

# Privacy Notice for the Purpose of Data Collection for ERDF

The UK is updating its data protection legislation and it will come into force on 25 May 2018. The new laws aim to update current data protection legislation including the Data Protection Act 1998, increase the privacy protection of all UK and EU citizens and reduce the risk of data breaches. It will apply to all public and private organisations processing personal data.

The EU Common Provisions Regulations (CPR), and Article 6 of the European Regional Development Fund (ERDF) Regulation require the Ministry for Housing Communities and Local Government (MHCLG), as the managing authority for the programme, to monitor and evaluate ERDF-funded activities. In order to conduct monitoring and evaluation (including the summative assessment) and to ensure compliance, the collection of personal data is required.

## **Who is the data controller for ERDF personal data?**

The MHCLG ERDF Managing Authority is the controller for all personal data required to help deliver the ERDF programme under the terms of its ERDF Funding Agreement.

The MHCLG ERDF Managing Authority will be processing personal data in the ERDF programme according to the following lawful basis:

Article 6(1)(e) of the EU General Data Protection Regulation (GDPR)

‘processing 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 lawful basis for controlling or processing ‘special category’ data under ERDF is:

Article 9(2)(g) GDPR

“processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;”

## **What personal data will be collected?**

Depending on the nature of activities of the ERDF-funded project and the indicators listed under each activity, the following information for each direct or indirect beneficiary where these are individuals **may** be collected:

- Name of contact point within a business (in some cases property owner) engaged with or individual engaged with;
- Address
- Postcode
- Phone number
- Ethnicity
- Disability
- Email address
- Labour market status prior to receiving support and 6 months after receiving support
- Duration of support
- Intensity of support
- Pay details

MHCLG may collect special category data on ethnicity and disability.

#### **Who will my personal data be shared with and how will it be used?**

Your details will be stored securely and retained in compliance with GDPR and the new Data Protection Act. This information will be used to evaluate this project and to report to the European Regional Development Fund for monitoring and evaluation purposes.

Your details will be used to support the ERDF programme research and evaluation activities. MHCLG will need to share all or some of your personal data with the national evaluator of the ERDF programme. In some cases, the national evaluator, i.e. independent external contractors commissioned by DCLG, may use the contact details to contact a sample of direct or indirect beneficiaries for the purpose of the National Evaluation of the programme. It is likely that the survey methodology will need to incorporate a variety of approaches in order to maximise the survey response rate (for example, telephone survey, written survey, and e-mail survey) – hence the need for a variety of contact details required for each participant. MHCLG may also need to share with other government departments and the European Commission where this is necessary to test the robustness of the data gathered or to inform the National Evaluation.

MHCLG will not give any personal data to any other organisation unless needed for the purpose of the evaluation and will instruct them not to use it to contact individuals for any reasons not connected with the purpose of the National Evaluation of the ERDF programme 2014-2020 or other matters directly relating to the evaluation. If MHCLG has to pass on the data, it will only provide what is



needed, and if possible will remove the details that might identify individuals personally. MCHLG will not transfer personal data outside the European Union, to third countries or international organisations.

MHCLG will not keep your personal data for longer than it needs but as a minimum, will retain data for two years after the closure of the 2014-2020 ERDF programme in line with the European Regional Development Fund document retention guidance to ensure MHCLG meets reporting obligations and to demonstrate compliance with EU Requirements.

### **Individual's rights**

ERDF participants cannot claim the following rights in terms of ERDF personal data:

- right to erasure ("right to be forgotten")
- right to portability of their data

The data collected is your personal data, and you have the right, subject to lawful data requirements:

- to see what data we have about you;
- to ask us to stop using your data;
- to ask us to delete your data, or to correct your data if there is no longer a justification to process it;
- to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law.

### **Automated decision making**

Your personal data will not be subjected to automated decision making

### **Contact Details**

You can contact the ICO at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Tel: 0303 123 1113

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

If you would like further information about the programme and your personal information please contact the ERDF Programme at: [esif@communities.gsi.gov.uk](mailto:esif@communities.gsi.gov.uk)