

Consultation on The Specified Diseases (Notification) Amendment (Scotland) Order 2016

**Consultation period:
13 November 2015 to 24 December 2015**

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RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Title Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

Forename

2. Postal Address

| | | |
|----------------------|-------|-------|
| <input type="text"/> | | |
| <input type="text"/> | | |
| <input type="text"/> | | |
| <input type="text"/> | | |
| Postcode | Phone | Email |

3. Permissions - I am responding as...

| | | |
|----------------------------|---|---------------------------|
| Individual | / | Group/Organisation |
| <input type="checkbox"/> | | <input type="checkbox"/> |
| Please tick as appropriate | | |

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

Yes No

Yes, make my response,
name and address all
available

or

Yes, make my response
available, but not my
name and address

or

Yes, make my response
and name available, but
not my address

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

1. Introduction

1.1 Porcine Epidemic Diarrhoea (PED) is caused by a virus and leads to severe gastrointestinal disease in pigs. Once the virus is introduced into a group or herd of pigs the infection spreads rapidly. Vaccines have been shown to reduce the severity of an outbreak but currently do not limit spread or prevent infection.

1.2 The disease is easily transmitted through indirect contact (for example by vehicles). Widespread transmission can be prevented through the control of pig movements and high standards of biosecurity (particularly thorough cleansing and disinfection of premises, vehicles, people's clothing and equipment).

1.3 In 2012 a new highly pathogenic strain of PED was identified in China. This strain causes death in 80-100% of infected suckling piglets in herds not previously exposed to the virus. Infected older pigs do not usually die but the virus affects growth rates and reproductive performance, therefore significantly reducing herd productivity, health and welfare. This new strain has now spread across North America and more recently it was detected in the Ukraine.

1.4 The presence of PED is generally signalled by an outbreak of unusual or rapidly spreading diarrhoea in pigs of any age. The clinical signs are sufficiently different from other notifiable animal diseases affecting pigs to avoid any risk in delaying an official veterinary investigation by the Animal and Plant Health Agency of notifiable diseases such as classical swine fever, African swine fever and foot and mouth disease.

1.5 Representatives of Scottish pig keepers have been working with government to discuss how to prevent an incursion of the disease, and how to deal with an outbreak if one occurs.

1.6 The pig industry has developed contingency plans for the control and elimination of PED should an outbreak occur in Scotland. As part of that plan Quality Meat Scotland¹ (QMS) and Wholesome Pigs Scotland (WPS)² have collaborated to establish a Scottish Pig Disease Control Centre (SPDCC). The SPDCC core staff includes a WPS project director; a chief executive; a veterinary adviser; two administrative staff; a QMS pig specialist and a SRuC Veterinary Epidemiologist. Reports of suspect/confirmed cases will be made by telephone to the SPDCC. SPDCC staff will offer biosecurity advice and support to the keepers of pigs on suspect and infected premises (for larger outbreaks this may require additional support from other pig industry organisations such as Scottish Pig Producers).

1.7 SPDCC staff will enter the location details of confirmed PED cases into the ScotEID³ database to identify premises with pigs close to the infected premises. SPDCC staff will inform the keepers of those premises that PED has been detected in the area and ask them to be vigilant for signs of disease. Advice will be given on what biosecurity measures can be put in place to prevent an incursion of the

¹ For further information about QMS is contained on their website at: <http://www.qmscotland.co.uk/>

² Wholesome Pigs (Scotland) Ltd is a producer co-operative formed to manage a health scheme where pig carcasses are regularly monitored post-slaughter to assess the presence of any clinical disease.

³ ScotEID is the Scottish Government's livestock movement and traceability database for sheep, goats and pigs. It also hosts the Scottish Industry led Bovine Viral Diarrhoea (BVD) eradication scheme. For more information go to www.scoteid.com.

disease. SPDCC staff will also try to identify the source of infection and potential spread.

2. Reason for introducing proposed legislation

2.1 The contingency plan can only be effective if the organisations responsible for implementing the contingency plan are told as soon as possible that disease is suspected on a holding. To ensure that happens, representatives of the pig industry have requested that PED is made a notifiable disease (that is, that there is a legal requirement for anyone, including producers and veterinary surgeons, to report suspicion of the disease). The argument is that this would allow PED to be identified as soon as possible and support the industry voluntary contingency plan for the swift control and eradication of an PED outbreak.

