort

Data Collected: Vessel activity data from logbooks, sales notes and VMS records. Vessel activity intelligence provided directly from stakeholders.

How the data will be used: Forecasting effort uptake, monitoring compliance, reporting effort uptake to the EU Commission and stakeholder engagement.

How the data will be stored: All models and report stored on a secure SharePoint folder with access limited to those staff members required to have access to the information.

The Legal basis for processing this data is: Public Task.

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller. The UK must comply with the Western Waters and Sole Recovery Zone effort management schemes under the Common Fisheries Policy. In order to do this your data is being processed by the MMO to ensure that the limits set out in license conditions and/or authorisation documents are adhered to. In order to set effort limits that maximise effort uptake while minimising the risk of over-utilisation of effort the MMO processes your data to forecast likely patterns of uptake in the future. Anonymised aggregates of these forecasts are shared with stakeholder groups to allow stakeholder feedback on the proposed limits before they are formally set.

Your personal data will be kept by us for as long as necessary for statutory compliance, audit purposes, operational decision making, modelling future activity or reviewing past activities.

Harbour Orders

Data Collected: Personal data provided in relation to the representation given.

How the data will be used: The representation will be provided to the applicant of the Harbour Order applicant in order to engage on issues with the application.

How the data will be stored: Data will be stored on internal database systems.

The Legal basis for processing this data is: Public Task

Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller.

Processing is necessary to ensure members of the public have the opportunity to provide comment on Harbour Order applications.

No other data will be shared or disclosed to any other party outside the MMO without your explicit consent.

Illegal, Unregulated and Unreported Fishing

In carrying out our statutory functions we may collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title and address
- Vessel details including name of owner and master
- Details relating to fishing activities submitted as a 'catch certificate' by yourself or a third party that may list details of who they purchased fish stocks from

- Evidence of fishing activity requested by other EU member states or the European Commission under the Mutual Assistance Programme
- Evidence of your right to work in the UK/immigration status
- We will also collect, store and use the following "special categories" of more sensitive personal information:
- Information about criminal convictions/allegations and offences

The European Union (EU) is a signatory to international agreements set up to eradicate Illegal, Unregulated and Unreported (IUU) fishing activities.

Under EU law any consignment of fishing products exported from the United Kingdom to certain countries must be validated to show that it has been fished in accordance with the Common Fisheries Policy. This means that we have to demonstrate that the fish was landed by registered fishing vessels using compliant fishing gear. The certificate that is used is called a Catch Certificate.

Under the IUU Regulation we are required to provide statistical data on fishing landings that are exported to certain third countries and also to third countries who may process that product to be re-exported back into the European Union. This data is generally anonymised and presented to the European Commission on a biennial basis.

We keep records relating to all requests for verification from third countries and the Commission because we use this to demonstrate our compliance with European Union rules and regulations.

If a consignment is refused entry we are required to provide details to the European Commission and the European Fisheries Control Agency to show why the consignment was refused.

The Registered Buyers and Sellers (RBS) legislation provides a framework for ensuring traceability of the sale of fish products. In order to be registered as an RBS operator, buyers of first sale fish must provide information relating to what records they keep and where those records are stored. They must also only buy fish from commercial fishermen or registered auction sites and retain appropriate records to demonstrate this.

To enable more efficient systems to check the authenticity of documents submitted to us we may use automated decision making tools which can cross-check landings against information we manage on behalf of commercial fishermen without human intervention.

Marine Planning

Data Collected: The data will be collected for the development, implementation and monitoring of marine plans and for Sustainability Appraisal and Habitats Regulations Assessment purposes and retained for audit or clarification purposes. The data collected is limited to names, email address, telephone, organisation, position and interest (sector or topic area and marine plan area).

How the data will be used: Data will be used in engagement and consultation activities and to update stakeholders on marine planning news. Once the data is no longer needed it will be deleted following a defined retention protocol.

How the data will be stored: The data is stored on secure MMO SharePoint drives accessible only by the MMO Marine Planning Team.

The Legal basis for processing this data is: Legal Obligation and Consent

(a) Legal obligation: the processing is necessary for the MMO to comply with a legal obligation placed on us as the data controller through a requirement of the Marine and Coastal Access Act 2009, (section 51 and Schedule 6) and under Directive 2014/89/EU - Maritime Spatial Planning law.

(b) Consent: the individual has given clear consent for the MMO to process their personal data for a specific purpose.

Your personal data will not be shared or disclosed to any other party outside the MMO without your explicit consent.

Where processing is based on your consent, you have the right to withdraw consent at any time.

Your personal data will be kept by us for: Marine Planning.

Period of Retention (or criteria to determine): Data will be retained for the 20 years lifetime of a marine plan post adoption.

