



HM Treasury

# Access to Cash: Consultation

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July 2021



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# Foreword

In modern times we have seen our society and economy embrace the transition to a more digital world and realise the opportunities this brings to individuals and businesses. This transformation has been spurred by the UK's successes in digital connectivity, access and skills, and by the ingenuity and creativity of people across the country.

No truer is this than within the UK's world-leading financial services sector. It both drives and thrives on innovation. In particular, the payments sector has been undergoing rapid and exciting change over recent years. People are increasingly using cards, mobile, and electronic wallets to make payments more quickly and easily.

However, there are large parts of population that do and will continue to rely on cash in their day-to-day lives for years to come. As the minister responsible for financial services, it is my job to ensure that financial services work for everyone across the UK. For payments, that means supporting innovation and new technologies in the ways people can pay, whilst ensuring the right protections, but it also means preserving the long established, traditional services like cash that are integral to people's lives.

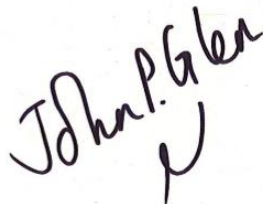
It is for this reason that the government announced at Budget 2020 that it would bring forward legislation to protect access to cash. Just days after that announcement, the UK entered into a national lockdown as a result of COVID-19. This created new and unexpected challenges for payments, none more so than cash. We worked quickly with the financial regulators in responding, closely monitoring cash usage and access risks, and working with the industry to ensure new initiatives to support those reliant on cash: banks made proactive calls to vulnerable customers; cash was delivered to homes; and carer cards were issued to allow third

parties to make payments on behalf of others. I am pleased to say that the coverage of cash access facilities has remained extensive, and that the vast majority of people have continued to be able to access cash during the pandemic.

In responding to the pandemic, the government has not lost sight of the need to take action to ensure our cash system remains sustainable for the long term and has been working in parallel to develop its proposals for the legislation promised last year. In October 2020, we published a Call for Evidence on Access to Cash to seek views from all those interested and invested on the best way to proceed. I am grateful to all the many respondents, whose input has been used to shape our thinking.

One of the initiatives explored in that Call for Evidence was cashback without a purchase, which the government has already legislated for as part of the recent Financial Services Act 2021. We have removed barriers to allow for the widespread offering of cashback without a purchase by shops and other businesses everywhere. These changes have the potential to make a real difference to the future of cash access in the UK.

I am now very pleased to bring forward this consultation on proposals for broader legislation to protect cash. Thanks to the coordinated actions of the financial sector, the regulators, and government, the cash system remains stable and cash provision remains strong. These proposals and subsequent legislation stand to ensure that cash continues to be a viable payments option for the long term, and I look forward to reviewing the responses to this consultation.

A handwritten signature in black ink that reads "John P. Glen" with a stylized flourish underneath.

**John Glen MP, Economic Secretary to the Treasury**

# Chapter 1

## Introduction

- 1.1 In October of last year, the government published its 'Access to Cash: Call for Evidence' ['Call for Evidence']<sup>1</sup> seeking views from interested parties on the key considerations for maintaining a sustainable network of retail cash infrastructure in the United Kingdom (UK) while supporting the use of cash by people and businesses over time.
- 1.2 The transition towards digital payments brings many opportunities, including the facilitation of enhanced competition in payments services. Nonetheless, cash remains an essential payment mechanism for many. Therefore, the Call for Evidence detailed the government's objectives in devising legislation, namely that it should be: proportionate; flexible; cost-effective, efficient and sustainable; and support competition and innovation.
- 1.3 The government received 85 views on the Call for Evidence from a broad range of respondents, including banks and other financial services firms, consumer groups, retailers, trade bodies, and others. A summary of responses has been published alongside this consultation. Those responses have been used to inform the Treasury's policy development work on cash access to deliver against the government's commitment at 'Budget 2020' to bring forward legislation to protect the UK's cash system.<sup>2</sup>
- 1.4 Last year the Financial Conduct Authority (FCA) and the Payment Systems Regulator (PSR), in conjunction with the University of Bristol, undertook a programme of work to identify and map the geographic coverage for cash access points across the UK.<sup>3</sup> The published findings of this work showed that the provision of cash across the UK remains extensive, with around 90% of neighbourhoods within 1 kilometre of a free cash access point. When locations providing cashback are included, around 42% of neighbourhoods have free access to cash within 250 metres, which rises to 93% within 1 kilometre. The government nonetheless recognises that cash provision remains an area of concern for many individuals, consumer groups, and others representing cash users, including the more vulnerable groups of society.