3. Legislative proposal

3.1 The proposed legislation will put in place a legal obligation on:

- a person who has in their possession or under their charge a pig or pig carcase
- a veterinary surgeon or other person who examines or inspects a pig or pig carcase
- a person who, following analysis of a sample taken from a pig or pig carcase

and who knows or reasonably suspects that a pig may be infected with PED, to notify a person authorised by Scottish Ministers as soon as practicable. A draft of the proposed statutory instrument, that is the Specified Diseases (Notification) Amendment (Scotland) Order 2016, is attached at Annex A.

3.2 Although there are no reports of the highly pathogenic strain of PED in the European Union (EU) there are other strains circulating within the EU that also cause serious disease. The industry argues, therefore, that it is important that control measures for PED include all virus strains causing clinical disease and that suspicion of disease is reported promptly.

3.3 The industry's plan is based on QMS taking a leading role in the response to an outbreak or suspected outbreak. Scottish Ministers will authorise QMS as the "authorised person" for reporting suspicion of PED.

3.4 The information that must be provided at the time of notification is:

- the name, full address and telephone number(s) of the pig keeper, and
- the location (including CPH⁴ number) of where the suspect or infected pigs are kept.

⁴ A CPH is farm or business identification number, which relates to the location of the land. It's a 9-digit number (for example, 12/345/6789). The first 2 digits relate to the county, the next 3 relate to the parish and the last 4 digits identify the holding. Its main purpose is to identify and trace the location of livestock.

This information will enable QMS to contact promptly affected producers and also producers in the local area where disease is confirmed to offer advice and support in accordance with the contingency plan.

3.5 Failure to comply with the legislation would be an offence under Section 73 of the Animal Health Act 1981. The penalty on conviction of an offence under this section is a maximum of six months imprisonment and/or an unlimited fine. This is consistent with the penalties imposed by for other notifiable animal diseases legislation. Local authorities would be responsible for implementing the legislation in their respective areas.

4. Data sharing

4.1 QMS will act as the Data Controller as defined in the Data Protection Act 1998⁵. However, QMS has collaborated with Wholesome Pigs Scotland (WPS) to establish the SPDCC (see para 1.6). QMS will be responsible for ensuring the SPDCC handles and records data captured from anyone who reports suspicion or confirmation of PED. QMS will ensure there are adequate SPDCC staff and an effective IT infrastructure to store mandatory pig keeper information securely within the SPDCC.

4.2 As the proposed legislation will require the handling and sharing of personal data a privacy impact assessment (PIA) has been carried out to assesses the implications of the legislation (see Annex B). The PIA identified four main risks. The first was QMS sharing mandatory personal data with WPS. Information may be used for other purposes or shared with other organisations/individuals may lead to disclosure of limited personal information. A data sharing agreement has therefore been put in place between QMS and WPS to make it clear the conditions in which data is being shared.

4.3 The second risk identified was the disclosure of names and contact details of persons with pigs suspected to be, or infected with PED. To mitigate that risk there is controlled access to data, data sharing and confidentiality agreements and controller-processor agreements put in place.

4.4 The third risk identified was where SPDCC staff, following confirmation, inform locally identified keepers that PED is present in the area. Although the location of the infected premises will not be disclosed (unless consent has been given) it may be possible for the infected premises to be identified. However, it is believed that the benefits of informing keepers within the local area about PED outweigh any risks to privacy of the affected keeper, as this is essential in ensuring that the disease does not spread further.

4.5 The fourth risk identified was where there was an outbreak with a large number of affected premises requiring additional support staff who may be unfamiliar with the Data Protection Act (DPA). To mitigate that risk, there will be controlled

⁵ For a fuller explanation of the DPA and its principles please visit the Information Commissioner's Office website at: <https://ico.org.uk/for-organisations/guide-to-data-protection/>

access to computer systems and a requirement to understand and sign a confidentiality agreement before additional staff are allowed access.

4.6 Analysis of the PIA concluded that all the relevant risks associated with the sharing of personal information have been identified and appropriate solutions/mitigation actions have been put in place.

4.7 As part of its responsibility for ensuring that information collected as a legislative requirement will be treated in accordance with the DPA, the Scottish Government has ensured that data sharing agreements have been put in place between QMS and WPS to ensure compliance with the DPA. Scottish Government has sought assurances from QMS that data will be handled in accordance with that Act.

