**Privacy Notice**

**Modernisation of the Inshore Fleet Programme (Scallop dredge vessels)**

**INTRODUCTION**

1. Marine Scotland is the directorate of the Scottish Government responsible for the integrated management of Scotland's seas. Our responsibilities include:
2. marine renewable, fishing vessel, freshwater fisheries and seal licensing;
3. ensuring compliance with marine and fisheries regulations;
4. promoting sustainable, profitable and well-managed fisheries and aquaculture industries;
5. ensuring a sound scientific evidence base exists to inform our marine policies;
6. the sustainable management of freshwater fish and fisheries resources; and
7. promoting sustainable economic growth from the marine renewables industry.
8. The Modernisation of the Inshore Fishing Fleet Programme (“the Programme”) is equipping our commercial inshore fleet with appropriate and proportionate vessel monitoring and tracking systems.
9. The Programme is part of our Fisheries Management Strategy 2020-2030 which sets out our policy initiatives to protect the environment, and support a strong, sustainable and resilient fishing industry. The Strategy explains that Marine Scotland will use appropriate Remote Electronic Monitoring (“REM”) in tailored and workable frameworks which deliver benefits to fishing fleets, help improve fisheries management and policies, help demonstrate compliance, and also aid interaction and planning within our shared marine waters.
10. The purpose of this Privacy Notice is to achieve three things:
11. Explain the way we will use the personal data collected under the Programme;
12. Ensure that you understand what personal data we will collect from you and what we will do and will not do with this information; and,
13. Hold us accountable for protecting your rights and privacy under this notice.
14. Under the UK General Data Protection Regulation all personal data obtained and held by us must be processed according to a set of **core principles**. In accordance with these principles, we will ensure that:
* processing is fair, lawful and transparent;
* data is collected for specific, explicit, and legitimate purposes;
* data collected is adequate, relevant and limited to what is necessary for the purposes of processing;
* data is kept accurate and up to date. Data which is found to be inaccurate will be rectified or erased without delay;
* data is not kept for longer than is necessary for its given purpose;
* data is processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures; and,
* we comply with the relevant procedures for international transferring of personal data where this forms part of the processing.

**WHAT DOES REM MEAN?**

1. For the purpose of this Programme, REM means an interactive remote monitoring system which can involve a mixture of cameras, GPS receivers and gear sensors on vessels.

**WHAT INFORMATION DO WE COLLECT UNDER THE PROGRAMME?**

1. Personal information that will be processed can include any of the following:
* **Identity data,** including name, company name, names and positions of persons within companies.
* **Contact data,** including address, telephone number and/or email address.
* **Vessel data,** including vessel name, PLN and RSS number.
* **REM data,** including positional data, winch sensor data, electronic monitoring images and video.

**HOW WILL THE INFORMATION BE COLLECTED?**

1. In accordance with the definitions provided in paragraph 7:
2. Marine Scotland will collect **identity data, contact data and vessel data** during the registration process for the Programme (see Annex A). The information is received directly from you and/or from existing records held by Marine Scotland in order to licence your fishing vessel.
3. Once your vessel is installed with an REM system, Marine Scotland will be able to download **REM data** from the onboard hardware (including positional data, winch sensor data, electronic monitoring images and video).
* Positional data and winch sensor data will log the vessel location every 10 seconds and ascertain what fishing activities the vessel is engaged in (if any) at that location. This high spatial resolution positional data will be used by Marine Scotland to assist in delivering our responsibilities (see paragraph 1), including by Marine Scotland Compliance to ensure that fishing is carried out in line with existing licence conditions and Regulations.
* Cameras capturing images and videos are set up to focus on dredges, there is no intention that they identify individuals. Data from the cameras is only used as a compliance tool, it is not used elsewhere within Marine Scotland. This data is not automatically transferred to Marine Scotland, it is retrieved by analysts on a risk based approach only (e.g. based on the proximity of a vessel to a restricted area). Any camera data downloaded by Marine Scotland is permanently and securely deleted from the server within 30 days of the voyage being completed, unless it needs to be retained for ongoing compliance investigation.

**THE LEGAL BASIS ON WHICH WE HOLD THIS INFORMATION**

1. i. The legal basis under UK GDPR on which Marine Scotland relies to collect, use, share and other wise process the information is in the pursuit of our public task and to verify compliance with the laws in force.

 ii. Where data is used for law enforcement purposes, this is carried out under Part 3 of the Data Protection Act 2018 – our condition for sensitive processing is for the administration of justice.

**CONSEQUENCES OF NOT PROVIDING PERSONAL INFORMATION**

1. In general, not providing personal information will mean that we are unable to administer REM technology on your fishing vessel. As set out in our Fisheries Management Strategy 2020-2030, an active REM system will soon be a mandatory requirement under planned legislation. In not providing certain personal information in relation to law enforcement this may amount to obstruction, which is an offence.

**HOW WILL THE INFORMATION BE USED?**

1. Your personal information will be used in the following circumstances:
2. Where it is necessary in order to install, program and transmit data from REM systems installed on your vessel. This can include in facilitating the REM installation (i.e. to make the logistical arrangements with a marine engineer/installation company), programming of the device and server (by software and/or hardware provider) with specific vessel details (e.g. PLN, RSS number and length) to ensure data is available to Marine Scotland from a remote location.
3. In order to comply with legal obligations and ensure compliance with laws currently in force, domestic licence conditions or conditions attached to a derogation.
4. To assist in the functions as the competent authority for the integrated management of Scotland’s seas.
5. Where it is in the public interest to do so.
6. With the exception of electronic monitoring images and videos, the REM data gathered may be used in aggregated and anonymous form in research, publications and reports produced by, for and on behalf of Marine Scotland. The outputs of such work would not identify any individuals or individual vessels.