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<sup>1</sup> ['Call for Evidence: Access to Cash', HM Treasury, October 2020.](#)

<sup>2</sup> ['Budget 2020', HM Treasury, March 2020](#)

<sup>3</sup> ['Where to Withdraw: Mapping Access to Cash across the UK', University of Bristol, Financial Conduct Authority and Payment Systems Regulator, November 2020.](#)



- 1.5 Whilst work to develop legislation has continued, the government, FCA, PSR, Bank of England, and industry have remained closely engaged in monitoring and responding to short terms risks to cash access, including as a result of COVID-19. This includes coordination across public bodies through the Treasury-chaired Joint Authorities Cash Strategy Group.
- 1.6 Actions taken since the outset of the pandemic have included firms improving communication with consumers, for example sign-posting people to alternative services, and making proactive calls to vulnerable consumers. Industry have also introduced new initiatives, such as cash deliveries to homes, providing digital devices, and issuing carer cards to help trusted third parties make a payment. These interventions have helped people who were isolating and were welcomed by consumer organisations. The vast majority of people have been able to access cash throughout the pandemic, with the share of the UK population who lost access to a source of cash (banks, post office or Automated Teller Machines – ‘ATMs’) within 3 miles during spring 2020 never exceeding 0.1%.<sup>4</sup>
- 1.7 The ‘Financial Services Act 2021’ (FSA 2021) allows for the provision of cashback without a purchase from the end of June 2021 as a non-regulated activity.<sup>5</sup> This means that a shop, newsagent, or other retailer, will be able to provide a customer with cash without the need for them to purchase goods or services. Before the FSA 2021, retailers had to be authorised or registered by the FCA or act as an agent of a payment service provider to do so, which was a significant barrier to widespread provision of cashback without a purchase. As set out in its Call for Evidence, the government considers that cashback without a purchase has the potential to be a valuable facility to cash users in future and play an important role in the UK’s cash infrastructure, which comes with the additional benefit of supporting local cash recycling. It will help to enable the provision of cash withdrawals where other solutions may not be suitable. The FSA 2021 provided the opportunity to make this targeted but potentially high impact legislative change whilst detailed work to develop broader cash legislation has continued.
- 1.8 This document sets out details of the government’s proposed policy approach for this broader legislation.
- 1.9 The document seeks views from interested parties on the key considerations associated with this approach and welcomes evidence that may inform the assessment of impacts. A consultation stage impact assessment has also been published.

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<sup>4</sup> [‘Cash and Covid: identifying gaps in provision during Covid-19’, Financial Conduct Authority, 2020](#)

<sup>5</sup> [‘Financial Services Act 2021’](#)

# Chapter 2

## Cash Access Requirements

- 2.1 As part of the existing approach to cash provision and other banking services in the UK, there are examples of where geographic parameters are used to ensure appropriate access and coverage of facilities.
- 2.2 A notable instance of this is the policies that have been implemented by the LINK ATM scheme, which support LINK's commitment to broad geographic coverage of free-to-use ATMs and is underpinned by the PSR's 'Specific Direction 8'.<sup>1</sup> With regards to protecting geographic access to free-to-use ATMs, these policies include:
- protecting free-to-use ATMs more than 1 kilometre away from the next nearest free-to-use source of cash (ATM, bank branch or Post Office), for example through additional payments to ATM operators for ATM transactions in remote or deprived areas
  - protecting free access to cash on high streets – defined as where there is a cluster of five or more retailers – that do not have a free-to-use source of cash within 1 kilometre
  - commissioning new ATMs where there is an unmet need for cash access, such as through LINK's ATM request scheme
- 2.3 Another prominent example of geographic access requirements relates to the Post Office, which provides cash deposit and withdrawal services to customers, including SMEs (small and medium enterprises), via the 'Banking Framework' agreement (the commercial arrangement with 30 UK financial institutions).<sup>2</sup> Post Office Ltd. is publicly owned, and the Secretary of State for Business, Energy & Industrial Strategy sets minimum access requirements for the Post Office Network. These state that 99% of the total population must be within 3 miles of their nearest Post Office, and 95% within 1 mile. Further requirements have also been set for urban and rural areas and at the postcode level. These population-based requirements on the Post Office are monitored based on the distance from 'output areas' as per the Office of National Statistics' Census.<sup>3</sup>

