

# **Sandeel Consultation Documents**

## **Data Protection Impact Assessment**

**July 2023**

# Data protection impact assessment (DPIA)

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## 1. Introduction

The purpose of this document is to report on and assess against any potential data protection risks as a result of the processing and publication of responses to a consultation on proposals to close fishing for sandeel in all Scottish waters.

## 2. Document metadata

Name of policy/project/initiative: Close fishing for sandeel in all Scottish waters.

Date of report: 24 April 2023

Version number: 1.0

Author of report: Clara Erso

Name of information asset owner (IAO) of relevant business unit: Caroline Cowan

Date for review of DPIA:

Review date	Details of update	Completion date	Approval Date
October 2023	Update section 3.2, 5.3 with the number of consultation responses received		

### 3. Description of the project and personal data

#### 3.1 Description of the work

In July 2023, the Marine Directorate of the Scottish Government will launch a public consultation seeking views on closing fishing for sandeel in all Scottish waters. The work is jointly managed by the marine species team and international fisheries team. A risk register is used to help monitor concerns regarding the project, and weekly meetings are held to discuss work and any issues that may be arising. Impact assessments are being carried out to ensure all procedures are followed.

The consultation will ask 6 questions, which are:

1. Do you support the preferred option to close fishing for sandeel in all of Scottish waters?
2. If your answer is no to question 1, do you have any views on alternative or complementary measures that could be considered in the longer-term for the protection of sandeel in Scottish waters (please see the SEA Environmental Report for alternatives)?
3. Is there any further evidence that should be considered in terms of the potential benefits or value of the preferred option that could be considered?
4. Is there any further evidence that should be considered to demonstrate any impact on island communities?
5. Do you have any comments on the assumptions made in the partial Business and Regulatory Impact Assessments (BRIA) concerning the costs and benefits of the option?
6. Do you have any comments on the SEA Environmental Report?

These questions have a free text response, with no text limit. Information on privacy and the handling of responses is included in the consultation document.

The consultation will be hosted on Citizen Space, the Scottish Government's digital platform for consultations, and published on the [Consultation Hub](#), enabling people to submit their response online. Citizen Space is managed by the Scottish Government's Digital Engagement Team. Consultations are also published on the Scottish Government website, enabling people to email or post a response to the relevant policy team.

#### 3.2 Personal data to be processed

Variable	Data Source	Number of data subjects (people)	Categories of data subjects	Data subjects relationship to controller
Name and/or organisation name	Citizen Space (online responses) Respondent Information Form (emailed responses)	<100 expected	Individuals, organisations	Stakeholders, interested parties, public sector service users, international parties
Email and/or postal address	Citizen Space (online responses)	<100 expected	Individuals, organisations	Stakeholders, interested

	Respondent Information Form (emailed responses)			parties, public sector service users, international parties
Whether a person is responding on behalf of an organisation, or issuing a response as an individual (if respondent is from an organisation, they are asked the type of organisation – retailer, public sector, manufacturer, etc.).	Citizen Space (online responses) Respondent Information Form (emailed responses)	<100 expected	Individuals, organisations	Stakeholders, interested parties, public sector service users, international parties
Any personal data included in the free text response.	Citizen Space (online responses) Respondent Information Form (emailed responses)	<100 expected	Individuals, organisations	Stakeholders, interested parties, public sector service users, international parties

### 3.3 How this data will be processed

During the data collection process, all respondents will be asked to provide information about themselves, either via the Citizen Space online platform or by completing the Respondent Information Form (RIF) if submitting a response via email.

The RIF asks respondents to state their publication preference as follows:

*The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:*

*Publish response with name*

*Publish response only (without name)*

*Do not publish response*

If individual respondents do not answer this question, the default position is not to publish their response.

If organisation respondents select 'do not publish' or do not answer this question, the organisation name may still be listed as having responded to the consultation.

Respondents are also asked to indicate whether they are content to be contacted again in the future by the Scottish Government in relation to this specific consultation exercise.

#### **Analysis of responses**

Responses will be analysed internally, external contractors will not have access to or be involved in the analysis of the consultation responses. Data will be transmitted electronically on password secured devices, and will only be accessible on the Scottish Government network.

#### **Publication of responses**

Following the close of the consultation, an outcome report will be published online. Responses will be published alongside this, where permission has been given to do so. The aim of this is to evidence the independent and robust analysis of the consultation responses that help to shape the policy surrounding sandeel fisheries.

Responses will be published in accordance with respondents' expressed publication preferences (see above). Before publication of responses, they will be checked for any personal data included in the free-text response to the consultation question, and any personally identifiable information will be removed.

Where respondents have given permission for their response to be published, with or without their name, and after the Scottish Government has redacted any defamatory content, consultation responses will be published at <http://consult.gov.scot>. The data being published is an opinion provided by members of the public at a set point in time, and therefore will not require being checked for accuracy or being kept up to date.