5. Costs to industry

5.1 Those most likely to be affected by this proposal are pig keepers (including hobby farmers and those with pet pigs), private veterinary surgeons, laboratory technicians carrying out diagnostic tests for pig diseases and abattoir workers handling pigs. The proposed legislation will only require reporting of the suspicion of PED, although there will be costs to industry associated with becoming familiar with the reporting requirement and then, in the event of a possible disease incursion, reporting the suspected or confirmed disease incursion, these will be minor. Any subsequent action by producers will be entirely voluntary.

5.2 The attached Business Regulatory Impact Assessment (Annex C) describes the purpose and effect of the introduction of legislation on pig keepers and the associated industry.

6. Alternative Formats

6.1 This consultation paper will be made available in alternative formats. Anyone requiring the document in an alternative format should contact:

Alastair Douglas
Animal Health and Welfare Division
Directorate for Agriculture, Food and Rural Communities
The Scottish Government
P Spur
Saughton House
Edinburgh
EH11 3XD

Tel: 0300 244 9803

Or by email: alastair.douglas@gov.scot

Questions

1. Do you agree with the proposal to make PED notifiable?
 - Yes
 - No
 - Comments

2. Could reporting suspicion of PED to QMS delay investigations into other pig diseases that should be notifiable to the Animal and Plant Health Agency?
 - Yes
 - No
 - Comments

3. Will the information that must be reported on suspicion or confirmation be sufficient to help QMS support pig keepers?
 - Yes
 - No
 - Comments

4. Do the benefits of informing keepers within the local area about a confirmed PED case outweigh any risks to privacy of the affected keeper being identified?
 - Yes
 - No
 - If no please explain why

5. Does the PIA accurately assess the risk of collecting, storing and sharing mandatory information required by the legislative proposal?
 - Yes
 - No
 - Comments

6. Does the BRIA accurately reflect the costs and benefits the proposed legislation will bring?
 - Yes
 - No
 - Comments

7. Is there an alternative approach to controlling PED that ought to be considered (eg. measures not detailed in the SSI)?
 - Yes
 - No
 - If yes please explain what

8. Are you content that data collected as part of the industry disease response may be used for additional research purposes?
 - Yes
 - No
 - Comments

List of consultees

This consultation has been sent to the following organisations:

| |
|---|
| Organisation |
| |
| Acoura |
| Agricultural Industries Federation |
| British Pig Association (BPA) |
| British Veterinary Association (BVA) |
| CoSLA |
| Food Standards Scotland (FSS) |
| Information Commissioner's Office |
| Local Authorities (Scottish) |
| Moredun Research Institute |
| National Farmers Union Scotland (NFUS) |
| Pig Veterinary Society (PVS) |
| Police Scotland |
| Road Haulage Association (RHA) |
| Scotland's Rural College (SRuC) |
| ScotLean Pigs |
| Scottish Agricultural Organisation Society (SAOS) |
| Scottish Association of Meat Wholesalers (SAMW) |
| Scottish Federation of Meat Traders Association (SFMTA) |
| Scottish Land and Estates |
| Scottish Natural Heritage (SNH) |
| Scottish Pig Producers |
| Scottish Retail Consortium |
| Scottish Society for the Prevention and Cruelty to Animals (SSPCA) |
| |

2016 No.

ANIMALS

ANIMAL HEALTH

**The Specified Diseases (Notification) Amendment (Scotland) Order
2016**

Made - - - -

Laid before the Scottish Parliament

Coming into force - -

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1 and 88(2) of the Animal Health Act 1981(a) and all other powers enabling them to do so.

Citation, commencement and extent

—(1) This Order may be cited as the Specified Diseases (Notification) Amendment (Scotland) Order 2016 and comes into force on 2016.

This Order extends to Scotland only.

Amendment to the Specified Diseases (Notification) Order 1996

—(2) The Specified Diseases (Notification) Order 1996(b) is amended in accordance with this article.

In article 2 (interpretation)—

before the definition of “authorised veterinary inspector”(c), insert—

““authorised person” means a person authorised by the Scottish Ministers;” and

after the definition of “authorised veterinary inspector” insert—

““constable” means a constable of the Police Service of Scotland (as defined by section 99(1) of the Police and Fire Reform (Scotland) Act 2012(d); and”.

