

The Bovine Viral Diarrhoea (Scotland) Order 2024

Data Protection Impact Assessment

November 2023

Data protection impact assessment (DPIA)

1. Introduction

The purpose of this document is to report on and assess against any potential data protection impacts as a result of the consultation on Phase 6 of the Bovine Viral Diarrhoea (BVD) Eradication Scheme.

2. Document metadata

2.1 Name of policy/project/initiative: Consultation on Phase 6 of the Bovine Viral Diarrhoea (BVD) Eradication Scheme.

2.2 Date of report: October 2023

2.3 Version number: 1.0

2.4 Author of report: Nathan Liddle

2.5 Name of information asset owner (IAO) of relevant business unit: Nathan Liddle

2.6 Date for review of DPIA

Review date	Details of update	Completion date	Approval Date
1 year from closing of the consultation	After 12 months, a review will take place to determine whether the data collected needs to be retained or destroyed. If it is decided that there is no rationale to justify continuing to hold the data, then it will be destroyed. If it is decided that there is justification to continue to hold the data then it can be held until a further review 12 months later.		

3. Description of the project and personal data

3.1 Description of the work

The BVD virus causes a complex of diseases in cattle. The most important of these can interfere with reproduction, affect unborn calves, and ultimately lead to fatal mucosal disease. The Scottish Government, together with industry, veterinary practitioners and scientific partners, is committed to eradicating BVD in Scotland. Since Phase 1 of our BVD eradication scheme was introduced in 2010, the level of BVD exposure in Scottish breeding herds has reduced from 40% to 9%.

To bring Scotland closer to BVD eradication, we have created new proposals for a new phase of the scheme. We are consulting on these proposals.

3.2 Specific Measures

The consultation relates specifically to proposals on:

- Introducing minimum proportion testing for the BVD Check Test
- Reducing the Compulsory BVD Investigation (CBI) compliance period
- Introducing veterinary certification after CBI
- Increasing the consequences of CBI non-compliance
- Incorporating BVD compliance in to single farm payments
- Increasing testing for calves of animals purchased in-calf (“Trojan cows”)
- Delaying BVD Positive herd restrictions
- Continuing no compulsory slaughter of PIs
- Introducing more obligations for non-breeding herds

Note this is not a change in policy or legislation, but a consultation on such measures.

Were the proposed changes implemented we would not gather additional types of data, but instead require more businesses to provide data that is already required of others. We would also use some data that we already collect for other purposes. We will carry out a full DPIA if the consultation dictates that changes to legislation are required.

On 15 November 2023, the Scottish Government will launch a public consultation seeking views on the proposals for Phase 6 of the BVD eradication scheme.

The consultation will comprise of 17 questions in a ‘Yes’ / ‘No’ / ‘Please explain your views format’

In addition, there are five general questions about the respondent and their preferences for the consultation.

The results of this consultation will be analysed internally by Scottish Government officials. The overall aim of the project is to provide a clear and concise report for publication, which reflects an robust analysis of the consultation responses, to inform the next stages of policy development.

3.3 Consultation Process

The consultation will commence on 15 November 2023 and runs for 12 weeks until 7 February 2024.

The consultation is being hosted on Citizen Space, the Scottish Government's digital platform for consultations. This enables people to submit their responses securely 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 too.

Measures are in place to ensure that data is collected, stored or transferred to and from the external researcher using secure technologies.

Where responses are not received via Citizen Space, these will be transferred directly to the researcher using secure means.

3.4 Governance

The consultation is overseen by the Scottish Government policy lead, who is supported by: their line manager and a Scottish Government Veterinary Advisor.

In addition, the Data Protection and Information Assets Team will provide expertise, as required, to ensure sufficient data protection measures are established and carried out.

3.5 Reporting

The Scottish Government is both the Data Controller and the Data Processor.

The policy lead is responsible for analysing the consultation responses and preparing a consultation report by March 2024, which will be published on the Scottish Government’s website later in 2024.