#### **Retention of data**

Responses will be stored in eRDM, and retained in line with the SG retention policy. As our policy dictates, a review will be carried out after 1 year to decide whether data still requires to be retained, and if there is no rationale to justify continuing to hold the data it will be destroyed. If data continues to be held, reviews will be held annually.

### **3.4 The purpose/purposes of the processing**

The purpose for processing this data is to gather opinions on the potential closure of fishing for sandeel in all Scottish waters, and to use these opinions to help develop policy.

#### 4. Data controllers and data processors/sub processors

##### 4.1 Data controllers

Organisation	Scottish Ministers
Activities	Devolved Government
Is the organisation a public authority or body as set out in Part 2, Chapter 2, Section 7 of the Data Protection Act 2018?	Yes
Lawful basis for processing under UK General Data Protection Regulation (UK GDPR) Article 6 for the collection and sharing of personal data – general processing  Please note relevant legislation if using lawful basis *public task”.	Public task  <a href="http://www.gov.scot">Public sector information regulations: statement of public task - gov.scot (www.gov.scot)</a>

##### 4.2 Data processors and sub processors

Organisation	Activity	Contract in place compliant with UK GDPR Art 28? Yes/No
Scottish Government	Data Processor Processing data – analysis and evaluation of responses generated	N/A
Scottish Government	Data Controller Controlling data – informing data subjects of processing, responding to data subjects rights requests, keeping personal data secure, managing breach incidents, maintaining accurate records of data processing activities, ensure compliance with the UKGDPR	N/A

## 5. Stakeholder analysis and consultation

### 5.1 Stakeholders

Group	Interest
Responding individuals	Data subjects. They are self-selecting respondents to the consultation.
Responding organisations	Data subjects. They are self-selecting respondents to the consultation.
Scottish Government	Funder, analysis, evaluation, governance, implementation.
Digital Engagement Team	Management of Citizen Space online platform, on which most consultation responses will be submitted.

### 5.2 Method used to consult with these groups when making the DPIA

Respondents to the consultation are provided with advice and options in regards to data storage and usage.

### 5.3 Data protection issues identified by these groups during consultation

### 5.4 Method used to communicate the outcomes of the DPIA

Intention is to publish the DPIA outcome online with the consultation

## **6. Questions to identify data protection issues**

### **6.1 Necessity**

The only personal data that is required to be submitted in order to complete the consultation is the respondent's email address, and whether they are responding as an individual or an organisation. Collecting a respondent's email address allows a confirmation of the consultation response to be sent, as well as a way for the respondent to access their response and change their answers whilst the consultation period is underway.

### **6.2 Proportionality**

Collection of email addresses is a minimally intrusive method of associating a response to an individual or an organisation. It also provides a service to respondents, who can revisit their submission and make amendments until the consultation closes.

### **6.3 Justification**

The consultation will help shape policy on the potential closure of sandeel fisheries in Scottish waters. Sandeels play a key role within the food web and by closing the fishery, the stock will be protected. Given the important of sandeel, closure of the sandeel fishery has the potential to bring about wide benefits to a range of species, including seabirds impacted by Highly Pathogenic Avian Influenza (HPAI), that will improve their resilience to changes in the marine environment.

## 7. UK General Data Protection Regulation (UK GDPR) principles

Principle	Compliant – Yes/No	Description of how you have complied
7.1 Principle 1 – fair and lawful (see 4.1), and transparent	Yes	The lawful basis for processing personal data is public task.
7.2 Principle 2 – purpose limitation	Yes	The data will be collected for specific purposes and will not be processed in a manner incompatible with those purposes. The purpose is clearly explained to respondents prior to responding.
7.3 Principle 3 – adequacy, relevance and data minimisation	Yes	The consultation will not gather information that is not necessary to achieve the project's objectives. Participants are able to input as much information as they would like to open questions, and are able to skip open questions.
7.4 Principle 4 – accurate, kept up to date, deletion	Yes	The data from the consultation does not need to be kept up to date as it represents the participants' views and circumstances at the point of collection. (See Principle 5 for deletion).
7.5 Principle 5 – kept for no longer than necessary, anonymization	Yes	Review measures will be in place to ensure that the data will be kept for no longer than is necessary. Reviews will take place annually, with data destroyed when its retention is no longer required.
7.6 UK GDPR Articles 12-22 – data subject rights	Yes	Data subject rights are outlined in the standard privacy policy linked to from the consultation document.
7.7 Principle 6 - security	Yes	Data will be protected from loss or unlawful processing using appropriate methods, including storing electronic data on password protected secure servers.
7.8 UK GDPR Article 44 - Personal data shall not be transferred to a country or territory outside the European Economic Area.	Yes	The data gathered is only expected to be transferred within the United Kingdom. The UK is not within the European Economic Area, however the data will not be transferred onward outwith the UK.

## 8. Data Protection Officer (DPO) advice

<Send your first draft DPIA to the IA&DP team for comments. Once they have been included, the team **may** pass the DPIA to the DPO who may give additional advice, if this is the case please indicate how this has been actioned, and provide an explanation of the reasons if the advice from the DPO was not actioned>

Advice from DPO	Action	Reason advice not actioned
N/A	N/A	DPIA did not pass to DPO.