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<sup>1</sup> [PSR Specific Direction 8', Payment Systems Regulator, October 2018.](#)

<sup>2</sup> ['Everyday Banking', Post Office, 2021.](#)

<sup>3</sup> ['The Post Office Network Report', Post Office Limited, 2020.](#)

- 2.4 As part of its access to cash legislation, the government therefore expects to provide HM Treasury with powers to set legislative geographic access requirements upon designated firms to protect access to cash across the UK. The government proposes that these geographic requirements would be set on the basis of cash access facilities being available within maximum distances of a minimum percentage of the population. This would seek to ensure:
- reasonable access for personal customers to both withdrawal and deposit facilities – to note, the government recognises that cash deposit facilities are more dispersed than withdrawal facilities at present, reflecting demand and the cost of provision, and access requirements are likely to require a lower geographic density of deposit facilities
  - reasonable access to deposit facilities for SME customers – it is essential for the sustainability of the cash system that in addition to being able to access cash, users are also able to transact in cash, for example to make retail purchases. Setting geographic requirements for the provision of SME depositing services will help ensure that the offering and acceptance of cash as a payment method remains viable for businesses. However, the government does not anticipate setting different levels of requirement for SME and personal customers with respect to deposits as facilities could serve all customers
- 2.5 The government is seeking to adhere to its objectives for cash legislation – as set out in the Call for Evidence – in its proposed approach to introducing geographic requirements.
- 2.6 Firstly, the government aims for requirements to be flexible over time. It therefore proposes to take powers to set and amend geographic cash access requirements. There is an existing long-term trend in payments away from cash, reflecting changing business models and preferences to transact using cards and digital payments. In 2009, cash accounted for 58% of all payments in the UK, falling to 23% as of 2019.<sup>4</sup> It is not the government's intention to interfere with changing consumer preferences. There is also a cost element to commercial decisions regarding the provision of cash.
- 2.7 Therefore, it is important that legislation ensures the UK's cash infrastructure is compatible with this as well as with falling consumer demand over time, so that cash users do not fall between declining cash provision and the feasibility of transitioning to digital payments methods.
- 2.8 Taking powers to amend geographic requirements would allow the government to ensure the requirements remain proportionate in meeting cash needs and demand over time. The government would expect to receive appropriate information from the lead regulator to inform decisions on changing geographic requirements.

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<sup>4</sup> [UK Finance Payments Market 2020](#), UK Finance, June 2020

- 2.9 The FCA is building on its previous work to map the location of cash access facilities on an ongoing basis.<sup>5</sup> For example, the published findings of the recent FCA, PSR, and University of Bristol cash mapping research provide the most up-to-date assessment of cash access facilities across the UK, as of March 2020. It showed that the provision of cash across the UK remains extensive, with around 90% of neighbourhoods within 1 kilometre of a free cash access point.<sup>6</sup> It is anticipated that this represents an appropriate distribution of cash access points to inform the initial geographic requirements under the proposed legislation.
- 2.10 Secondly, the government intends for cash access requirements to be proportionate. It considers that simplicity in the approach for geographic requirements is critical to achieving this aim. As such, the government proposes to introduce two headline requirements: for reasonable access to withdrawal and deposit facilities respectively. This will provide minimum expectations for access for individuals across the UK. The government recognises that additional factors such as specific local needs, deprivation, vulnerability, and service levels are also important. It is the government's view that these matters may be best addressed by industry actions, through engagement with stakeholders, and via regulatory oversight. Further detail on the government's intended approach in this regard is set out in Chapter 4 on the role of the regulators.
- 2.11 Furthermore, the government recognises that cost-effectiveness, competition and innovation are important criteria. Industry would be best placed to develop the most efficient and sustainable solutions, working within the geographic requirements.
- 2.12 This consideration is reflected in the proposed approach, which focuses on preserving the distribution of existing facilities rather than a substantial redistribution or large-scale introduction of access points to additional areas. Provided that they are found to be delivering reasonable service by the responsible regulator, firms will be able to utilise a range of solutions – including existing facilities – to provide access for the purpose of meeting the requirements, for example through their branch networks, or arrangements such as the LINK ATM scheme or the Post Office Banking Framework.
- 2.13 The government's proposed approach to geographic requirements is also in line with international precedents, most notably the approach taken in Sweden, which is one of the most advanced countries in terms of both the state of declining cash usage, and the level of legislative and regulatory intervention to address risks to national cash infrastructure. Sweden has placed requirements for deposit and withdrawal facilities to be made available by selected financial institutions within a given distance of residences.