When the policy lead is given access to the dataset of responses, they will have access to the full respondent information provided by each respondent - e.g. name, contact details – as well as to their response.

The policy lead must ensure their methods do not contravene Data Protection law. Data Protection law means any law, statute, subordinate legislation, regulation, order, mandatory guidance or code of practice, judgement of a relevant court of law, or directives/ requirements of any regulatory body, which relates to the protection of individuals with regard to the processing of personal data. This includes the Data Protection Act 2018, as well as the European Parliament General Data Protection Regulation (GDPR) (EU) 2016/679 and repealing Directive 95/46/EC.

All staff involved in processing data will be aware of procedures for data security and privacy, to comply with UK GDPR. All project staff will know how to recognise a personal data breach and how to report suspected breaches in line with UK GDPR requirements. All third parties are asked to sign appropriate agreements to ensure that they comply with data protection legislation and information security.

3.6 Personal data to be processed

(NB: some or all of this data will be submitted by consultation respondents).

Variable	Data Source
Name	Citizen Space (online responses). Respondent Information Form (e mailed or postal responses).
Email Address	Citizen Space (online responses). Respondent Information Form (e mailed responses).

Phone Number	Respondent Information Form (e mailed or postal responses).
Postal Address	Respondent Information Form (postal responses).
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 (e mailed or postal responses).
Additional personal data (e.g. participant’s gender, age, marital status):	
- may be requested if this is specifically relevant to the consultation topic;	Citizen Space (online responses). Respondent Information Form (e mailed or postal responses).
- may be directly or indirectly provided in response to open questions in the consultation.	Consultation responses
Special category data - e.g. ethnic origin, health (status), politics. link to full list	Consultation responses

3.7 How this data will be processed

3.7.1 Data Controllers and Data Processors

Data Controller: The Scottish Government.
The Information Asset Owner is: Fiona Eddy

Data Processor: N/A

3.7.2 Data Subjects

The data subjects are the self-selecting respondents to the consultation. Responses may be submitted by both individual members of the public and by organisations. During the data collection process, all respondents are asked to provide information about themselves, either via the Citizen Space online platform or by completing a Respondent Information Form. This form 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.

3.7.3 Data Collection, Storage and Transfer

Data will be predominately collected from data subjects electronically via the Citizen Space online platform. Respondents may submit their response via post or email. Responses received via Citizen Space are automatically entered into a database (downloadable onto Excel).

Data entry of responses received via email/post will be:

- Undertaken by the Scottish Government directly onto the online platform.
- Uploaded as attachments on to the online platform for data entry by Scottish Government.

The database will include all or some of the following information about each respondent who replied using the online data form:

- Name
- Email address
- Responding as an individual or an organisation?
- (If responding on behalf of an organisation) Organisation's name and sector (from list of options - e.g. public, private, third).
- Permission to publish consultation response? (public response with name, publish response only, do not publish response).
- Content to be contacted by the Scottish Government in the future in relation to this consultation exercise?
- All inputted responses to the consultation questions.

Or

The database will include all or some of the following information about each respondent who replied by e mail or post and either completed a Respondent Information Form or provided the information within their response.

- Name
- Email address
- Address
- Postcode
- Phone number
- Responding as an individual or an organisation?
- (If responding on behalf of an organisation) Organisation's name and sector (from list of options - e.g. public, private, third).
- Permission to publish consultation response? (public response with name, publish response only, do not publish response).
- Content to be contacted by the Scottish Government in the future in relation to this consultation exercise?
- All inputted responses to the consultation questions.

3.7.4 Data Cleaning

Before beginning the analysis, the Scottish Government is required to identify any blank or duplicate responses. Multiple different responses submitted by the same individual or organisation should be combined into a single composite response. Blank responses will be removed before analysis.