## 9. Authorisation and publication

The DPIA report should be signed by your information asset owner (IAO). The IAO will be the Deputy Director or Head of Division.

- Before signing the DPIA report, an IAO should ensure that she/he is satisfied that the impact assessment is robust, has addressed all the relevant issues and that appropriate actions have been taken.
- By signing the DPIA report, the IAO is confirming that the impact of applying the policy/undertaking the project or initiative etc has been sufficiently assessed against the risk to individuals' rights and freedoms.
- The results of the impact assessment must be published in the eRDM with the phrase "DPIA report" and the name of the project or initiative in the title.
- Details of any relevant information asset must be added to the Information Asset Register, with a note that a DPIA has been conducted.

**I confirm that the impact of undertaking the consultation has been sufficiently assessed against the rights of the data subjects (people):**

Name and job title of a IAO or equivalent	Date each version authorised
Caro Cowan Deputy Director Marine Environment	24/4/23

## **Annex A - Consultation period and responses to the consultation**

**This consultation will run for 12 weeks, with a closing date for responses of 13 October 2023.**

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space <https://consult.gov.scot/>. Access and respond to this consultation online at <https://consult.gov.scot/marine-scotland/consultation-on-proposals-to-close-fishing/>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 13 October 2023.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form (Annex B) and return by email to [sandeelconsultation@gov.scot](mailto:sandeelconsultation@gov.scot).

### **Handling your response**

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see the privacy information below, and the Scottish Government privacy policy: <https://www.gov.scot/privacy/>.

### **Next steps in the process**

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

### **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above.

### **Scottish Government consultation process**

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post. Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for further policy development or review;
- inform the development of a particular policy;
- help inform decision making as between alternative policy proposals; or,
- be used to finalise legislation before it is implemented.

Final decisions on the issues under consideration will, if appropriate, also take account of a range of other factors, including other available information. While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process; consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

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## **Privacy policy**

### **Our contact details**

The Scottish Government is the data controller for the personal information we process. Personal data in relation to this consultation will be processed by the Marine Directorate.

Scottish Government  
St. Andrew's House  
Regent Road  
Edinburgh EH1 3DG

Email: [sandeelconsultation@gov.scot](mailto:sandeelconsultation@gov.scot)

### **The type of personal information we collect, and how and why we collect this information**

Through this consultation, we will collect and process the following information provided in responses submitted both through Citizen Space and Respondent Information Forms:

- Personal identifiers, contacts and characteristics (name and email address).
- Any additional personal data included in the free text response.

An email address is a required field as part of any response submitted through Citizen Space or a Respondent Information Form. The collection of an email address within the response allows a confirmation of the consultation response to be sent, and will allow you access your response and change your answers whilst the consultation period is underway.

Following the close of the consultation, an outcome report will be published online. Responses will be published alongside this, in accordance with respondents' expressed publication preferences. Before publication of responses, they will be checked for any personal data included in the free-text response to the consultation question, and any personally identifiable information will be removed.

Where respondents have given permission for their response to be published, with or without their name, and after the Scottish Government has redacted any defamatory content, consultation responses will be published at <http://consult.gov.scot>.

Under the UK General Data Protection Regulation (UK GDPR), the lawful bases we rely on for processing this information is that we need it to perform a public task.

## **How we store your personal information**

Your information will be securely stored, and retained in line with the Scottish Government retention policy. A review will be carried out after 1 year to decide whether data is still required to be retained, in order to evidence and/or inform policy decisions relating to the consultation. If there is no rationale to justify continuing to hold the data it will be destroyed. If data continues to be held, reviews will be held annually.

## **Your data protection rights**

Under data protection law, you have rights including:

Your right of access - You have the right to ask us for copies of your personal information.

Your right to rectification - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

Your right to restriction of processing - You have the right to ask us to restrict the processing of your personal information in certain circumstances.

Your right to object to processing - You have the right to object to the processing of your personal information in certain circumstances.

Your right to data portability - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact us at [dpa@gov.scot](mailto:dpa@gov.scot) if you wish to make a request.

## **How to complain**

If you have any concerns about our use of your personal information, you can make a complaint to us at The Scottish Government DPO.

The DPO's address:

Data Protection Officer  
Victoria Quay  
Commercial Street  
Edinburgh  
EH6 6QQ

Email: [DataProtectionOfficer@gov.scot](mailto:DataProtectionOfficer@gov.scot)

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.uk>

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and The Environmental Information (Scotland) Regulations 2004 and would therefore have to consider any request made to it under these Acts for information relating to responses made to this consultation exercise. In the event of a request for information under these Acts, personal details would be redacted.

If you have any comments about how this consultation exercise has been conducted, please send them to the same address as for your response.

## Annex B - Respondent Information Form

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email Address

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (without name)  
 Do not publish response

### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes  
 No



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