

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/>

Information specific to the personal data being collected:

The following data is specific information in relation to the personal data processed for European Innovation Partnership (EIP) Project on Losses of Nutrients from Agricultural Lands to Water – aka Water EIP

1. Specified purpose:

The personal data sought from you, or previously furnished by you, the participant, is required for the purpose of participating in the Water EIP, and for ongoing processing of your agreement under the scheme.

You will not be eligible to participate in the project if you do not submit all of the personal information needed to do so.

Failure to provide certain information which you are required to provide under the Terms and Conditions of the project may result in the necessity to repay monies already paid under the project.

You should consult the Terms & Conditions and Specification of the project in this regard.

Personal Data received will be compared to data that DAFM already have in order to determine eligibility for the project.

Personal data may be used for statistical, research and analysis purposes in some circumstances, but data used for such purposes will be pseudonymised (masked) or anonymised, as appropriate, to protect to the security and confidentiality of the data.

The Department will use existing customer data held for the purpose of aiding administrative efficiencies and the use of the data in this way is considered compatible with its original purpose of collection.

Further to this, the operation of the project may result in the sharing of data, where required, within the Department. This includes cross checks with other schemes to establish eligibility for payment under the Water EIP Project. Sharing will be done in a manner compatible with the purpose for which the data was collected.

The Water EIP has its own legal basis as outlined under their own Terms and Conditions. The following is a non-exhaustive list of the schemes which could potentially be cross checked:

- Agri-Climate Rural Environment Scheme (ACRES - General & CP)

- Basic Income Support for Sustainability (BISS).
- Capital Investment Scheme (CIS)
- Eco Scheme
- Land Parcel Identification System
- Locally Led Agri-Environment Schemes
- Targeted Agricultural Modernisation Schemes (TAMS)

2. Legal basis:

The European Innovation Partnerships Initiative (EIP - AGRI) under the Rural Development Programme 2014-2020 (RDP) as extended, and the CAP Strategic Plan 2023 – 2027 (CSP) comes under the remit of Council Regulation (EU) 1305/2013 of the European Parliament and of the Council and Council Regulation (EU) 2021/2115 & EU 2021/2116 of the European Parliament and of the Council respectively and related secondary legislation and guidance notes. This co-operation measure is under Article 35(1) and Article 77(1) of those regulations respectively.

Article 6(1)(c) of the General Data Protection regulation (GDPR) provides for processing where it is necessary for compliance with a legal obligation to which the controller is subject; while Article 6(1)(e) provides for processing 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 proposed processing of the personal data for the purpose of the Water EIP will be done in a manner compatible with the purpose for which the data was collected, e.g. for the making of payments in respect of participation in Schemes administered by this Department funded under the Common Agricultural Policy (CAP) 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 the Water EIP areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes.

3. Recipients:

As noted in section 1 above, information provided as part of an application under the Water EIP may be shared with other Divisions within the Department, for the purposes of processing payment applications in a timely and efficient manner. This sharing shall be done in compliance with the CSP legislative framework and relevant data protection legislation. In addition, when a Water EIP application is submitted, some personal data may be made available to other Government Departments/Agencies/Local Authorities/contracted parties/LIFE Projects, but only where there is a valid legal basis to do so. Where appropriate, a Data Sharing Agreement will be put in place. 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 information may be released under the terms of the relevant Data Protection legislation in force 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 pseudonymised (masked) or 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. As part of the Water EIP, applicants approved into the programme may be requested by the Department or relevant agents acting on its behalf, to supply data in relation to their participation to the programme, and facilitate on-farm inspections/assessments, where required for the purpose of assessment, verification, evaluation or research purposes as provided for under the Regulations (EU Regulation 2021/2115 and EU Regulation 2021/2116). Not to supply such information may invalidate/cancel the application.

The Operational Group has been established to run the project and they will have access to the personal data associated with the project. The Operational Group is contracted to DAFM to manage the project and can only use this personal data in accordance with the Service Level Agreement.

4. Transferred outside the EU:

The Data will not be transferred outside the EU.

5. Retention Period:

DAFM will keep the data provided by the data subject in support of their application to participate in the Water EIP for the duration of the project, as well as for an additional six years or longer if required by the Department for audit purposes. 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.

6. Data provision being statutory or contractual 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 customer chooses not to provide necessary relevant information their application/contract for the Water EIP cannot be processed further.

7. Automated Decision Making:

Personal data provided in the submission of an application under the Water EIP will be processed automatically for the purpose of the efficient running of the project, and the timely payment of participants. Automated decision making may be used for the purposes of selecting participants for inspection in accordance with the CSP legislative framework and relevant data protection law.

8. Information from Third Party:

Data may be provided to DAFM by a third party on behalf of the individual, for example their agricultural advisor. This Agent has been authorised to do this by the individual and this is recorded on DAFM systems.

In addition, the Department may be in receipt of data from third parties, to facilitate, among other things, the fulfilment of the obligation placed on Member States and objectives of the RDP and 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.

9. Information shared with LAWPRO for Water EIP participants:

The Water EIP will be managed by LAWPRO. LAWPRO are the lead partner of Operational Group contracted to manage this project on behalf of DAFM. The OG will have access to the personal data but can only use it for Water EIP purposes. LAWPRO will lead an independent multi-disciplinary team with input from experts such as, but not limited to, ecologists, hydrologists, ornithologists, project team leaders and admin staff. There will be oversight by the Department through its participation in the LAWPRO Oversight Committee and the Water EIP Strategic Oversight Committee. The participant farmers will engage and assist with the completion of farm plans. LAWPRO will therefore receive, analyse, and process data from participants, communicate with them or their advisors and subsequently receive and process the data of the approved participants for the duration of their contracts. The overall objective of the Water EIP itself is to contribute to a range of objectives as outlined in the CAP. Data, including farmer's personal information (name, contact details, land information etc) will be shared by the Department with LAWPRO. LAWPRO may also upload documents, photos, and other media in relation to a participant to LAWPRO's own IT system, or the Department's systems, to enable the processing of the participants payments.

10. Technical information on data collected:

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>