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<sup>5</sup> ['Protecting access to cash and banking services', FCA, May 2021](#)

<sup>6</sup> ['Where to Withdraw: Mapping Access to Cash across the UK', University of Bristol, Financial Conduct Authority and Payment Systems Regulator, November 2020](#)

- 2.14 For the UK's approach, the government considers it is likely to be necessary to allow for geographic requirements to be set separately for Northern Ireland and Great Britain. In practical terms, there is evidence that there are separate geographic markets between Great Britain and Northern Ireland with a number of dominant retail banking service providers, in terms of market share, that operate in Northern Ireland only.<sup>7</sup> Therefore, it may not be proportionate to place UK wide requirements for the provision of physical cash infrastructure on such firms. The reverse situation would apply to firms operating only in Great Britain. The government's proposals for the designation of firms are set out in Chapter 3.
- 2.15 Under this approach, HM Treasury could set geographic requirements at different levels for Northern Ireland and Great Britain if appropriate, in recognition of factors such as the sparser distribution of physical cash access infrastructure. Analysis in the 'Where to Withdraw' Report by the University of Bristol, FCA and PSR has found that proximity to cash access points varies across regions and nations of the UK. On average, and for 95% of the population, the distance to the nearest free cash access point (excluding cashback) is further in Northern Ireland than it is across Great Britain.<sup>8</sup>
- 2.16 Alternatively, it would be possible to set the headline withdrawal and deposit requirements at a consistent level between Northern Ireland and Great Britain. However, this may result in requirements either being set at a level that a) would require the installation of additional cash access infrastructure in Northern Ireland, or b) are lower than the existing provision of cash facilities in Great Britain.
- 2.17 A further alternative could be to set additional sub-requirements with different distances for rural and urban areas, as this may allow for consistent requirements between Northern Ireland and Great Britain that better reflect existing provision in both areas.

## Questions

Question 1: Do you agree that legislation should provide the government with powers to set geographic requirements to ensure the provision of withdrawal and deposit facilities to meet cash needs through time?

Question 2: Do you agree that legislative geographic requirements should target maximum simplicity?

Question 3: Do you agree that geographic requirements should initially be set to provide a level of reasonable access to all areas, reflecting the current distribution of cash access facilities?

Question 4: Do you agree it is necessary to allow for requirements in Northern Ireland and Great Britain separately?

Question 5: Do you think that requirements in Northern Ireland and Great Britain should be set at a consistent level?

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<sup>7</sup> [Retail banking market investigation, Competition and Markets Authority, 2015](#)

<sup>8</sup> [Where to Withdraw: Mapping Access to Cash across the UK, University of Bristol, Financial Conduct Authority and Payment Systems Regulator, November 2020](#)

