



## Privacy Impact assessment (PIA) screening questions

These questions are designed to help you to decide whether a PIA is necessary for your project. Answering 'yes' to any of these questions is an indication that a PIA will be required. You can expand on your answers as the project develops where required.

- Q1 Will your project involve the collection of new information about individuals?  
**This DPIA is in relation to the revised wording of the LL Byelaws, it involves the collection of information about individuals which is already being collected for compliance with the existing LL byelaws**
- Q2 Will your project compel individuals to provide information about themselves?  
**Yes**
- Q3 Will information about individuals be disclosed to organisations or people who have not previously had routine access to this information?  
**Yes**
- Q4 Are you using information about individuals for a purpose it is not currently used for, or in a way that it is not currently used?  
**No, data collected for existing LL byelaws**
- Q5 Does your project involve you using new technology which might be perceived as being privacy intrusive? For example, the use of biometrics or facial or number plate recognition?  
**No, this DPIA is specific to the LL Byelaw text**
- Q6 Will your project result in you making decisions or taking action against individuals in ways that can have a significant impact on them?  
**Yes, data collected may be used for enforcement purposes**
- Q7 Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be particularly private?  
**No**
- Q8 Will your project require you to contact individuals in ways which they may find intrusive?  
**No**

If you have answered 'no' to each of the above screening questions, it is unlikely that you need to complete a PIA assessment. You should record this conclusion and be prepared to re-read and re-assess the requirement for a PIA as your project develops and should there be any requirement to process personal data you should complete a PIA.

If you have answered 'yes' to any of the screening questions, you should carry out a Privacy Impact Assessment.

## Data Protection Impact Assessment (DPIA)

You should start to fill out this template at the start of any major project involving the use of personal data, or if you are making a significant change to an existing process. The final outcomes should be integrated back into your project plan.

### Step 1: Identify the need for a DPIA

Explain broadly what the project aims to achieve and what type of processing it involves. You may find it helpful to refer or link to other documents, such as a PID document. Summarise why you have identified the need for a DPIA.

The overall purpose of the project is to complete a review of the Loch Lomond Byelaws, this is a legal requirement. An initial DPIA was undertaken to consider the processing required for the statutory public consultation on potential changes to the Loch Lomond Byelaws.

The purpose of this DPIA is to assess the text of the actual Loch Lomond Byelaws, which requires the processing of personal data. There is potential for changes to the personal data being processed in future as part of the byelaw review.

The text of the existing Loch Lomond Byelaws which are currently in force can be found at:

<https://www.lochlomond-trossachs.org/wp-content/uploads/2016/07/Loch-Lomond-Byelwas-2013.pdf>

### Step 2: Describe the processing

**Describe the nature of the processing:** how will you collect, use, store and delete data? What is the source of the data? Will you be sharing data with anyone? You might find it useful to refer to a flow diagram or other way of describing data flows. What types of processing identified as likely high risk are involved?

Personal data collected in relation to alleged offences under the Loch Lomond Byelaws will be collected by National Park Authority Ranger staff and police officers. The data is initially recorded in Ranger or police notebooks.

Personal data may be collected electronically in future when the current byelaw review is complete.

Personal data collected may be shared with Police Scotland, the Procurator Fiscal service and potentially other government agencies.

It is acknowledged that there are security risks in the existing processes used for collecting personal data, primarily in Ranger notebooks. A full review of the security and management of Ranger notebooks was undertaken in 2019 and improvements were made to improve the security of notebooks.

**Describe the scope of the processing:** what is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

The data processed under the LL Byelaws is the personal data of individuals who have registered a Power-driven vessel for use on Loch Lomond with the National Park Authority who are stopped by Rangers or police officers when a possible contravention of the byelaws has been identified. If the proposed amendments to the existing byelaws are confirmed by Scottish Government, some additional personal data will be held in relation to registered users of vessels.

The data collected does not include special category or criminal offence data. The data collected is name, address, date of birth, place of birth and if available, telephone number and email address.

Personal data is collected when it is believed that an offence may have been committed under the LL byelaws. It is an offence to refuse to comply with a request to provide personal data to a Ranger or a police officer when an individual is spoken to in relation to a possible byelaw contravention.

Boat user registration data is retained for 3 years after last re registration.

Byelaw contravention data, reported cases, are retained for 3 years.

Alleged byelaw contravention data is retained for up to 3 years.

Notebooks, from this year, are disposed of after 3 years.

The geographical area covered by the byelaws is Loch Lomond and its tributaries. The geographical area of individuals who may be stopped in relation to a potential infringement of the byelaws is unlimited. Boat users must ensure that their Power-driven vessel is registered before being permitted to launch on the Loch, they must also register personally if they intend to be the Master of a Power-driven vessel. In practice boat users originate mainly from Scotland with some boat users resident in other parts of the UK.

## Describe the processing continued

**Describe the context of the processing:** what is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area? Are there any current issues of public concern that you

should factor in? Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?

Rangers employed by the National Park Authority have the authority to speak to boat users in relation to potential infringements of the Loch Lomond byelaws. Boat users must register their craft in advance before launching and are made aware of the requirements to comply with the byelaws as part of the registration process. Boat users are therefore aware that the Rangers and police undertake patrols on the Loch and speak to individuals in relation to compliance with the byelaws.

The Loch Lomond Byelaws have been in place for more than twenty years. Proposed changes to the byelaws have been shared with the public as part of a statutory consultation process. This process invited responses from the public who were given the opportunity to raise any concerns with the proposals.

The byelaws apply to all boat users on the Loch in some shape or form, depending on whether it is a power-driven vessel, or a non-powered vessel.

