

Department for Environment, Food and Rural Affairs

## Data protection (GDPR)

# Privacy Notice: Supermarket Referral Scheme

As part of the Government's action plan during the COVID-19 pandemic there has been a focus on ensuring that non-shielded vulnerable individuals in the community are able to access food suppliers, critical medicine and personal support.

This initiative is part of a series of activities aimed at helping non-shielded vulnerable individuals secure access to food. This group includes individuals unable to access food as they are self-isolating at home due to exposure to COVID-19 (or suspected exposure in the absence of verification through testing); individual unable to access food as they are following enhanced social distancing. This includes individuals outside the shielded group but with pre-existing health conditions or circumstances which mean they are at increased risk of severe illness from COVID-19; and individuals unable to access food due to COVID-19 impact on food delivery. This group includes disabled individuals and individuals with long-term health conditions (e.g. neurological conditions, mental health issues, physical disabilities, the blind and partially sighted etc.) who rely on food delivery via supermarkets or support networks, which may have been cut off due to increased delivery demand and/or their support network self-isolating / distancing.

This programme is only suitable for individuals who have an email account, have online access and can afford food but are unable to access it as a direct result of COVID-19, and who don't have anyone (friends, family, neighbours or community support) to help them.

The purpose of the supermarket referral scheme is to put non-shielded vulnerable individuals in contact with Tesco plc so they can secure an online delivery slot.

### **How we use your personal information**

Defra will receive the personal data you provide to your local authority provided you are eligible and that you are willing for them to share with Defra in accordance with this privacy notice. This data is downloaded securely by Tesco plc from Defra. Tesco plc will use this data to determine if you are an existing customer and so they can determine whether they are able to offer you a priority delivery slot for a food delivery by Tesco plc. Tesco plc will contact you directly by email or telephone to explain the process for allocating you a priority delivery slot or to assist you with setting-up an account. Tesco plc will let you know directly if they cannot offer you a prioritised delivery slot for any reason.

Tesco plc will inform Defra of the outcome of their matching activity. Tesco plc will advise whether the individual concerned has been matched, and offered the option to place an order or not matched and offered the opportunity to register as a customer and then subsequently offered the opportunity to place an order via a priority slot having become a customer.

Tesco plc will advise where customers have been matched but they have been unable to offer a prioritised slot due to logistical constraints (e.g. slots not available).

Defra will begin to share these outcomes with your local authority for reporting and to improve the service in the future.

Defra, your Local Authority and Tesco plc are independent data controllers for your personal data.

### **Purpose of this Privacy Notice**

This notice sets out how we will use your personal data as part of our legal obligations with regard to Data Protection. This notice is provided in accordance with Articles 12 and 14 of EU General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

Our personal information charter explains how we deal with your information. It also explains how you can ask to view, change or remove your information from our databases.

### **Who is collecting my data?**

Your data will be collected by your Local Authority and entered into a secure system run by Defra. Defra will consolidate all the data from all the Local Authorities participating in the scheme. Tesco plc will download this consolidated data to determine if you are an existing customer and to offer you a priority delivery slot if it is available.

### **What data are you collecting?**

The personal data you provide to your Local Authority (first name, surname, address, postcode, email address and phone number) will be entered into the system by your Local Authority advisor.

This data is encrypted by Defra and downloaded securely by Tesco plc so they can contact you directly via email or telephone to advise you how to access a Tesco plc prioritised delivery slot, or if necessary, to assist you with setting-up an account. Tesco plc will let you know if they cannot offer you a prioritised slot for any reason.

### **How do we keep your data secure?**

We have set up systems and processes to prevent unauthorised access or disclosure of your data - for example, we protect your data using varying levels of

encryption, we limit the number of individuals who have access to your data and use the minimum amount of data necessary to conduct the scheme effectively.

### **What is the legal basis for the processing?**

Legal bases for processing include:

Defra is relying on **Public Interest Task** (Article 6(1)(e) GDPR) as a legal basis for processing.

This should cover all the processing anticipated. To the extent, if at all, that the relevant public interest task does not apply we rely in the alternative on Article 6(1)(f) **legitimate interest** to share the personal information with the Local Authorities and Tesco plc.