# Chapter 3

## Designated Firms

- 3.1 Over the last ten years, successive governments have supported a policy agenda of introducing more competition in the provision of banking services. Notable innovations have included the creation of a New Bank Start-up Unit and lower regulatory barriers to entry to support new entrants into the market, the creation of a Current Account Switching Service to allow customers to more easily change current account providers, and the implementation of Open Banking to empower fintech providers in delivering innovative new banking solutions for customers.
- 3.2 Whilst these developments have undoubtedly delivered great benefits for financial services users, the retail banking sector continues to be dominated by a small number of large firms that account for both the majority market share of payment accounts, and much of the physical infrastructure for providing cash and other banking services access in the UK.
- 3.3 As part of its approach to cash access legislation, the government intends to provide the Treasury with powers to designate firms on whom legislative and regulatory cash access requirements can be imposed. In line with its objective that cash access requirements should be proportionate, the government would first seek to capture the largest retail banking providers (principally banks and building societies), and consequently the majority market share for personal and business payment accounts.
- 3.4 The government proposes that the designation of a firm should be made in consultation with the FCA and the relevant firm. Firm designation should be kept under review and subject to change in event of shifts in the market structure for payment accounts. The government envisages taking the following factors into consideration when making decisions regarding the designation of firms:
- firms' geographic coverage
  - the distribution of firms' consumers within the UK
  - firms' share of the UK's payment account market
- 3.5 It is the government's view that designated firms would only be required to meet SME depositing cash access requirements where they provide payment account products for business customers.

- 3.6 It may be necessary to designate firms within the UK in line with the considerations for geographic requirements set out above. At present, the government considers designating firms operating in either Northern Ireland or Great Britain, or both. As noted in Chapter 2, some account providers only operate in Northern Ireland and therefore it may not be proportionate to place UK wide obligations on such firms. The same considerations would also apply to firms that operate in Great Britain only.
- 3.7 In order to inform the government's decisions regarding designation for these purposes, the government believes that it would be appropriate to enable the FCA and the Competition and Markets Authority (CMA) to share relevant information with HM Treasury, for example under Schedule 15 of the 'Enterprise Act 2002'.<sup>1</sup>

### Questions:

Question 6: Do you agree that requirements should be targeted at the largest payment account providers?

Question 7: Are there other factors beyond those listed that the government should take into consideration when designating firms?

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<sup>1</sup> ['Enterprise Act 2002'](#)

# Chapter 4

## Role of the Regulators

4.1 The government's Call for Evidence last year stated that "There may be significant benefit in giving a single authority overall responsibility for setting requirements to ensure that the retail distribution of cash meets the needs of consumers and SMEs". Furthermore, the Call for Evidence set out the government's view that:

"[T]he FCA may be well positioned to take on this function through legislation. This is because the appropriate provision of cash withdrawal and depositing facilities are the two most significant factors in maintaining access to cash. Deposit-taking institutions provide both of these facilities already, and have an existing regulatory relationship with the FCA, which has powers to make rules in relation to deposit-taking as a regulated activity. In addition, the FCA already has a statutory objective to secure an appropriate degree of protection for consumers; the government considers maintaining access to cash for those that need it to be a consumer protection issue. Within this model the government intends that the PSR and Bank of England would continue with their existing functions to support the delivery of requirements to address consumer and SME needs regarding the retail distribution of cash."

4.2 The government maintains its position that a single regulator should be given overarching regulatory oversight of the retail cash system, with responsibilities for ensuring compliance against the legislative requirements by designated firms (see Chapter 1). It is also of the view that the regulator will further require powers to manage additional considerations of significance to cash users within the framework provided by legislation.

4.3 Accordingly, the government proposes that the FCA becomes the lead regulator and is given responsibilities for the monitoring and enforcement of cash access requirements and reporting to HM Treasury on these responsibilities at appropriate intervals.

4.4 The government proposes that the FCA's monitoring role includes the following responsibilities:

- assessing cash access needs and demands for both personal and SME business customers on a periodic basis, for example informed by mapping and consumer research
- monitoring the geographic spread of cash access points across the UK on an ongoing basis, taking into account input from the PSR on ATMs
- assessing compliance by firms with legislative and regulatory requirements on access to cash



