

Defra privacy notice – Marine Licensing

1) Who is collecting your personal data?

The controller of your personal data is the Department for Environment, Food and Rural Affairs (Defra). The data that we use is collected and provided to us by the Marine Management Organisation (MMO) and/or the Planning Inspectorate (PINS).

Defra is committed to the responsible handling and security of personal data. Your privacy is important to us and protected in law through the General Data Protection Regulation (GDPR), the Data Protection Act 2018 (DPA 2018), and/or the Law Enforcement Directive.

Details of our Personal Information Charter can be found at:

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

2) What data are we collecting?

Typically, the personal information will be your name, contact details and the part of the proposals to which your objection or representation pertains plus any other personal information (if any) that you provide.

We do not process special category data.

3) Why do we need your data?

The data is required for PINS, on behalf of the Secretary of State, to determine cases brought with respect to appeals against marine licensing decisions decided by the MMO, presenting a recommendation on recovered marine license decisions and for independent investigations in relation to marine plan(s). It is not possible to perform these services if personal data is not supplied in the first instance.

4) Who will my data be shared with?

The objections and representations (where applicable) we receive from the MMO are shared with PINS, so that an inspector can consider them, as detailed above.

You should be aware that as part of this process the inspector may call a public hearing or inquiry during which your personal information may be made public. The Planning Inspectorate does not routinely redact personal information.

5) What is our legal basis for processing your data?

Defra's processing of personal information is necessary for the Secretary of State to carry out its duties under The Marine and Coastal Access Act 2009, The Marine Licensing (Licence Application Appeals) Regulations 2011 and The Marine Licensing (Delegation of Functions) (Amendment) Order 2015. Processing is therefore necessary for the performance of a task carried out in the public interest and in the exercise of official authority vested in the data controller.

6) What will happen if I don't provide the data?

There is no statutory obligation on interested parties to submit representations or objections. However, MMO cannot act upon representations or objections which do not contain name and contact details and they would therefore not be considered by the Secretary of State without the inclusion of this personal data.

Also, as the processing of your personal data is not based on consent you cannot withdraw it. You may at any time before determination by the Secretary of State withdraw any representations or objections that you have already submitted. Note, however, that these will no longer be considered by the Secretary of State as part of the determination process.

7) What will we do with your data?

For MMO, the data to be shared is accessed via an online portal (the Marine Case Management System) and will vary between applications. Inspectors use the information submitted to determine cases and write final reports containing a recommendation. This data may enter the public domain through public hearings. The reports are sent to Defra for the Secretary of State to consider as part of the determination process alongside the objections and representations themselves.

Defra publishes representations (with associated supplementary material) and reports submitted to us by the appointed person (PINS) when approval decisions are announced. However, we redact personal or identifying information before publication, except for location information relating to the part of the proposals to which your objection or representation pertains.

We will share your data if we are required to do so by law - for example, by court order, or to prevent fraud or other crime. We will also only share information when necessary to meet the statutory requirements of the Environmental Information Regulations 2004 and the Freedom of Information Act 2000.

No other data will be shared or disclosed to any other party (outside of the Planning Inspectorate) without your explicit consent. We will not: sell or rent your data to third parties; or share your data with third parties for marketing purposes.

The data you provide will remain in the UK, and will not be transferred outside the European Economic Area.

8) Will my data be used for automated decision making or profiling?

The information you provide is not connected with individual decision making (making a decision solely by automated means without any human involvement) or profiling (automated processing of personal data to evaluate certain things about an individual).

9) How long will we keep your data?

Defra will delete data no later than five years after the relevant case has closed and decisions have been published. This retention policy will be implemented manually.

Data retention will be continually monitored and where possible data will be deleted before the maximum specified time.

10) Who can you contact on data protection issues?

Defra's Data Protection Manager can be contacted with any questions about how we are using your personal data and your associated rights at:

Address: Data Protection Manager, Data Protection Team, Department for Environment, Food and Rural Affairs, Area 1E, Nobel House, 17 Smith Square, London, SW1P 3JR. **Email:** data.protection@defra.gov.uk

The Data Protection Officer responsible for monitoring that Defra is meeting the requirements of the legislation is available at:

Address: Defra Group Data Protection Officer, Department for Environment, Food and Rural Affairs, SW Quarter, 2nd floor, Seacole Block, 2 Marsham Street, London SW1P 4DF. **Email:** DefraGroupDataProtectionOfficer@defra.gov.uk

11) What are your rights?

You have the following 8 individual rights:

1. *The right to be informed*
2. *The right of access*
3. *The right to rectification*
4. *The right to erasure*
5. *The right to restrict processing*
6. *The right to data portability*
7. *The right to object*
8. *Rights in relation to automated decision making and profiling.*

More information surrounding these rights under the General Data Protection Regulation, the Data Protection Act 2018 (DPA 2018), is accessible at:

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

You also have the right to lodge a complaint with the ICO (supervisory authority) at any time. Should you wish to exercise that right full details are available at:

<https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>