Marine Conservation Team: Dispensations

Data Collected: Name, email, telephone, address

How the data will be used: The data you provide will be used to determine your application for a fisheries dispensation

How the data will be stored: Your data will be stored on our online secure records management system.

The Legal basis for processing this data is that the processing is necessary for us to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. This task is the determination of applications for fisheries dispensations.

Your personal data will not be shared or disclosed to any other party outside the MMO without your explicit consent.

Your personal data will be kept by us for seven years and then deleted.

Failure to provide this information will mean that we may not be able to determine your application for a fisheries dispensation.

Marine Conservation Team: Dispersants

Data Collected: Name, Email address, Telephone

How the data will be used: We will use the data you provide to determine your application for the approval of an oil spill treatment product.

How the data will be stored: Your data will be stored on our online secure records management system.

The Legal basis for processing this data is that the processing is necessary for us to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. This task is for us to administer the testing of and determine applications for the approval of oil spill treatment products.

Your personal data will be shared by us with the Centre for Fisheries and Aquaculture Science (Cefas).

No other data will be shared or disclosed to any other party outside the MMO without your explicit consent.

Your personal data will be kept by us for seven years and then deleted.

Failure to provide this information will mean that we may not be able to administer the testing of, or determine your application for approval of, your oil spill treatment product.

Marine Conservation: Inshore Fisheries and Conservation Authority QA

Data Collected: Name, Email address, Address, Telephone number

How the data will be used: We will use the data you provide to review, consider and respond to representations you have made as part of our quality assurance of IFCA byelaws.

How the data will be stored: Your data will be stored on our online secure records management system.

The Legal basis for processing this data is that the processing is necessary for us to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. This task is for us to review, consider and reply to representations about IFCA byelaws.

Your personal data will be shared by us with the Department for the Environment, Food and Rural Affairs, who are responsible, on behalf of the Secretary of State, for deciding whether or not to confirm MMO marine nature conservation byelaws.

No other data will be shared or disclosed to any other party outside the MMO without your explicit consent

Your personal data will be kept by us for seven years and then deleted.

Failure to provide this information will mean that we may not be able to fully consider your representation when quality assuring IFCA byelaws.

Marine Conservation Team: MMO Byelaw Consultation Responses

Data Collected: Name, Email address, Address, Telephone number

How the data will be used: We will use the data you provide to review, consider and respond to representations you have made about draft MMO marine nature conservation byelaws.

How the data will be stored: Your data will be stored on our online secure records management system.

The Legal basis for processing this data is that the processing is necessary for us to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. This task is the review, consideration and reply to representations about draft MMO marine nature conservation byelaws.

Your personal data will be shared by us with the Department for the Environment, Food and Rural Affairs, who are responsible, on behalf of the Secretary of State, for deciding whether or not to confirm MMO marine nature conservation byelaws.

No other data will be shared or disclosed to any other party outside the MMO without your explicit consent.

Your personal data will be kept by us for seven years and then deleted.

Failure to provide this information will mean that we may not be able to fully consider or respond to your representation.

Marine Conservation: Wildlife Licenses

Data Collected: Name, Email, Telephone, Address

How the data will be used: The data you provide will be used to validate and determine your application for a marine wildlife licence, and to communicate with you about the application and licence.

How the data will be stored: Your data will be stored on our Marine Consents Management System

The Legal basis for processing this data is that the processing is necessary for us to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. This task is for us to determine your application for a marine wildlife licence.

Your personal data will be shared by us with consultees as part of the marine wildlife licensing process. Consultees are Natural England, the

Joint Nature Conservation Committee (JNCC), the Centre for Fisheries and Aquaculture Science (Cefas).

No other data will be shared or disclosed to any other party outside the MMO without your explicit consent.

Your personal data will be kept by us for seven years and then deleted.

Failure to provide this information will mean that we may not be able to determine your application for a marine wildlife licence.

Evidence Team

We may receive personal information in 2 of the Evidence team processes. Firstly from the outputs of work where we are commissioning suppliers to conduct research on behalf of the MMO and secondly where we receive documents asking us to support academic projects.

We will only use this personal data for the purposes it was supplied for.

Your personal data will not be shared or disclosed to any other party outside MMO without your explicit consent.

In the case of a commissioned project your personal data will be kept by us for 1 year from the project publication in case there is a challenge to the final evidence product. In the case of personal data being supplied to support a project proposal it will be kept no longer than necessary to make a decision.

Marine Licensing

The Marine Management Organisation (MMO) has gathered information from a number of existing sources to support marine planning, marine licensing and associated functions of the MMO. The MMO is continuously adding to the evidence base to support future decision making, with the aim to ensure a sustainable future for our coastal and offshore waters.