- 4.5 The government further proposes providing the FCA with powers to support its role, including investigation and enforcement responsibilities similar to its powers in other financial services legislation. This includes powers relating to:
- requesting information from persons
  - appointing an independent person or investigator where the FCA has concerns or needs further analysis
  - applying for injunctions
  - issuing guidance
  - directing designated firms where appropriate (to refrain from taking specified actions, to take specified actions, or to take remedial action in respect of past conduct)
  - disciplinary measures and procedures, including publishing a statement where a firm is non-compliant and imposing financial penalties upon designated firms for non-compliance
  - raising fees in relation to the discharge of FCA functions
- 4.6 The government expects that powers would in most cases be exercisable in relation to designated firms only. However, it may be necessary for the FCA's information-gathering powers to extend to other entities who have a role to play in access to cash, in the event that it is not possible to collect information through existing arrangements with other public bodies. Other entities that it may be appropriate to bring within scope of FCA information-gathering powers on cash could include the Post Office, payment systems such as LINK, independent ATM deployers, and new entrants to the access to cash market.
- 4.7 As part of its role as lead regulator for monitoring and enforcing cash access, the government also considers that the FCA should be given statutory responsibilities for ensuring that cash access points provide 'reasonable access' for cash users in order to qualify for meeting geographic requirements.
- 4.8 In assessing whether cash facilities qualify as providing 'reasonable access', the FCA would be expected to set out considerations in regulatory rules. These considerations are expected to reflect existing standards of cash access and include:
- appropriateness of facilities for vulnerable users, including considerations such as cost for end users
  - security – for depositing facilities in particular, which may involve larger amounts, it is important customers can transact securely
  - hours of availability
  - accessibility – for example for disabled people

- 4.9 The government considers that giving the FCA discretion to set out how such standards are to be met in its rules will help to ensure flexibility in responding to changes in the needs of cash users over time. It is considered that this approach will better allow for new innovative solutions to be implemented in future, and for local and idiosyncratic factors to be taken into consideration as appropriate. The FCA’s responsibilities could potentially extend to circumstances where geographic requirements are being met at a national level, but a particular local population has an unmet need for access to cash. This approach would allow the FCA to address specific ‘cold spots’ by requiring the additional provision of cash facilities for the remaining parts of the population not covered by the minimum geographic requirements.
- 4.10 In the Call for Evidence, the government stated that in making the FCA lead regulator for cash, it “intends that the PSR and Bank of England [will] continue with their existing functions to support the delivery of requirements to address consumer and SME needs regarding the retail distribution of cash”. The government maintains this position and notes that ongoing coordination between competent authorities continues to be paramount for a coherent and effective approach to managing cash access needs. In particular, the FCA and PSR must be closely engaged in advancing cash access objectives, given the PSR’s responsibilities for regulating LINK and other designated payment systems that have an ATM network.
- 4.11 Coordinated actions by the FCA and PSR on cash as part of the COVID-19 response have shown that joint working, at both strategic and operational levels, is working effectively within the existing powers and responsibilities relating to cash. In addition, the PSR, FCA, Prudential Regulation Authority and Bank of England are already obliged to maintain a Memorandum of Understanding (MoU) under the ‘Financial Services (Banking Reform) Act 2013’, which sets out the high-level framework the authorities use to cooperate with one another in relation to payment systems in the UK.<sup>1</sup>
- 4.12 The government considers that ensuring an appropriate MoU is in place for the purposes of advancing access to cash objectives is an appropriate mechanism for the regulators to co-ordinate with each other.

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<sup>1</sup> [Financial Services \(Banking Reform\) Act 2013](#).

## Questions:

Question 8: Do you agree that the FCA should be the lead regulator for monitoring and enforcing requirements on access to cash?

Question 9: Do you agree with giving the FCA discretion on additional requirements for qualifying cash facilities?

Question 10: Are there any other factors, beyond those listed, that the FCA should consider as part of evaluating qualifying cash facilities?

Question 11: If geographic requirements are being met at a national level, do you think there are any circumstances in which the FCA should nevertheless be able to intervene at a local level?

Question 12: Do you have any other views regarding the future role of the regulators in protecting cash?

# Chapter 5

## Responding to this consultation

- 5.1 This consultation will remain open on 1<sup>st</sup> July 2021 for 12 weeks, and close at 11:59pm on 23<sup>rd</sup> September 2021. The government is seeking views through this consultation to inform legislation on access to cash.
- 5.2 Following the consultation, the government will provide a summary of responses and will set out next steps for its work on cash access, including delivering the commitment made at Budget 2020 to bring forward legislation to protect access to cash.