Registration data is required in advance as a condition of taking a motorised craft on the Loch.

Individuals can request their data to be removed, if they no longer wish to renew a personal or boat registration with the NPA, however this would prevent them from being a Master of a craft or using an unregistered power-driven boat on the loch.

Individuals with disabilities may be among boat users on the Loch.

Processes with the storage of Ranger notebooks have been assessed and improved regularly with improvements made to the security protocols in place.

**Describe the purposes of the processing:** what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing – for the Park Authority and more broadly?

The data processing is required to support the application of the Loch Lomond Byelaws. The intention of the byelaws is to improve safety and public behaviour on Loch Lomond and address anti-social behaviour by boat users. There are wider benefits in the application of the byelaws to support the protection of wildlife habitats in and around the Loch.

There has been a noticeable increase in a wide range of non-powered water-based activities on the Loch in recent years, including an increase in boat registration for jet skis. The use of motorised craft on the Loch can bring boat owners into conflict with visitors engaging in other water-based activities, including wild swimming and paddle boarding.

The process of reviewing the Loch Lomond Byelaws provides an opportunity to engage with the public and seek support in making changes to the byelaws.

### Step 3: Consultation process

**Consider how to consult with relevant stakeholders:** describe when and how you will seek individuals' views – or justify why it's not appropriate to do so. Who else do you need

to involve within the Park Authority? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

Changes to Loch Lomond byelaws have been put out for public consultation. The Park Authority Data Protection Officer has been consulted on the personal data processing associated with the byelaws. External legal advisers have been consulted on the re wording of byelaws. The Crown Office and Procurator Fiscal Service (COPFS) has been consulted on the personal data required to support potential enforcement cases being submitted for prosecution. A formal submission will be made to Scottish Government for final approval on changes to the LL Byelaws.

Procurator Fiscal feedback on personal data required for reporting LL Byelaw offences

“Thank you for your email of 15 August 2022 requesting guidance on the minimum personal information required by COPFS when reporting a subject for an alleged offence. I confirm that we require sufficient information personal data to identify an individual accused of criminality. This will include – but is not limited to - their name, address and date of birth. The occupation of an accused person is not required for COPFS to identify an accused or to decide whether there is sufficient evidence to raise proceedings against that individual.”

I would refer you to the published [COPFS prosecution code](#), which outlines, in broad terms, the factors which prosecutors take into account when considering cases.

## Step 4: Necessity and proportionality

**Describe compliance and proportionality measures, in particular:** what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

The lawful basis for processing is in relation to the effective use of the Loch Lomond byelaws, under the powers given by the National Parks (Scotland) Act 2000. The processing of personal data collected from individuals suspected to have infringed the byelaws will achieve this purpose. There is no other way to achieve the same outcome.

Completion of DPIAs as part of the byelaw review process has ensured that a full reassessment has been made to the level of personal data being collected, this ensures that the amount of data being collected is appropriate. Further DPIAs will be completed when planned changes to collection processes including the use of electronic technology are introduced in future.

Information is provided to boat users at the time they register their craft, about the use of their personal data.

There is information on the Park Authority website to support the rights of individuals, including a privacy notice: <https://www.lochlomond-trossachs.org/privacy-policy/>

Details for how to submit a request for personal data, known as a Subject Access Request, can be found at:

<https://www.lochlomond-trossachs.org/park-authority/freedom-of-information/accessing-personal-information/>

The processing of personal data in relation to the Loch Lomond byelaws is currently managed by National Park Authority staff. There are currently no international transfers related to the processing of personal data associated with the Loch Lomond byelaws.

## Step 5: Identify and assess risks

**Describe source of risk and nature of potential impact on individuals.** Include associated compliance and corporate risks as necessary. Identified risks should be added to the risk log of a project for ongoing monitoring. Where personal data is to be processed in a context other than as part of a project, and risks are identified, further guidance should be sought from the Information Manager.

Risks associated with the initial processing of personal data in Ranger notebooks have been assessed and appropriate security measures have been put in place. The future planned implementation of a new boat registration database will require further assessments, to cover security, access and retention considerations. The introduction of mobile electronic devices to record data will also required further assessment .

## Step 6: Sign off and record of outcomes

Item	Name/date	Notes
DPO advice accepted by:	Matt Buckland - Visitor Operations Manager	Integrate actions back into project plan, with date and responsibility for completion
Residual risks approved by:	No residual high risk identified	If accepting any residual high risk, consult the Information Commissioner's Office before going ahead
Information Manager advice provided:	Current security measures for Ranger notebooks have been assessed. Any plans to introduce new technology for processing personal data associated with the Loch Lomond Byelaws will require a further DPIA assessment. The advice from the Fiscal on the personal data required for prosecuting byelaw offences is noted. Removal of the requirement to collect occupation details is possible, subject to the approval of legal advisers.	Information Manager should advise on compliance, measures to mitigate risk and whether processing can proceed
Summary of Information Manager advice Additional DIPAs required where new technology is planned for the collection of personal data.		

Confirm with legal advisers as to whether occupation data should no longer be requested by Rangers when takin personal data in connection with a potential bylaw offence.		
DPO advice accepted or overruled by:	Matt Buckland - Visitor Operations Manager	If overruled, you must explain your reasons
Comments		
Consultation responses reviewed by:	Loch Lomond Byelaw Review - Project Management Team	If your decision departs from individuals' views, you must explain your reasons
Comments		
This DPIA will kept under review by:	Matt Buckland - Visitor Operations Manager	The Information Manager should be kept informed of the management of risks in relation to personal data associated with the project and will review ongoing compliance with DPIA