In article 3 (notification of specified diseases)—

in paragraph (2), after “article 5(1)” insert “or 5(2)”;

(^a) 1981 c.22. Powers to make Orders under these sections were originally conferred on “the Minister” and “the Ministers”, as defined in section 86(1) of the Animal Health Act 1981 (“the Act”). The functions of the Minister and the Ministers were, in so far as within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). The requirement to obtain Treasury consent in section 32(3) of the Act was removed by section 55 of the Scotland Act 1998.

(^b) S.I. 1996/2628, to which there are amendments not relevant to this Order.

(^c) That definition was inserted by S.S.I. 2013/173.

(^d) 2012 asp 8.

Annex A

in paragraph (3)—

delete “, in the course of his duties,”; and

after “article 5(1)” insert “or 5(2)”; and

in paragraph (4), after “article 5(1)” insert “or 5(2)”;

After article 3 (notification of specified diseases) insert—

“Sharing information on porcine epidemic diarrhoea

3A.—(1) Where a pig or pig carcase is reported by a person in possession or charge of the pig or pig carcase to an authorised person as suspected of being infected with porcine epidemic diarrhoea, this article applies.

(2) The authorised person may share the following information with a person to whom paragraph (7) applies—

- (a) the contact details of the person mentioned in paragraph (1);
- (b) the location of the premises where the suspect pig or pig carcase is; and
- (c) the date the suspicion was reported to it.

(3) A person to whom paragraph (7) applies may contact the person mentioned in paragraph (1) to advise on appropriate protection measures for the pig or pig carcase at the premises mentioned in paragraph (2).

(4) Where an authorised person is subsequently notified by a laboratory that a faecal pig sample has tested positive to porcine epidemic diarrhoea, the authorised person may share information about the results of the test with a person to whom paragraph (7) applies for the purpose of it disseminating information of the confirmed infection as appropriate—

- (a) with pig farmers in the vicinity of the premises containing the infected pig or pig carcase, to advise such pig farmers on available measures to protect their pigs from the spread of porcine epidemic diarrhoea to their premises, and
- (b) with the pig industry, to raise awareness of the positive test for porcine epidemic diarrhoea.

(5) Prior to sharing the information under paragraph (2) or (4) with a person to whom paragraph (7) applies, an authorised person must inform the person in possession or charge of the suspect or infected pig or pig carcase that the details of the suspicion or confirmation of infection will be shared with a person to whom paragraph (7) applies.

(6) Prior to disseminating information under paragraph (4) about the location of any premises where an infected pig or pig carcase is, a person whom paragraph (7) applies must obtain the consent of the person in possession or in charge of the pig or pig carcase.

(7) This paragraph applies to a person—

- (a) who is responsible for coordinating a response to a suspected or confirmed outbreak of porcine epidemic diarrhoea; and
- (b) with whom an authorised person has entered into a written agreement to share information under paragraph (2) or (4).”.

For article 5 (notice)(e) substitute—

“Notice

5.—(1) Subject to paragraph (2), a notice under this Order shall be given to—

- (a) an authorised veterinary inspector;
- (b) an inspector; or
- (c) a constable.

(2) In the case of porcine epidemic diarrhoea, a notice under this Order shall be given to—

^(e) Article 5 was substituted by S.S.I. 2013/173.

Annex A

- (a) an authorised person;
- (b) an inspector; or
- (c) a constable.

(3) An inspector (other than a veterinary inspector) or a constable who receives notice under this Order shall immediately inform a veterinary inspector or, in the case of porcine epidemic diarrhoea, an authorised person, of the facts notified.”.

In Part I of Schedule 1 (specified diseases), after the entry for “Peste des petits ruminants” insert—
“Porcine epidemic diarrhoea”.

St Andrew’s House,
Edinburgh

2016

A member of the Scottish Government

Draft v151015

Annex A

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Specified Diseases (Notification) Order 1996 (S.I. 1996/2628) (“the principal Order”) in Scotland by adding porcine epidemic diarrhoea to the list of animal diseases in Part I of Schedule 1 to the principal Order, where suspicion of the infection must be notified in accordance with articles 3 and 5 of the principal Order.

Article 2(5) amends article 5 of the principal Order to provide for notification of suspected cases of porcine epidemic diarrhoea to a person authorised by the Scottish Ministers. Article 2(3) makes consequential amendments to article 3 of the principal Order.

Article 2(4) inserts a new article 3A into the principal Order to enable a person authorised by the Scottish Ministers to share information regarding porcine epidemic diarrhoea with a person responsible for coordinating on behalf of the pig industry in Scotland a response to a suspected or confirmed outbreak of porcine epidemic diarrhoea, subject to a written agreement to share that information.