### Who should respond?

- 5.3 A range of groups will be interested in the questions and evidence presented. The government welcomes responses from all stakeholders, including:
- consumer groups
  - payment institutions and providers
  - financial institutions
  - ATM providers
  - businesses

### When and how to submit responses

- 5.4 This consultation will remain open for 12 weeks, and close on 23<sup>rd</sup> September 2021.
- 5.5 Please submit responses to: [accesstocashconsultation@hmtreasury.gov.uk](mailto:accesstocashconsultation@hmtreasury.gov.uk)
- 5.6 Alternatively, responses can be submitted to:
- Access to Cash Consultation  
Payments and Fintech Team  
HM Treasury  
1 Horse Guards Road  
SW1A 2HQ

### HM Treasury Consultation: Access to Cash - Processing of Personal Data

- 5.7 This notice sets out how HM Treasury will use your personal data for the purposes of HM Treasury's Access to Cash consultation and explains your rights under the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

### Your data (Data Subject Categories)

- 5.8 The personal information relates to you as either a member of the public, parliamentarians, and representatives of organisations or companies.

### The data we collect (Data Categories)

- 5.9 Information may include your name, address, email address, job title, and employer of the correspondent, as well as your opinions. It is possible that you will volunteer additional identifying information about yourself or third parties.

### Legal basis of processing

- 5.10 The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in HM Treasury. For the purpose of this consultation the task is consulting on departmental policies or proposals or obtaining opinion data in order to develop good effective Government policies.

### Special categories data

- 5.11 Any of the categories of special category data may be processed if such data is volunteered by the respondent

### Legal basis for processing special category data

- 5.12 Where special category data is volunteered by you (the data subject), the legal basis relied upon for processing it is: the processing is necessary for reasons of substantial public interest for the exercise of a function of the Crown, a Minister of the Crown, or a Government department.
- 5.13 This function is consulting on departmental policies or proposals, or obtaining opinion data, to develop good effective policies.

### Purpose

- 5.14 The personal information is processed for the purpose of obtaining the opinions of members of the public and representatives of organisations and companies, about departmental policies, proposals, or generally to obtain public opinion data on an issue of public interest.

### Who we share your responses with

- 5.15 Information provided in response to a consultation may be published or disclosed in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004 (EIR).
- 5.16 If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals with, amongst other things, obligations of confidence.
- 5.17 In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on HM Treasury.

- 5.18 Where someone submits special category personal data or personal data about third parties, we will endeavour to delete that data before publication takes place.
- 5.19 Where information about respondents is not published, it may be shared with officials within other public bodies involved in this consultation process to assist us in developing the policies to which it relates. Examples of these public bodies appear at: <https://www.gov.uk/Government/organisations>
- 5.20 As the personal information is stored on our IT infrastructure, it will be accessible to our IT contractor, NTT. NTT will only process this data for our purposes and in fulfilment with the contractual obligations they have with us.

### How long we will hold your data (Retention)

- 5.21 Personal information in responses to consultations will generally be published and therefore retained indefinitely as a historic record under the Public Records Act 1958.
- 5.22 Personal information in responses that is not published will be retained for three calendar years after the consultation has concluded.

### Your Rights

- You have the right to request information about how your personal data are processed and to request a copy of that personal data.
- You have the right to request that any inaccuracies in your personal data are rectified without delay.
- You have the right to request that your personal data are erased if there is no longer a justification for them to be processed.
- You have the right, in certain circumstances (for example, where accuracy is contested), to request that the processing of your personal data is restricted.
- You have the right to object to the processing of your personal data where it is processed for direct marketing purposes.
- You have the right to data portability, which allows your data to be copied or transferred from one IT environment to another.

### How to submit a Data Subject Access Request (DSAR)

- 5.23 To request access to personal data that HM Treasury holds about you, contact:

HM Treasury Data Protection Unit

G11 Orange

1 Horse Guards Road

London

SW1A 2HQ

[dsar@hmtreasury.gov.uk](mailto:dsar@hmtreasury.gov.uk)

## Complaints

5.24 If you have any concerns about the use of your personal data, please contact us via this mailbox: [privacy@hmtreasury.gov.uk](mailto:privacy@hmtreasury.gov.uk)

5.25 If we are unable to address your concerns to your satisfaction, you can make a complaint to the Information Commissioner, the UK's independent regulator for data protection. The Information Commissioner can be contacted at:

Information Commissioner's Office

Wycliffe House

Water Lane

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5.26 Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

## HM Treasury contacts

This document can be downloaded from [www.gov.uk](http://www.gov.uk)

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