For audit and quality control purposes, a record should be kept of any exclusions or changes made to responses included in the final database (i.e. any responses that are excluded from the analysis and the reason for exclusion; any identified as campaign responses; and any reclassification of

organisation type). This information should be provided in a separate worksheet within the master database and referred to in the final report.

3.7.5 Data Publication

The Scottish Government is responsible for ensuring that responses are published in accordance with respondents' expressed publication preferences.

Individual respondents' names will be published with their responses only if they have given explicit permission for this. Where an individual respondent selects 'publish response only', we will redact their name and any other potentially identifiable information from their response. Any direct quotations from responses included in the report will not be attributed to identifiable individuals, regardless of their expressed publication preference. There will be no quotations from responses where permission to publish has not been given.

Organisation respondents that select the option 'publish response only (without name)' will still have the organisation name published, but the name of the specific person submitting the response will not be published. Organisations that give permission for their response to be published could be mentioned by name in the final report, though it is also possible that, rather than being explicitly named, they might be referred to as 'an organisation from the private/public/third sector' etc.

The Scottish Government will provide quality assurance to ensure personal information is not identifiable. We will also review whether anything else needs to be redacted from responses if it risks revealing a respondent's identity.

3.7.6 Data purging and archival

The datasets will be held on a secure, password protected server in the Scottish Government, in a sub-folder which is restricted to a limited number of staff working on the consultation. It is expected that the data will only be held for as long as the data is required. After 12 months, a review will take place to determine whether the data needs to be retained or destroyed. If it is decided that there is no rationale to justify continuing to hold the data, then it will be destroyed. If data continues to be held, reviews will be held annually.

3.8 The purpose/purposes of the processing

The purpose for processing this data is to gather opinions on the next phase in the BVD eradication scheme, 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”.	The lawful basis for processing personal data will be public task. The existing BVD (Scotland) Order 2020, made under the Animal Health Act 1981, sets out the mandatory requirements of eradication of BVD and imposes restrictions on BVD positive cattle and the herds that contain them.

4.2 Data processors and sub processors

Organisation	Activity	Contract in place compliant with UK GDPR Art 28? Yes/No
Citizen Space	Online platform on which most consultation responses will be submitted	Yes

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 (cross-divisional involvement)	Funder. Evaluation. Governance.
Policy team	The policy lead is the Consultation Manager.
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

N/A

5.4 Method used to communicate the outcomes of the DPIA

The DPIA will be shared with the contractor and will be available on request to anyone who requests it. It will also be published on the Scottish Government website.

6. Questions to identify data protection issues

6.1 Necessity

The only personal data that is required 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 overall aim of the project is to provide a clear and concise report for publication, which reflects a robust analysis of the consultation responses, in order to inform the next stages of the BVD eradication scheme.

6.4 Other risks

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

Advice from DPO	Action	Reason advice not actioned

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
Shelia Voas Chief Veterinary Officer (Scotland)	Version 1 – 23 October 2023

10. Annex A – privacy information

10.1 Handling your response

We need to know how you wish your response to be handled. Please complete and return the Respondent Information Form which forms part of the consultation questionnaire as this will ensure that we treat your response appropriately.

The views and suggestions detailed in consultation responses are analysed and used as part of the decision-making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review;
- inform the development of a particular policy;
- help decision to be made 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.

10.2 Privacy

Your responses, which will include personal information, are being processed as a public task. You have the right to object to this processing.

Your information will be held securely on the Scottish Government IT system and will only be accessible by authorised officials.

You have the right to ask for any personal information we hold about you.

We will only collect as much information about you as we need and will not share it with anyone outside of Scottish Government. If we share your responses, we will remove your personal details. We will only store your personal information for as long as we need it.

We will only contact you about your responses if you have given consent for us to do so. If you give consent for us to contact, you then you have the right to withdraw that consent and you will no longer hear from us. We will continue to process your response information.

If you are unhappy about how your information is being handled, then you can contact our data protection officer dataprotectionofficer@gov.scot

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (FOI) (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. In the event of an FOI request, 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.



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