

# Data Protection Policy of ScotEID.com Limited

## 1. POLICY STATEMENT

- 1.1 ScotEID.com Limited (“ScotEID”) provides access to a database where users and others can record the registration, movements, BVD status, QMS Status and BSE Risk (as those terms are defined in our Terms and Conditions for use of the website ScotEID.com and the ScotEID.com Database) of their livestock. In addition to recording livestock locations, status and movements we also need to retain some personal information about our users. Everyone has rights with regard to how their personal information is handled. During the course of our activities we will collect, store and process personal information and we recognise the need to treat it in an appropriate and lawful manner. This policy should be read in conjunction with our Terms and Conditions for use of the website ScotEID.com and the ScotEID.com Database.

The types of personal information that we may handle includes details of users of our database. The information, which may be held on paper or on a computer or other media, is subject to certain legal safeguards specified in the Data Protection Act 1998 and from 28<sup>th</sup> May 2017 the Regulation (EU) 2016/679 of The European Parliament and of The Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)(the **Regulation**) and other EU and UK legislation. The Regulation imposes restrictions on how we may use that information.

## 2. STATUS OF THE POLICY

- 2.1 This policy sets out our rules on data protection and the legal conditions that must be satisfied in relation to the obtaining, handling, processing, storage, transportation and destruction of personal information.
- 2.2 The Data Protection Officer is responsible for ensuring compliance with the Regulation and with this policy. That post is held by Mr Bob Yuill, director of ScotEID, telephone no: 01466 700203, email: [bob.yuill@saos.coop](mailto:bob.yuill@saos.coop), address: ScotEID.com Limited, Rural Centre, West Mains, Ingliston, Newbridge, EH28 8NZ. Any questions or concerns about the operation of this policy should be referred in the first instance to the Data Protection Officer.
- 2.3 If you consider that the policy has not been followed in respect of personal data about yourself or others you should raise the matter with the Data Protection Officer

## 3. DEFINITION OF DATA PROTECTION TERMS

- 3.1 **data** is information which is stored electronically, on a computer, or in certain paper-based filing systems.
- 3.2 **data subjects** for the purpose of this policy include all living people about whom we hold personal data. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal data.

- 3.3 **personal data** means any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- 3.4 **data controllers** are the people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They have a responsibility to establish practices and policies in line with the Regulation. We are the data controller or joint data controller of all personal data used in our business.
- 3.5 **data users** include users of the ScotEID Database (including those listed at paragraph 5.2 of this policy) whose work involves using personal data. Data users have a duty to protect the information they handle by following our data protection and security policies at all times.
- 3.6 **data processors** include any person who processes personal data on behalf of a data controller.
- 3.7 **processing** is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring personal data to third parties, including those listed at paragraph 5.2 of this policy.

#### 4. DATA PROTECTION PRINCIPLES

- 4.1 ScotEID fully endorses and adheres to the principles of the Regulation.

Anyone obtaining, handling or processing personal data on the ScotEID Database must comply with the principles of good practice. These provide that personal data must be:

- (a) Processed fairly and lawfully;
- (b) Processed for limited purposes and in an appropriate way;
- (c) Adequate, relevant and not excessive for the purpose;
- (d) Accurate;
- (e) Not kept longer than necessary for the purpose;
- (f) Processed in line with data subjects' rights;
- (g) Secure; and
- (h) Not transferred to people or organisations situated in countries without adequate protection.

#### 5. FAIR AND LAWFUL PROCESSING

- 5.1 The Regulation is intended not to prevent the processing of personal data, but to ensure that it is done fairly and without adversely affecting the rights of the data subject. The data subject has a right, on making a request, to be told who the data controller is, the purpose for which

the data is to be processed by us, the identities of anyone to whom the data may be disclosed or transferred and to request the erasure of that data.

