

Data Protection Notice

General Data Protection information applicable to all Department of Agriculture, Food and the Marine customers is available here:

<https://www.gov.ie/en/organisation-information/ef9f6-data-protection/>

The following data is specific information in relation to the personal data processed for the AgriSnap app

1. Information and Data Protection

The following information relates to the processing of personal data under the AgriSnap app. AgriSnap is a geo-tagged photograph application (app) for use on smartphone and other mobile or electronic devices. The app will enable farmers and advisors/consultants to take geo-tagged photographs using their smartphone and submit them and associated data to the Department securely through the app.

This sets out the ways in which the Department of Agriculture, Food and the Marine (the Department) collects, stores and uses personal data. Such data may be received directly from data subjects, authorised agents acting on their behalf or indirectly from third parties where there is a legal basis to do so.

The rights of data subjects may be exercised pursuant to the Data Protection Acts 1988 to 2018 and the General Data Protection Regulation and The Data Sharing and Governance Act 2019. Further information in respect of data protection may be accessed on the Department's website: <https://www.gov.ie/en/organisation-information/ef9f6-data-protection/>

2. Specified purpose:

The personal data sought from applicants is required for the purpose of submitting a geo-tagged photograph to support their scheme application. Failure to provide all the personal data required to facilitate the processing of the application, under this scheme will result in the Department being unable to process the application further. Failure to provide certain information required under the terms and conditions of this scheme may result in the necessity to repay monies already paid under this scheme.

The purpose for the processing of personal data is to, among other things, receive, analyse and process data from applicants. To communicate with applicants and/or their authorised FAS advisors and where applicable other authorised third parties. To subsequently receive and process the data of the approved participants for the fulfilment of their applications and make payments to them.

The Department of Agriculture, Food and the Marine may also use data submitted in an application under this scheme for the purposes of facilitating the processing of an application for

participation in other related area-based schemes operated by the Department or where a compatible purpose exist.

The following is a non-exhaustive list of the current schemes proposed, which is subject to amendment:

- Basic Income Support for Sustainability (BISS)
- Eco Scheme
- Coupled Income Support for Protein Aid
- Agri-Climate Rural Environment Scheme (ACRES)
- Straw Incorporation Measure (SIM)
- Organic Farming Scheme (OFS)
- Areas Facing Natural Constraints (ANC)
- Suckler Carbon Efficiency Programme (SCEP)
- Dairy Beef Welfare Scheme
- Sheep Improvement Scheme
- Knowledge Transfer Programme (KT)

The following is a non-exhaustive list of other area-based schemes, which is subject to amendment

- Fodder Support Scheme
- Tillage Incentive Scheme
- Protein Aid Combi Crop Measure

The operation of this scheme may also result in the sharing of data, where required, within the Department. This is to facilitate, among other things, the fulfilment of the obligations placed on Member States, including Ireland, and objectives of the CAP Strategic Plan (CSP). This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes. The use of the data in this way is considered compatible with its original purpose of collection.

3. Legal basis:

Article 6(1)(c) of the General Data Protection regulation (GDPR) provides for processing of personal data where it is necessary for compliance with a legal obligation to which the controller is subject; while Article 6(1)(e) provides for processing of personal data where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

The AgriSnap app is implemented pursuant to the CAP EU Regulations, including Regulation (EU) 2021/2116 of the European Parliament and of the Council, Implementing Regulation (EU) No 809/2014 which allowed Member States the option to use data from the EU's Copernicus Sentinel satellites and other Earth observation data as evidence when checking farmers' fulfilment of requirements under the CAP for area-based payments. This amendment to the Regulation also allowed for other forms of evidence such as geo-tagged photos and relevant supporting documentation from farmers, such as seed labels to be accepted by the Paying Agency. As well as relevant secondary legislation, Ireland's CAP Strategic Plan, it's Strategic Environmental Assessment and Appropriate Assessment and is operated by the Department. Article 151 (1) of Regulation (EU) 2021/2115 and Article 101 of Regulation (EU) 2021/2116 (Processing and

Protection of Personal Data), places a legal obligation on Member States to collect personal data to facilitate the implementation of the CAP Strategic Plan.

The Department may, for the purpose of aiding administrative efficiencies, use existing customer data for other purposes such as to claim and receive payments under CSP Schemes. The use of the data in this way is considered compatible with its original purpose of collection.

The proposed further processing of the personal data for the purpose of AgiriSnap is considered compatible with its original purpose of collection, this includes the making of payments in respect of participation in schemes administered by the Department funded under the Common Agricultural Policy (CAP). This is to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP). This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes.

4. Recipients and data sharing:

As noted in the “Specified purpose” section above, information and personal data provided as part of this scheme may be shared with other Divisions within the Department for the purposes of aiding administrative efficiencies when processing other related scheme applications. This sharing shall be done in compliance with the CSP legislative framework and relevant data protection legislation.

The purpose of this sharing of data is to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP). This includes, but is not limited to management, control and audit purposes, monitoring and evaluation purposes, cross compliance controls, controls relating to the legislation underpinning cross compliance and all Rural Development measures, as required by Article 65 of Commission Implementing Regulation (EU) 809/2014 and for the performance of the CAP Strategic Plan as required by Article 128 of Regulation (EU) 2021/2115 of the European Parliament and of the Council. Also, personal data may be released as required by relevant Data Protection legislation and the Freedom of Information Act 2014.

Personal data may be used for, among other things, statistical, research and analysis purposes in some circumstances, but will only be done so in compliance with the Data Protection legislation and the legislative measures under the CSP. Data used for such purposes will be anonymised, as appropriate, to protect to the security and confidentiality of the data. The use of the data in this way may facilitate the Department in informing policy decisions into the future, which would benefit the Irish farmer and the Agriculture Sector.

The Department is also currently obliged by law to provide information concerning applicants in response to requests received from the Office of the Revenue Commissioners, An Garda Síochana, and other bodies and this will take place in accordance with Data Protection legislation.

5. Publication of data

N/A

6. Transferred outside the EU:

Personal data, in respect of an application under this scheme, will not be transferred outside of the EU.

7. Retention period:

Personal data in respect of an application under this scheme will be retained by the Department for 7 years plus the current scheme year. After this time, it will be marked for destruction and will be destroyed in line with internal guidelines or guidelines for destruction received from the National Archives Office or associated permissions received from them.

8. Data provision being statutory obligation:

The data provided for this purpose is being requested under the requirements of the CAP (EU) Regulations 2021/2115, 2021/2116 including relevant secondary legislation, as well as the CAP Strategic Plan, its Strategic Environmental Assessment, and Appropriate Assessment. If the applicant chooses not to provide necessary relevant information their application for this scheme cannot be processed further.

9. Automated decision making, including profiling:

There is no automated decision making or profiling.

10. Information from third parties:

Data may be provided to this Department by a third party on behalf of an applicant, for example a FAS Advisor, where it can be shown that authorisation has been given by the applicant for this to take place.

In addition, the Department may be in receipt of data from third parties, to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP) and other legislative provisions. This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes.

11. Technical information on cookie data:

Technical information on the cookies used on the Gov.ie website is available at the following link:
<https://www.gov.ie/en/help/privacy-policy/?section=cookies>