A business and regulatory impact assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Directorate for Agriculture, Food and Rural Communities, Animal Health and Welfare Division, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD and online at *[insert web address]*.

Draft V151015

Annex B

**The Specified Diseases (Notification)
Amendment (Scotland) Order 2016**

Privacy Impact Assessment

Executive Summary

i. Privacy Impact Assessments (PIAs) help the Scottish Government comply with its legal obligations under the Data Protection Act 1998. A PIA should be conducted for any project involving personal data, and which could subsequently have an impact on an individual's expectations of privacy.

ii. This PIA assesses the implications of the Specified Diseases (Notification) Amendment (Scotland) Order 2016, which will require the collection and sharing of limited personal data. The proposed legislation would put in place a legal obligation on:

- a person who has in their possession or under their charge a pig or pig carcase
- a veterinary surgeon or other person who examines or inspects a pig or pig carcase
- a person who, following analysis of a sample taken from a pig or pig carcase

which they know or reasonably suspects that a pig may be infected with PED to notify a person authorised by Scottish Ministers as soon as practicable (in practice notification would be to Quality Meat Scotland (QMS)¹. It will be mandatory in that report to provide information on the name, full address and telephone number(s) of the pig keeper, and the location (including CPH number) of the suspect or infected pigs.

iii. QMS have collaborated with Wholesome Pigs Scotland (WPS)² to establish a Scottish Pig Disease Control Centre (SPDCC). The SPDCC core staff will include a WPS project director; a chief executive; a veterinary adviser; 2 administrative staff; a QMS pig specialist and a SRuC Veterinary Epidemiologist. Other staff in those organisations will not have access to the personal data. WPS administrative staff will receive and process the personal data. WPS will act as a Joint Data Controller. QMS have put in place a data sharing agreement with WPS. Reports of suspect/confirmed cases will be made by telephone to the SPDCC.

iv. SPDCC staff will store that mandatory pig keeper information on their computer system held within the SPDCC. SPDCC staff will offer biosecurity advice and support to the keepers of pigs on suspect and infected premises (larger outbreaks may require additional support from other organisations, such as Scottish Pig Producers – additional staff will be required to sign a confidentiality agreement). SPDCC Staff have signed a confidentiality agreement with ScotEID³ and this will allow them to interrogate the ScotEID database to identify pig keepers close to the affected premises. Those keepers will be contacted, informed that PED may be present or has been detected in the area and asked to be vigilant for signs of disease. Advice will be given on what biosecurity measures can be put in place to prevent an incursion of the disease. The location will not be disclosed unless

¹ Quality Meat Scotland is an executive non-departmental public body of the Scottish Government established under The Quality Meat Scotland Order 2008

² Wholesome Pigs (Scotland) Ltd is a producer co-operative formed to manage a health scheme where pig carcasses are regularly monitored post-slaughter to assess the presence of any clinical disease.

³ ScotEID is the Scottish Government's livestock movement and traceability database for sheep, goats and pigs. It also hosts the Scottish industry-led Bovine Viral Diarrhoea (BVD) eradication scheme. For more information go to www.scoteid.com.

consent has been given by the affected keeper, however it may be possible for an affected farm to be identified if only a few farms are within that local area. On balance, as the aim is to prevent onward spread and to eradicate the disease to the benefit of the industry as a whole, this is deemed by Scottish Government to be an acceptable privacy risk.

- v. The Scottish Government nonetheless has a responsibility to ensure that information collected as a requirement of the Specified Diseases (Notification) Amendment (Scotland) Order 2016 will be treated in accordance with the Data Protection Act. The Scottish Government has sought assurances from QMS that data will be handled in accordance with that Act. Consequently, a data sharing agreement has been put in place between QMS and WPS to ensure compliance with the DPA. A data sharing agreement between ScotEID and QMS is already in place.
- vi. The statutory instrument has been prepared at the request of significant pig industry organisations, including Quality Meat Scotland (QMS), Scotland's Rural College (SRuC), Scottish Pig Producers Ltd., National Farmers Union Scotland (NFUS), the Pig Veterinary Society and the British Pig Association (BPA), who argue that this would allow PED to be identified as soon as possible and support the industry's contingency plan for the swift control and eradication of an outbreak.
- vii. Any questions or comments regarding this document should be e-mailed to:

alastair.douglas@gov.scot

1. Introduction

1.1 This document is the PIA for the proposed introduction of the Specified Diseases (Notification) Amendment (Scotland) Order 2016. It provides information about the potential privacy risks associated with the introduction of the legislation and the steps being taken to manage those risks.

