

Data Protection Policy of ScotEID.com Limited in Relation to the New Combined Agricultural Survey and Sheep & Goat Annual Inventory 1 December 2015

1. POLICY STATEMENT

- 1.1 ScotEID.com Limited, in addition to other services, provides access to the New Combined Agricultural Survey and Sheep & Goat Annual Inventory as of 1 December 2015 (the “**Survey and Inventory**”) via its website, scotEid.com/survey (the “**Website**”), where users can complete the Survey and Inventory for submission to the Scottish Government. The information provided by users in relation to the Survey and Inventory is confidential and will not be disclosed without the user’s written consent except to the Scottish Government and/or as specified in Section 80 of the Agriculture Act 1947 (as amended) and Section 12 of the European Communities Act 1972. 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/survey and the Survey and Inventory.
- 1.2 The types of personal information that we may handle includes details of participants in the Survey and Inventory. 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 (the Act) and other regulations. The Act imposes restrictions on how we may use that information.

2. STATUS OF THE POLICY

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.

- 2.1 The Data Protection Compliance Manager is responsible for ensuring compliance with the Act and with this policy. That post is held by Mr Bob Yuill, a director of ScotEID.com Limited, telephone no: 01466 700203, email: bob.yuill@saos.coop. Any questions or concerns about the operation of this policy should be referred in the first instance to the Data Protection Compliance Manager.
- 2.2 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 Compliance Manager.

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 data relating to a living person who can be identified from that data. For the avoidance of doubt, ScotEID.com Limited does not regard County Parish Holding numbers or animal ID's as personal data.
- 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 Act. We are the data controller of all personal data used in our business.
- 3.5 **Data users** include participants in the Survey and Inventory 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.

4. DATA PROTECTION PRINCIPLES

ScotEID.com Limited fully endorses and adheres to the eight principles of the Act. Anyone obtaining, handling or processing personal data from the Survey and Inventory should comply with the eight enforceable 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.
- (h) Not transferred to people or organisations situated in countries without adequate protection.

5. FAIR AND LAWFUL PROCESSING

- 5.1 The Act 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, and the identities of anyone to whom the data may be disclosed or transferred.

- 5.2 For personal data to be processed lawfully, certain conditions have to be met. These may include, among other things, requirements that the data subject has consented to the processing, or that the processing is necessary for the legitimate interest of the data controller or the party to whom the data is disclosed.

6. PROCESSING FOR LIMITED PURPOSES

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 Act. 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 relating to the Survey and Inventory (www.Scoteid.com/survey)

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 participants in the Survey and Inventory to check the accuracy of any personal data at the point of entering. Inaccurate or out-of-date data should be destroyed. Users of the Survey and Inventory 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 anticipate keeping records of a user for at least 7 years from the date when that user ceases to enter data into the Survey and Inventory.

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 Act, 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.

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 whilst it is under our control.

11.2 The Act 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. We will do that for and whilst personal data is under our control. The participants in the Survey and Inventory accept that following transfer of the personal data to the Scottish Government, ScotEID.com Limited shall cease to have responsibility for that personal data.

12. DEALING WITH ACCESS REQUESTS

A formal request from a data subject for information that we hold about them must be made in writing. A fee is payable by the data subject for provision of this information.

13. MONITORING AND REVIEW OF THE POLICY

We will continue to review the effectiveness of this policy to ensure it is achieving its stated objectives.

14. STATUS OF THIS POLICY

This policy has been approved by the board and any breach will be taken seriously and may result in formal action.

Any participant in the Survey and Inventory 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 Compliance Manager.

Bob Yuill. Data Protection Compliance Manager

Last reviewed: November 2015