A new marine plan led system of marine management will set the direction for decision making on marine use and will:

- guide marine users to the most suitable locations for different activities;
- manage the use of marine resources to ensure sustainable levels; and
- consider all the benefits and impacts of current and future activities that occur in the marine environment.

The MMO would like your permission to use any of the data you submit in a digital format that can be entered into a geographical information system. This data may be used to inform MMO functions.

Under section 101 of the Marine and Coastal Access Act 2009 the MMO must maintain a register of activities where it is the appropriate licensing authority. Information contained within or provided in support of this application will be placed on the MMO's Public Register unless:

- The Secretary of State determines that its disclosure would be contrary to the interests of national security; or
 - The MMO determines that its disclosure would adversely affect confidentiality of commercial or industrial information where such confidentiality is provided by law to protect legitimate commercial interest.
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Vessel Monitoring

In accordance with Commission Implementing Regulation (EU) 404/2011, UK fishing vessels of 12 metre and above must have a satellite tracking device (Vessel Monitoring System (VMS) installed that sends positional data in Latitude, Longitude, Course and Speed every 2 hours to the UK VMS Hub. The system is jointly owned and managed by UK Fisheries Administrations consisting of:

- Marine Management Organisation
- Marine Scotland
- Department of Agriculture, Environment and Rural Affairs (Northern Ireland)
- Department of Environment, Food and Agriculture (Isle of Man)
- Welsh Government

The UK Fisheries Administrations, Inshore Fisheries and Conservation Authorities, UK Border Force have visibility of your positional data. The access is underpinned by the Regulators Code referred in Section 3 below.

Your positional data may be disclosed to Marine Management Organisation's authorised agents, other fisheries departments in the UK and other government departments, relevant authorities in the European Commission, other Member States and third countries.

Your positional data will be made available, on request, to the UK coastguard for search and rescue purposes.

Your positional data may also be published or disclosed in an anonymous and/or aggregated form, to other organisations, bodies or persons for other purposes, including scientific research.

UK Fisheries Monitoring Centre have the ability to request positional reports on ad hoc basis and interrogate reports held in the VMS device's internal memory for monitoring and enforcement purpose.

We receive data request as part of Freedom of Information and Subject Access Request for which your contact details will be requested to seek clarification and avoid potential delay.

In the event that your VMS device stops functioning, MMO will seek to inform the skipper or the owner in accordance with Commission Implementing Regulation (EU) 404/2011 Article 25 (paragraph 4). However instead of removing your device for repair or replacement, the issue can sometimes be resolved over the air therefore your contact details will be shared with the device supplier AST to diagnose the issue with the skipper or owner.

Your positional data is stored in a secure database accessible only by UK Fisheries Administrations' personnel.

It is necessary to comply with a legal obligation placed on us as the data controller as stipulated in with Commission Implementing Regulation (EU) 404/2011 Chapter IV.

Public task: Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller. Your contact details are requested as part

of Freedom of Information and Subject Access Request in order to clarify your data request and avoid any potential delay.

As regulators, the MMO follow the Regulators Code. The Code was laid before Parliament in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 (“the Act”). Regulators whose functions are specified by order under section 24(2) of the Act must have regard to the Code when developing policies and operational procedures that guide their regulatory activities. Regulators must equally have regard to the Code when setting standards or giving guidance which will guide the regulatory activities of other regulators.

Section 4 of the code states the requirements for sharing information:

Regulators should share information about compliance and risk

Regulators should collectively follow the principle of “collect once, use many times” when requesting information from those they regulate

When the law allows, regulators should agree secure mechanisms to share information with each other about businesses and other bodies they regulate, to help target resources and activities and minimise duplications

In accordance with Commission Implementing Regulation (EU) 404/2011 Article 24(1):

The VMS established by each Member State shall ensure the automatic transmission to the FMC of a coastal Member State of the data to be provided in accordance with Article 19 of this Regulation concerning its fishing vessels during the time they are in the waters of the coastal Member State. That data transmission shall be simultaneous with the receipt at the FMC of the flag Member State and shall be in accordance with the format set out in Annex V.

In accordance with Commission Implementing Regulation (EU) 404/2011 Article 28:

The Commission may request Member States in accordance with Article 111(1) (a) of the Control Regulation to ensure the automatic transmission to the Commission or to the body designated by it, of the data to be provided in accordance with Article 19 of this Regulation concerning a specific group of fishing vessels and during a specific

time. That data transmission shall be simultaneous with receipt at the FMC of the flag Member State and shall be in accordance with the format set out in Annex V

Service Level Agreements underpin the forwarding of your VMS data to the following organisations:

- Centre for Environment, Fisheries and Aquaculture Science for scientific research and stock assessment.
- National Maritime Information Centre to enhance the UK's overall maritime development, safety, security and resilience.