



Animal &
Plant Health
Agency

APHA privacy notice for the Variety and Seeds (V&S) National Listing, Plant Breeders Rights and Certification programme

May 2020

Contents

| | |
|---|---|
| Your data is being collected by | 1 |
| What your data is being collected and used for and the legal basis for processing | 1 |
| Who your data may be shared with | 3 |
| How long we will keep your data for | 3 |
| Consequences of not providing personal data..... | 4 |
| The use of automated decision making or profiling..... | 4 |
| The transfer of data outside the European Economic Area (EEA)..... | 4 |
| Your rights | 5 |
| How to raise a complaint..... | 5 |

Your data is being collected by

The Department for Environment, Food and Rural Affairs (Defra) is the data controller for the personal data you give APHA or a Technical Contractor or other non-official organisation working on behalf of APHA.

APHA also works with Scottish Government the Welsh Government and the Northern Ireland Executive we are joint controllers for any relevant personal data.

You can contact the Animal and Plant Health Agency's Data Protection Manager at:

Data Protection Manager
Animal and Plant Health Agency
County Hall
Spetchley Road
Worcester
WR5 2NP
enquiries@apha.gsi.gov.uk

The Defra Data Protection Officer is responsible for monitoring that APHA is meeting the requirements of Data Protection legislation and contact details are in APHA's Personal Information Charter.

What your data is being collected and used for and the legal basis for processing

Personal data is collected and stored for APHA Plant Variety and Seeds statutory functions in relation to:

- Plant Variety Rights which grant Intellectual property rights for new varieties of plants.
- National listing which is a requirement for marketing of the plants and seeds covered.
- Statutory Certification Schemes which are a requirement for marketing of the plants and seeds covered.

For Plant Variety Rights (PVR)

For the purpose of grants and producing public records of Plant Breeders Rights in the Plant Varieties and Seeds Gazette.

For National Listing (NL)

For the purpose of producing National Lists and public records of National Lists in the Plant Varieties and Seeds Gazette

For the Seed Potato Classification Scheme (SPCS)

For the purpose of producing public records of Seed Potatoes in the Register of Growers.

For the Fruit Propagation Certification Scheme (FPCS)

For the purpose of producing public records in the FPCS Annual Register.

For the Seed Certification Scheme

For the purpose of licensing individuals and organisations to carry out certain activities

For the purpose of producing lists of individuals and organisations licensed under the scheme legislation.

Personal data is collected and stored for APHA Plant Variety and Seeds non statutory functions in relation to:

- Non statutory plant certification schemes which are entered on a voluntary basis.

For the Plant Health Propagation Scheme (PHPS)

For the purpose of producing public records in the form of the PHPS Annual Register

Personal data may also be used by APHA and shared with its Technical Contractors and non-official organisations in connection with carrying out the schemes (both statutory and voluntary) listed above.

Personal data may also be used for the purpose of biosecurity, pests & diseases control and management under EU and UK legislation (for notifiable pests and diseases) and under the scheme rules for other pests and diseases covered by those schemes, imports and exports, APHA training and advisory programme and for statutory food safety monitoring purposes. APHA may also use personal data in order to conduct research into the control and management of plant pests and diseases.

In addition, scanning surveillance functions carried out by APHA are necessary for the performance of a task performed in the public interest or in the exercise of official authority vested in the data controller to manage plant pest and diseases within the United Kingdom.

More information about APHA can be found at www.gov.uk/apha.

Legal bases for processing include:

- The performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
- For compliance to a legal obligation on the controller.
- The performance of a contract to which the data subject is party, or in order to take steps at the request of the data subject prior to entering into a contract.
- Consent has been given to process data for one, or more specified purposes.

Who your data may be shared with

Personal data may be made available to local authorities and other public bodies in the UK and EU to meet legal requirements and regulatory and enforcement functions.

We may share data with Defra and its agencies, Welsh Government, Scottish Government, Northern Ireland Executive, Food Standards Agency and other official organisations and enforcement authorities.

We may share data with other organisations working for us to enable us to carry out our duties.

We may have to release information (including personal data and commercial information) under the following legislation:

- General Data Protection Regulation (GDPR)
- UK Data Protection Act 2018
- Freedom of Information Act 2000
- Environmental Information Regulations 2004

We will not allow any unwarranted breach of confidentiality and we will not act in contravention of our obligations under UK data protection legislation.

How long we will keep your data for

All information within APHA is held in accordance with our retention policy, if you would like more information please contact enquiries@apha.gsi.gov.uk

In specific circumstances information may be held for longer periods.

Examples include:

- appeal

- audit activity
- complaint
- irregularity
- legal action
- a formal request for information
- if it sets a precedent
- scientific or historical research purposes

Consequences of not providing personal data

Personal data is required for APHA's statutory functions in relation to NL, PVR, SPCS, FPCS and Seed Certification. There is also a legislative requirement to provide necessary personal data for these purposes.

For a current list of legislation please visit www.legislation.gov.uk.

For PHPS and other contractual based processing, your entrance into a contract with us is voluntary and necessary information is supplied to fulfill that contractual relationship.

For consent based processing you have a right to revoke this at any given time.

The use of automated decision making or profiling

The information you provide is not connected with:

- individual decision making, in other words making a decision solely by automated means without any human involvement
- or profiling, in other words automated processing of personal data to evaluate certain things about an individual

The transfer of data outside the European Economic Area (EEA)

The data you provide will largely not be transferred outside of the EEA. On rare occasions, when it is lawful and complementary to our work carried out in the public interest, research data may be transferred securely outside of the EEA.

Your rights

A list of your rights under the General Data Protection Regulation, and the Data Protection Act 2018 (DPA 2018), is accessible at the [Information Commissioner's Office website](#).

Please consult the [APHA Personal Information Charter](#) for a full description of how your rights are upheld and made accessible by the Agency. This includes a full range of contact details.

How to raise a complaint

You have the right to lodge a complaint with the Information Commissioner's Office (supervisory authority) at any time. Should you wish to exercise that right full details are available on the [individual rights](#) page.

We keep our Privacy Notices under regular review. This document was last updated May 2020.



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The Animal and Plant Health Agency (APHA) is an executive agency of the Department for Environment, Food & Rural Affairs, and also works on behalf of the Scottish Government and Welsh Government.