**Financial Assistance Statutory Instrument Consultation Invitation Privacy statement**

We are required to inform you about the processing of your personal data when you respond to this consultation.

 Defra’s Personal Information Charter is on the GOV.UK website at:

[https://www.gov.uk/government/organisations/department-for-environment-foodrural-affairs/about/personal-information-charter](https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs/about/personal-information-charter)

The personal data that Defra will process are: your name; the organisation you represent your email address; and any information in your responses to this consultation exercise consisting of your personal data.  Defra will use this information to: identify consultees and respondents to the consultation; contact you again if we need you to provide further information; conduct the consultation exercise; undertake analyses of the responses and assist us in developing and formulating government policy on matters within Defra’s remit.

Your participation in this consultation is voluntary and any response that you send would therefore be with your consent.   However, when Defra receives a response, the legal basis for the processing of any personal data is that the processing is necessary for the performance of a task carried out in the public (Article 6(1)(e) of the GDPR refers). The public interest task is ensuring that stakeholders are consulted and that they have the opportunity to provide their views for Defra to take into account when developing and formulating policies or legislation that will likely have an effect on the stakeholders’ interests.

Your personal data will not be shared or disclosed to any other party outside Defra without your explicit consent.

Defra will keep your response and any personal data it contains for 2 years after the consultation deadline for responses until all legal and other processes relating to the consultation and resultant decisions are completed and expiry of any relevant legal timescales.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA).  We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. 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 the Department.

Defra’s Data Protection Officer can be contacted by email at **data.protection@defra.gov.uk**

**1.Timing and duration of this consultation**

The consultation period will commence on **Tuesday 4th August** **2020** and will be open to responses for a period of four weeks. We welcome views from farmers, foresters, growers, and other land managers who have an interest in the Government’s future agricultural policy.

**The consultation period will end at midnight on Tuesday 1st September 2020.** We may not consider any responses received after that date.

To respond to this consultation please contact;

**FinancialAssistanceConsult@defra.gov.uk**

**2. Purpose of this document**

This document can be used to support responses to the consultation. It summarises the key questions, providing a structured format for responses.

**3. Your information**

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| --- |
| **Name** |
|  |
| **Organisation** |
|  |
| **Date Form Returned** |
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**Summary of Publishing Questions**

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| **Section 2.1 – Background**  |
| Q1 - Do you agree that in addition to the Grants Standard website, details of grant payments should be published on Defra’s own separate website?  |
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| **Section 2.2 – Publication of Beneficiary Data**  |
| Q2 - What type of information about payments would you find most helpful? A description of the individual grants or a description of the overall scheme purpose?  |
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| Q3 - Do you agree with the proposal to publish land management plans?  |
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| Q4 - Do you think that the land management plans should be published by Defra or uploaded by the responsible agreement holder to a public portal?  |
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| Q5- Is there anything else you would expect to be redacted, or conversely anything you would expect to be published?  |
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| Q6 - Do you have any other comments on our proposals on publishing information?  |
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| **Section 2.6 – When Will We Publish**  |
| Q7 - Do you agree to an annual reporting cycle?  |
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| Q8 - Would you find it helpful for Defra to publish data as a batch covering each financial year?  |
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| Q9 - Do you agree that individual LMPs should be published following the participant’s application being agreed and the first monthly payment being made, rather than in a single batch annually?  |
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| Q10 - Do you have any other comments on our proposals on the timing of publication? |
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| **Section 2.7 - How long should we retain beneficiary data on the publicly available DEFRA Database?**  |
| Q11 - Do you agree that prior year payment data is maintained in the Defra database for 2 years following publication? |
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| Q12 - Do you agree that LMPs should be retained in perpetuity?  |
|  |
| **Section 2.8 - De Minimis Q13 - Do you agree we should continue to use a de minimis, and that it should be set at the proposed level?**  |
| Q14 - Do you have any alternative suggestions to establish a de minimis? |
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| Q15 - Do you agree that all LMPs should be published irrespective of the size of the agreement? |
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**Summary of Enforcement Questions**

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| **Section 3.1 - Background**  |
| Q16 - Do you agree with our proposals for an enforcement approach based on risk-based targeting?  |
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| Q17 - Do you agree with our proposals for a more proportionate approach to enforcement?  |
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| **Section 3.2 - Information and monitoring**  |
| Q18 - Can you identify any difficulties with our proposed approach?  |
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| **Section 3.3 - Inspections and Powers of Entry**  |
| Q19 - Do you agree with our proposals on routine inspections (site visits)?  |
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| Q20 - Do you agree with our proposals where there is a suspicion of fraud or breach of conditions and the above powers for an inspection?  |
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| **Section 3.4 - Breaches**  |
| Q21 - Do you agree the proposed examples should constitute breach? Are there other circumstances you believe should be considered a breach?  |
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| Q22 - Do you agree with our proposed approach for pilot schemes? Q23 - Do you agree beneficiaries should be able to rectify the situation before sanctions are imposed?  |
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| Q24 - Do you think that account should be taken of exceptional circumstances, and should that be akin to “force majeure” or wider? Section 3.5 - Sanctions  |
|  |
| Q25 - Do you agree that agreement holders should be banned as described, including from other schemes?  |
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| Q26 - What period of time do you think this should be for?  |
|  |
| Q27 - Do you agree with the proposed method of calculating the interest rate for recoveries?  |
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| **Section 3.6 - Appeals**  |
| Q28 - Do you agree with the proposed basis on which an applicant or agreement holder might appeal?  |
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| Q29 - Do you agree with the proposed complaints process and that it must be exhausted before an appeal is made?  |
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| Q30 - What are your thoughts on the potential appeal processes outlined above? |
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| Q31 - Do you have any other comments on our proposals on appeals? |
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**Additional Questions**

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| If you have any additional questions or comments, please set them out here. Alternatively, please email FinancialAssistanceConsult@defra.gov.uk and we will respond as soon as possible |
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