- 5.2 From time to time ScotEID may make data on the ScotEID Database available to any relevant consumer representative organisation, government department or agency, or local authority in accordance with the Regulation. The main parties that ScotEID currently discloses data to, or that it obtains data from for inclusion in the ScotEID Database are as follows:
- (a) the Epidemiology, Population health and Infectious disease Control consortium (**EPIC**) the Scottish Government’s Centre of Expertise for animal disease outbreaks;
  - (b) British Cattle Movement Service (cattle movements, births, deaths);
  - (c) Critical Control Points, principally markets and abattoirs (livestock movements);
  - (d) Cattle Tracing Service (CTS);
  - (e) Food Standards Scotland (FSS);
  - (f) Laboratories (disease status);
  - (g) Veterinary practices on the instruction of a registered veterinary surgeon who has passed the BVD CPD training course (disease status);
  - (h) Animal Reporting and Movement Service (ARAMS) (sheep movements to and from England);
  - (i) EIDCymru (Sheep movements to and from Wales);
  - (j) eAML2 (Electronic Movement Licensing of pigs to and from England and Wales);
  - (k) Public Health Information System (APHIS) (animal movements to and from Northern Ireland);
  - (l) SRUC-eGENES (genetic evaluation of BES information and tag sampling);
  - (m) Rural Payments and Inspections Division (RPID);
  - (n) Quality Meat Scotland (QMS);
  - (o) The Animal and Plant Health Agency (APHA);
  - (p) Other keepers;
  - (q) Business Reference Number holders; and
- 5.3 Members of the public (BVD, QMS status and BSE Risk only). With the exception of RPID and/or as otherwise may be required by law, ScotEID will never share the data subject’s name, address and contact number with the aforementioned parties without first obtaining the data subject’s consent.
- 5.4 In particular, in relation to the Beef Efficiency Scheme (BES), RPID will occasionally have access to the ScotEID Database to view a random sample of BES data recorded on the Database for the purposes of auditing ScotEID’s annual reports to RPID. For the avoidance of doubt, ScotEID will not in respect of the BES be providing RPID with general access to the Database, entries made in keepers’ calving diaries, or allowing the download of information from the Database.

- 5.5 In relation to the cattle traceability, if you are subject to an official cattle identification inspection, RPID will check your cattle records on the Database. ScotEID will provide, on request, relevant data to RPID for a farm 'inspection pack.'
- 5.6 For personal data to be processed lawfully, certain conditions have to be met. These may include, among other things, that the processing is necessary for the legitimate interest of the data controller or the party to whom the data is disclosed. ScotEID believes its work is overwhelmingly in the interests of the public and the Scottish livestock industry.
- 5.7 Keepers of livestock are under a legal obligation to provide the Scottish Ministers with certain data in relation to their livestock. Such data is made available to the Scottish Ministers through the ScotEID database.
- 5.8 ScotEID works with Scottish Government and the Scottish Livestock sector to design, develop and deliver solutions to ensure robust livestock traceability. Robust livestock traceability is a national priority for Scottish Government for a number of reasons, including disease reduction and eradication. The ScotEID Database can be used to determine livestock movements and locations to control all officially-recognised diseases, including BVD and exotic diseases such as Foot and Mouth Disease. The Database allows data users to determine where livestock are located and their movement history at the time of a disease outbreak, and to take the necessary action promptly. It enables Animal Health Inspectors to trace movements of animals that had come into contact with infected/potentially infected animals more quickly and without having to visit individual farms and look at their records manually. This will speed-up disease control procedures and thus reduces the spread of disease. In the event of any disease outbreaks the system could also allow for earlier easing of movement restrictions either at national or regional level.
- 5.9 The ScotEID Database also aids compliance with obligations imposed by European Directives and Regulations and the subsequent Scottish or UK wide legislation that has implemented European Directives.

## **6. PROCESSING FOR LIMITED PURPOSES**

- 6.1 Personal data may only be processed for the specific purposes notified to the data subject when the data was first collected or for any other purposes specifically permitted by the Regulation. This means that personal data must not be collected for one purpose and then used for another. If it becomes necessary to change the purpose for which the data is processed, the data subject must be notified of the new purpose before any processing occurs. Such notification may be given on ScotEID's website ([www.Scoteid.com](http://www.Scoteid.com), including through updated versions of this Data Protection Policy).
- 6.2 ScotEID works closely with the Scottish livestock sector & Scottish Government to research, design, develop and deliver systems to support traceability, livestock disease control and public health protection. Work began in 2008 researching and developing a system to support sheep electronic identification. Subsequent research and development led to a pig movement system and the Bovine Viral Diarrhoea (BVD) eradication scheme. ScotEID has been expanded to enable use of data for other purposes including the Beef Efficiency Scheme (BES) which aims to aid the improvement of production efficiency of the national herd by reducing the

methane per kg of beef produced, the Quality Meat Scotland Scotch Potential Eligibility Cattle Checker (SPECC) which identifies an animal's Scotch Assured status and more recently the creation of a BSE Risk checker which indicates whether an animal is likely to have been born, continuously reared and slaughtered in a negligible BSE risk or controlled BSE risk country or region in accordance with European legislation. Further developments in process are a Porcine Epidemic Diarrhoea (PED) mapping system and the Scottish Equine Database.

6.3 In particular, processing is carried out for the following purposes:

- (a) Electronically recording the location and movements of livestock;
- (b) Controlling, isolating and eradicating disease outbreak;
- (c) Supporting disease control schemes such as the BVD eradication programme;
- (d) Supporting schemes to improve the production efficiency of the national herd;
- (e) Providing a database of management information for keepers;
- (f) Ensuring complete traceability of livestock in order to maintain consumer confidence in Scottish farm produce;
- (g) Upholding the integrity of the food chain; and
- (h) To provide statistical and historical information on livestock for the purposes of compliance and public interest research in the areas of health and efficiency in the livestock industry.