Public interest task:

The relevant public functions/powers set out in law upon that Defra relies in respect of this basis for processing are:

s. 2A National Health Service Act 2006 ([LINK](#))

If, and to the extent that this does not extend to cover the case of any individual using the scheme, the residual common law powers of Ministers, which they would exercise for public benefit, to ensure that the cohort of vulnerable individuals described above have continued access to food during the Covid-19 crisis (see *Shrewsbury & Atcham Borough Council v Secretary of State for Communities and Local Government* [2008] EWCA Civ 148 - [LINK](#)).

Legitimate interests:

Defra recognises that there is a balancing exercise to be done in the use of legitimate interests as a legal basis for processing. This scheme will involve the data subject proactively seeking and asking for assistance to obtain food delivery through their Local Authority, meaning that this use of their personal data is well within what they would reasonably expect to happen to it. There is relatively little privacy impact on the individual of sharing minimal data (of their name and necessary contact details) to enable a food order to be placed online and delivered, when this is what the individual is actively seeking.

On the other hand, there is a compelling justification for providing a route through which an individual who may otherwise have trouble accessing food or accessing the food they need in case of particular dietary requirements, can do so. Given overall pressures on supermarket food delivery slots due to the current Covid-19 crisis, an individual who is reliant on food delivery may not otherwise be able to access it unless they receive prioritisation, and without a system to identify those who are most in need, the supermarket will be unable to give such prioritisation. Having considered this balancing act Defra believes that the sharing of the minimum amount

of personal individual data to ensure the individual is able to be offered a delivery slot and receive food from the supermarket is necessary and appropriate.

**Who your data may be shared with?**

Defra will share your personal data with Tesco plc. Tesco plc will only be able to use your data to facilitate you in obtaining a delivery slot they may share personal data where necessary to ensure the efficient functioning of the scheme. Defra will share your personal data with your local authority if and when necessary for the efficient functioning of the scheme – for example to ensure accurate reporting, to resolve issues and to ensure all those requesting help are provided with assistance.

**How long we will keep your data for?**

The retention period is currently a maximum of 18 months from date of the first transfer for both parties.

The service is designed to address an emergency situation so the retention period cannot be formally defined at this point in time. Retention criteria are being developed and will be shared and agreed between both parties.

In the absence of agreed criteria neither party shall retain or process Shared Personal Data for longer than is necessary to carry out the Agreed Purposes.

The parties shall continue to retain Shared Personal Data in accordance with any statutory or professional retention periods applicable in their respective countries and / or industry and not exceeding 18 months from first transfer.

Anonymised data may be held beyond the life- time of the project for statistical and research purposes only or as part of an audit process.

**What will happen if I don't provide the data?**

You will not be able to access the Tesco plc delivery slots reserved for non-shielding vulnerable individuals. Your Local Authority will discuss this situation with you and provide alternative assistance.

**Will my data be used for automated decision-making or profiling?**

The scheme does not require, nor will it use automated decision making or profiling.

**Will my data be transferred outside of the UK / EEA? If it is, how will it be protected?**

The data you provide will not be transferred outside of the UK / EEA.

**Your rights**

Article 14 of the GDPR specifically states that a data subject has a right to rectification and erasure (although the right to erasure isn't applicable where

processing is done on the basis of public task, it is applicable for legitimate interest). However, to provide best practice we will provide the data subject the right to rectification and erasure in this process

A list of your rights under the General Data Protection Regulation, and the Data Protection Act 2018 (DPA 2018), is accessible at:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

### **How do I complain?**

The Data Protection Officer is responsible for giving independent advice and monitors the Defra use of personal information. Any questions about how we are using your personal data and your associated rights should be sent to the below contact.

Data Protection Officer Defra Department for the Environment, Food and Rural Affairs 2 Marsham Street London SW1P 4DF

Email: [DefraGroupDataProtectionOfficer@defra.gov.uk](mailto:DefraGroupDataProtectionOfficer@defra.gov.uk)

Information Governance team, Telford & Wrekin Council, Darby House, Lawn Central Telford, TF3 4JA Telephone: 01952 382537

Email: [ig@telford.gov.uk](mailto:ig@telford.gov.uk)

You have the right to lodge a complaint with the ICO (supervisory authority) at any time. Should you wish to exercise that right full details are available at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>