1.2 Scottish Government is proposing to support industry's Porcine Epidemic Diarrhoea (PED) contingency plan by introducing legislation in Scotland to make PED a notifiable disease that is reportable to an industry body. The proposed legislation will also make it a requirement to provide limited personal information.

1.3 PED is a virus that can cause severe diarrhoea and dehydration in pigs. A new pathogenic strain of PED was identified in North America in 2013 and spread rapidly across North America. The new pathogenic strain can cause 100% mortality in piglets, although adult pigs that show clinical signs partially recover. The virus has the potential to spread quickly and have a significant impact on breeding units.

1.4 An important component of the industry's contingency plan is the early identification of initial suspect or confirmed PED cases. Making PED notifiable will encourage early reporting of PED and so increase the likelihood of eliminating the disease before it spreads. If the disease were not made notifiable, laboratories and private veterinary surgeons may not be able to disclose disease from a particular farm due to client confidentiality.

1.5 The contingency plan also has a provision to warn and inform pig keepers in close proximity to an infected premises. To support this, the proposed legislation also introduces a requirement to provide limited personal information.

Stakeholder engagement

1.6 The PIA has been developed working closely with the following organisations:

- Quality Meat Scotland (QMS)
- Pig Veterinary Society
- Wholesome Pigs Scotland
- ScotEID Ltd.
- Scotland's Rural College (SRuC)
- Scottish Pig Producers Ltd
- National Farmers Union Scotland (NFUS).

These organisations above have regularly discussed making PED a notifiable disease in support of the industry's voluntary PED contingency plan with the Scottish Government. The discussions have identified which personal data is essential to allow industry to contain the virus and how that data will be collected, stored, shared and protected in accordance with the Data Protection Act. No concerns about privacy risk were raised by stakeholders during those discussions.

2. Document Metadata

2.1 Name of Project - The Specified Diseases (Notification) Amendment (Scotland) Order 2016

2.2 Date of report – 9 November 2015

2.3 Author of report – Alastair Douglas, Exotic Disease Branch, Animal Health and Welfare Division, Directorate for Agriculture, Food and Rural Communities

2.4 Information Asset Owner (IAO) of relevant business unit – Sheila Voas Deputy Director, Animal Health and Welfare Division, Directorate for Agriculture, Food and Rural Communities.

Date for review of Privacy Impact Assessment (PIA) - The assessment is an ongoing process and PIA will be updated regularly as a project develops.

3. Description of project

3.1 The Scottish Government is proposing to support industry's PED contingency plan by introducing legislation in Scotland to make it a legal requirement for:

- a person who has in their possession or under their charge a pig or pig carcass;
- a veterinary surgeon or other person who examines or inspects a pig or pig carcass;
- a person who, following analysis of a sample taken from a pig or pig carcass;

which they know or reasonably suspects that a pig may be infected with PED to notify a person authorised by Scottish Ministers as soon as practicable. The industry's PED plan is based on QMS⁴ taking a leading role. Scottish Ministers will authorise QMS to receive reports of suspicion or confirmation of PED.

Governance, recording and sharing mechanisms

3.2 QMS have collaborated with Wholesome Pigs Scotland to establish a Scottish Pig Disease Control Centre (SPDCC). Wholesome Pigs Scotland (WPS) has agreed to receive and process the QMS data on their behalf within the SPDCC. WPS will act as a Joint Data Controller. QMS have put in place a data sharing agreement with WPS. Reports of suspect/confirmed cases will be made by telephone to the SPDCC which will be staffed by WPS.

3.3 The data that the legislation will require anyone reporting the disease to provide to the SPDCC is: the name, address and telephone number of the keeper of the herd (ie the person who owns or is responsible for a pig, whether on a permanent or temporary basis) and the location of the affected pigs (including the

⁴ QMS is an executive non-departmental public body of the Scottish Government established under The Quality Meat Scotland Order 2008

CPH⁵ number). That information will be stored on the SPDCC computer system for three years.