**7. ADEQUATE, RELEVANT AND NON-EXCESSIVE PROCESSING**

Personal data should only be collected to the extent that it is required for the specific purpose notified to the data subject. Any data which is not necessary for that purpose should not be collected in the first place.

**8. ACCURATE DATA**

Personal data must be accurate and kept up to date. Information which is incorrect or misleading is not accurate and steps should therefore be taken by users of the ScotEID Database to check the accuracy of any personal data at the point of entering and at regular intervals afterwards. Inaccurate or out-of-date data should be destroyed. Users of the ScotEID Database are responsible for their own data, either directly or via a nominated person.

**9. TIMELY PROCESSING**

Personal data should not be kept longer than is necessary for the purpose. This means that data will be destroyed or erased from our systems when it is no longer required. We will retain records of a user for the longer of i) 5 years from the date when that user ceases to enter data onto the ScotEID Database; and ii) the lifetime of the relevant animal.

**10. PROCESSING IN LINE WITH DATA SUBJECT'S RIGHTS**

Data must be processed in line with data subjects' rights. Subject to the provisions of the Regulation, Data subjects have a right to:

- (a) Request access to any data held about them by a data controller.
- (b) Prevent the processing of their data for direct-marketing purposes.
- (c) Ask to have inaccurate data amended (or amend it themselves).
- (d) Prevent processing that is likely to cause damage or distress to themselves or anyone else.
- (e) Request that data held about them is erased.

**11. DATA SECURITY**

- 11.1 Wherever possible we shall endeavour to ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data.
- 11.2 The Regulation requires us to put in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. Personal data will only be transferred to a third-party data processor if they agree to comply with these procedures and policies, or if they put in place adequate measures themselves.

**12. DEALING WITH ACCESS REQUESTS**

All data that we hold in relation to the data subject is available for review by the data subject when they access the ScotEID database.

Additionally, a formal request from a data subject for information that we hold about them must be made in writing. Save for statutory exceptions, a fee may be payable by the data subject for provision of this information.

Although ScotEID will make reasonable endeavours to provide you, upon request, with a copy of the data which you have inputted to the Database, it is not obliged to do so in permanent (printed) form if it would involve disproportionate effort on the part of ScotEID to do so.

**13. DEALING WITH ERASURE REQUESTS (FROM 28<sup>TH</sup> MAY 2018)**

**THE PURPOSE OF IDENTIFYING THE LOCATION AND MOVEMENTS OF LIVESTOCK IS OVERWHELMINGLY IN THE PUBLIC INTEREST FOR THE INTEGRITY OF THE FOOD CHAIN AND THE PROTECTION OF PUBLIC HEALTH. AS A RESULT SCOTEID ARE UNABLE TO ERASE CERTAIN PERSONAL DATA RELATING TO THE KEEPER FOR A PERIOD OF 5 YEARS FOLLOWING THEIR LAST UPDATE TO THE SCOTEID.COM DATABASE OR FROM THE DEATH OF THEIR LAST REGISTERED ANIMAL. THE PERSONAL DATA THAT SCOTEID WILL RETAIN IS THE KEEPER'S CPH NUMBER, NAME AND ADDRESS TO THE EXTENT REASONABLY REQUIRED FOR ARCHIVING AND SCIENTIFIC, HISTORICAL OR STATISTICAL RESEARCH PURPOSES. ALL OTHER PERSONAL INFORMATION HELD BY SCOTEID RELATING TO A KEEPER WILL BE DELETED WITHIN ONE MONTH OF THAT KEEPER'S WRITTEN REQUEST. SCOTEID WILL NOTIFY**

THE KEEPER IN ADVANCE IF WE ARE UNABLE TO ERASE THE DATA WITHIN THIS PERIOD AND WE WILL EXPLAIN OUR REASONS FOR DELAY.

**14. MONITORING AND REVIEW OF THIS POLICY**

We will continue to review the effectiveness of this policy to ensure it is achieving its stated objectives. Updates to this policy will be posted on the ScotEID Website ([www.Scoteid.com](http://www.Scoteid.com)). You should check the ScotEID Website from time to time to review the then current Data Protection Policy.

**15. STATUS OF THIS POLICY**

This policy has been approved by the board and any breach will be taken seriously and any breach be reported to the Information Commissioner's Office when appropriate.

Any user of the ScotEID Database who considers that this policy has not been followed in respect of personal data about themselves should raise the matter with ScotEID.com Limited's Data Protection Officer.

Bob Yuill. Data Protection Officer  
Last reviewed: September 2017