**SHARING INFORMATION**

1. Marine Scotland will share the form in Annex A with our contractors, Woodsons of Aberdeen Ltd, in order to facilitate the REM device installation and establish the transmission of data from the vessel to Marine Scotland.
2. In general, a vessel’s REM data (positional data and/or electronic monitoring images or video) will not be shared with any external bodies without the authority of the vessel owner. However, as a public authority, in certain situations, we may be required to disclose personal information if we have a legal obligation to do so, or where prosecutorial bodies or other law enforcement bodies have demonstrated that any request for information from them falls under an exemption in the Data Protection Act 2018.
3. Information gathered may be shared with the Crown Office and Procurator Fiscal Service for the purposes of prosecution of fishery offences.

**STORING PERSONAL INFORMATION**

1. Personal data is protected from unauthorised access at all times, during collection, storage and transmission. Data is stored on secure devices and storage areas that have been tested for electronic and physical security.
2. We will only hold personal information collected under the Programme while there is an ongoing business need or Regulatory requirement to retain the information.
3. The hard drives on-board a vessel auto-deletes historical data when approaching maximum capacity. The frequency of auto-deletion will be determined by the fishing pattern/activity of a particular vessel and the amount of data generated.

**WHAT ARE YOU RIGHTS?**

1. Under the data protection regulations you have a number of rights, these include:
* The right to be informed
* The right of access
* The right to rectification
* The right to restrict processing
* The right to object
* Rights in relation to automated decision making and profiling.
1. If you would like a copy of some or all of your personal information or to seek to exercise any of the rights listed above, please email dpa@gov.scot or write to us at the following address:

The Data Protection Officer
Data Protection and Information Assets Team
V Spur, Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

Further information about the rights that you have under data protection regulations is accessible at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

**COMPLAINTS**

1. If you feel we have been unable to resolve your information rights concern, you have the right to lodge a complaint with the Information Commissioner’s Office (ICO). The ICO are the supervisory authority responsible for data protection in the UK.
2. For further information, including independent data protection advice and information in relation to your rights, you can contact the Information Commissioner’s Office at:

Information Governance Department

Information Commissioner’s Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113

Website: <http://www.ico.org.uk/>

You can contact the ICO directly at: <https://ico.org.uk/global/contact-us/>

Full details of your individual rights are available at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

**Queries about how personal information is handled**

1. If you have any queries or concerns about how your personal information will be handled, contact Marine Scotland at:

Marine Scotland, Sea Fisheries Division

Area 1B South

Victoria Quay

Leith, EDINBURGH

EH6 6QQ

marinescotland@gov.scot

**GENERAL INFORMATION**

1. Marketing: Marine Scotland will not share personal data with third parties for marketing purposes.
2. Research: Marine Scotland may grant research access to certain pre-approved researchers to personal data for research purposes for research that would contribute to its work with Scottish Ministers to improve the well-being of Scotland and its people. The outputs of that research would not identify any individuals.
3. Automated decision making or profiling: Marine Scotland does not conduct any automated decision making / profiling.

Marine Scotland

Date: June 2021

Annex A. **Identity data, contact data and vessel data** gathered during the registration process for the Programme

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| **Modernisation of the Inshore Fleet – Vessel Survey****Pre-Requisite to Vessel Installation of Remote Electronic Monitoring System** |

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| --- | --- | --- |
|  **Date of Issue** |  |  |

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| **1. Participating Vessel Contact Information** |
| Name of Contact and Relationship to Vessel |  |
| Home address |  |
| Post code |  |
| Email address  |  |
| Preferred contact number |  |
| **2. Vessel & Licence Details**  |
| Vessel name |  |
| PLN |  |
| RSS |  |
| Licence number |  |
| Usual home port of vessel |  |
| Engine power (KW) |  |
| Overall length (metres) |  |
| Gross registered tonnage |  |
| **3. Vessel Construction** |
| Hull material |  |
| Deck material |  |
| Frames/superstructure on deck |  |
| **4. Vessel Power**  |
| **AC electrical system** |  |
| Location of inner outlets |  |
| **DC electrical system** |  |
| Alternator |  |
| Batteries (12 or 24V) |  |
| Generator |  |
| Inverter |  |
| GPS  |  |
| **5. Fishing Gears**  |
| Mechanical dredges | (Max amount of dredges) |
| Trawls |  |
| Hand lines / jigs |  |
| Creel |  |
| Other |  |
| **6. Photographic Record**  |

**Please photograph the following views of your vessel and email to FDF@gov.scot or include print outs with this form**

1. Aft-most permanent structure facing forward
2. Starboard forward facing aft
3. Port forward facing aft

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| **DECLARATION (to be completed by vessel owner)** |

I confirm that the information contained in this application is true to the best of my knowledge and that I undertake to notify Marine Scotland in advance of any changes.

Data Protection Act 2018 and subsequent amendments (including UK GDPR: The Scottish Government undertakes to comply with the data protection principles in all matters relating to the processing and storing of personal information.

|  |  |
| --- | --- |
| Signed  |  |
| Name |  |
| Date  |  |

**Please now return this application to the Marine Scotland Project Office in Peterhead**

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| **Marine Scotland Official Use Only** |
| Date completed form received from Vessel |  |
| Date forwarded to contractor |  |
| Date of installation |  |
| Confirmation received |  |