



Data Protection Notice:

Part A:

Information applicable to all Department of Agriculture, Food and the Marine customers:

1. The Department of Agriculture, Food and the Marine is fully committed to keeping all personal data submitted by its customers, fully safe and secure during administrative processes. All necessary technical measures have been put in place to ensure the safety and security of the systems which hold this data. Department staff are also considered as customers of the Department from a Data Protection perspective and may exercise their data protection rights in the same way.
2. Transparency and openness in the use of personal data held is important to the Department and therefore we aim to fully inform all our customers about the purpose(s) for which their data will be used and why, where it may be shared elsewhere, and why and how long their data may be held by the Department. Information on the rights of customers will also be provided.
3. The current legislation for Data Protection in Ireland is the Data Protection Act 1998 as amended by the 2003 Data Protection Act. The General Data Protection Regulations (EU 2016/679) will come into effect on 25 May 2018.
4. The Data Controller for the collection and processing of all personal data in the Department of Agriculture, Food and the Marine is the Department itself, as a legal entity.
5. The Data Protection Officer can be contacted as follows:

Data Protection Officer

Data Protection Unit, Corporate Affairs
Department of Agriculture, Food and the Marine
Grattan Business Park, Dublin Road,
Portlaoise, Co Laois.
Email: dataprotectionofficer@agriculture.gov.ie

6. Personal data processed by the Department will only be used for the specific purpose(s) as outlined when the data is collected, or in later communications, and will only be used in accordance with the Data Protection legislation in force.

7. Rights of the individual in relation to personal data held by the Department:
When you, as a customer, provide personal data to the Department you have certain rights available to you in relation to that data. These rights are outlined below and can be exercised by contacting the Data Protection Officer, as detailed above, indicating which right(s) you wish to exercise:

Currently our customers have the following rights (up to 24 May 2018):

- access to their data
- rectification of their data
- erasure of their data
- right to lodge a complaint with the Supervisory Authority

From 25 May 2018 onwards all Department customers will also have the following additional rights:

- restriction of processing
- data portability
- objection to processing
- withdraw consent if they previously gave it in relation to processing of their personal data
- relating to automated decision making, including profiling

Part B – Information specific to the personal data being collected

The following information is specific to the personal data processed for *Aquaculture and Foreshore Licence applications*:

8. Specified purpose:

The personal data sought from you, the applicant, is required for the purpose of making a determination on an application for an Aquaculture and Foreshore licence. Failure to provide all the personal data required to facilitate the processing of the application, including data testing, will result in the Department being unable to process the application.

9. Legal basis:

Applications for Aquaculture and Foreshore Licences are processed pursuant to the following legislation:

Fisheries (Amendment) Act 1997 (as amended)

Foreshore Act 1933 (as amended)

S.I. No. 236/1998 - Aquaculture (Licence Application) Regulations, 1998 (as amended)

S.I. No. 270-1998 - Aquaculture (Licence Application and Licence Fees) Regulations, 1998

EU Habitats Directive of 92/43/EEC

EU Birds Directive 79/409/EEC

Consolidated Environmental Impact Assessment Directive 2011/92/EU and Directive 2014/52/EU

Public Participation Directive (Aarhus Convention)

10. Recipients:

If an Environmental Impact Assessment (EIA) Screening is required, the above legislation provides that the following agencies will participate and are provided with details of your application as part of this process:

- Bord Iascaigh Mhara
- Marine Institute.

The following consultees are contacted by the Department to provide observations on your licence application:

- Bord Iascaigh Mhara
- Marine Institute
- the Minister for Culture, Heritage and the Gaeltacht
- the Minister for Housing, Planning and Local Government
- the Minister for Communications, Climate Action and Environment
- Udaras na Gaeltachta, if the proposed aquaculture is to take place in, or contiguous to, its functional area
- the Local Authority, within whose functional area, or contiguous to whose functional area, the proposed aquaculture is to take place
- Fáilte Éireann
- Inland Fisheries Ireland (IFI)
- the Commissioners of Irish Lights
- An Taisce - The National Trust for Ireland
- a Harbour Authority within the meaning of the Harbours Act, 1946, or a company established under the Harbours Act, 1996, as appropriate, if the proposed aquaculture is to take place in, or contiguous to, its functional area.
- Irish Water
- Sea Fisheries Protection Authority
- Marine Survey Office of the Minister for Transport, Tourism and Sport.

Details pertaining to your aquaculture and foreshore licence application, and the determination, are published in local newspapers, *Iris Oifigiúil*, and on the Department's website, as required under the Public Participation Directive (Aarhus Convention).

Aquaculture Licences Appeals Board (ALAB)

In the event of the Aquaculture Licences Appeals Board (ALAB) receiving an appeal of the Minister's decision on whether or not to grant you an aquaculture and foreshore licence, your file, containing personal details, will be forwarded by the Department to ALAB to make a decision on the appeal.

The Aquaculture Licences Appeals Board is an independent authority for the determination of appeals against decisions of the Minister on aquaculture licence applications.

11. Transferred outside the EU:

Information you provide as part of your Aquaculture and Foreshore licence application is not currently transmitted outside of the EU.

12. Retention Period:

The data collected for this purpose will be held by the Department only as long as the legal purpose(s) for which it was collected apply. After this time it will be marked for destruction in accordance with legal obligations under the National Archives Act 1986, and associated permissions received from the National Archives Office in this regard.

13. Data provision being statutory or contractual obligation:

The data provided for this purpose is requested under the requirements of the following legislation:

Fisheries (Amendment) Act 1997 (as amended)

Foreshore Act 1933 (as amended)

S.I. No. 236/1998 - Aquaculture (Licence Application) Regulations, 1998 (as amended)

S.I. No. 270-1998 - Aquaculture (Licence Application and Licence Fees) Regulations, 1998

EU Habitats Directive of 92/43/EEC

EU Birds Directive 79/409/EEC

Consolidated Environmental Impact Assessment Directive 2011/92/EU and Directive 2014/52/EU

Public Participation Directive (Aarhus Convention)

The client is obliged under law to provide this information to enable the Aquaculture and Foreshore Management Division to process applications for Aquaculture and Foreshore licences.

If the customer chooses not to provide this information the application for Aquaculture and Foreshore licences cannot proceed.

14. Automated Decision Making:

Not applicable.

15. Information from Third Party:

Personal data in relation to an Aquaculture and Foreshore licence application is obtained from the applicant in line with this Department's requirement to process your application in accordance with applicable legislation. In circumstances where this Department did not gather your personal data you are still entitled to exercise your rights in relation to this personal data and the details on how to exercise individuals rights are detailed above.

16. Technical information on data collected:

Technical information on the cookies used on our Department's website is available at the following link: <https://www.agriculture.gov.ie/legalnotices/privacy/>