3.4 If a PED case is confirmed by a laboratory, the proposed legislation will require notification of the positive result to the SPDCC. Staff from the SPDCC will interrogate the ScotEID database to identify pig keepers close to the infected premises. The data drawn down from ScotEID will be as for paragraph 3.5 below for holdings located in the local area (the area is not defined here to help protect anonymity of the Infected Premises). SPDCC staff will inform all keepers identified from the ScotEID database as being within the local area of the infected premises that PED is circulating in the area.

Personal data to be processed

3.5 The mandatory personal data that will be collected is:

- the name of the pig keeper
- full address of the pig keeper
- telephone number of the pig keeper

Other mandatory data collected will be:

- location, including the CPH number, of the suspect or infected pigs

If PED is confirmed, in addition to the mandatory fields collected above, further voluntary information may be requested as part of the secondary questionnaire document to assist industry establish where disease may have come from or spread to.

How will the data be gathered?

3.6 WPS will record the mandatory information on the WPS computer system within a separate encrypted folder. The computer system will be controlled by WPS (the manager of the database) and will be both a “Data Controller” and “Data Processor” in terms of the DPA. QMS will be the manager of the QMS Data and a “Data Controller” in terms of the DPA. The data will be gathered in two parts. A mandatory questionnaire will collect the mandatory information set out in paragraph 3.5 above. Information about the type of pig unit and herd information will also be requested to assist the SPDCC assess the level of support required.

3.7 A voluntary secondary questionnaire may be carried out, face to face or by telephone. The data will be stored in the WPS database and would be kept for three years to facilitate research into this disease. Research will help provide additional information into viral spread, survival and elimination. Some research data will be able to be anonymised, but the location of the premises would be important to researchers.

⁵ A CPH is an identification number for a farm or business, which relates to the location of the land. It's a 9-digit number. The first 2 digits relate to the county, the next 3 relate to the parish and the last 4 digits identify the holding. Its main purpose is to identify and trace the location of livestock.

Who will have access to the WPS PED Database?

3.8 The SPDCC core staff will have access to the mandatory PED data collected. The SPDCC core staff will include a WPS project director; a chief executive; a Veterinary adviser; two administrative staff; a QMS pig specialist and a SRUC Veterinary Epidemiologist. Other staff in those organisations will not have access to the personal data. The WPS data base already holds commercially sensitive information and is held securely with only limited access. All those with access will sign a confidentiality agreement. WPS administrative staff in the SPDCC will receive and process the personal data. When a call is made to the SPDCC out of hours information will be recorded on formatted paper questionnaires. These will be shredded once the information is transferred to the SPDCC data base during office hours.

Will data be shared with others?

3.9 Personal PED data saved on to the WPS database may need to be shared with additional pig industry specialists brought in to support a PED outbreak involving several premises. In those circumstances QMS will arrange for those additional individuals to sign a data controller/data processor contract to ensure personal data is handled in compliance with the DPA.

How will PED data be stored and disposed of when no longer needed?

3.10 Data will be stored securely on the WPS database. Any information gathered on paper will be destroyed securely (by shredding) once data has been entered onto the database. The data stored on the WPS database will be reviewed after 3 years and unless there is a business case for retaining it, it will be destroyed.

Who will own and manage the data?

3.11 The data will be owned by QMS and managed by WPS. WPS will act as a Joint Data Controller. QMS have put in place a data sharing agreement with WPS. Reports of suspect/confirmed cases will be made by telephone to the SPDCC and that centre will be responsible for handling and recording of data captured.

4. Stakeholder analysis and consultation

4.1 Pig industry representatives are asking each of the GB administrations to make PED notifiable. The Scottish Government has identified, in consultation with QMS, Scottish Pig Producers Ltd., Wholesome Pigs, SRuC, NFUS, and the Pig Veterinary Society, the information that would need to be shared to help the industry control and eliminate an incursion of PED. Those discussions have resulted in the development of a draft statutory instrument, The Specified Diseases (Notification) Amendment (Scotland) Order 2016. Paragraph 3.5 describes the information that would need to be shared.

4.2 Consultation on the proposals is due to take place from 13 November 2015 to 24 December 2015.

5. Questions to identify privacy issues

Involvement of multiple organisations

5.1 Paragraphs 3.8 and 3.9 describe who will have controlled access to the WPS database and the steps that will be taken if additional support staff are required to respond to a large PED outbreak.

Anonymity and pseudonymity

5.2 This section considers any potential matching of data sources together, which could result in identifying an individual. Two databases holding different data that once combined would identify a person. Only those given permission within the Data Sharing Agreement drawn up by QMS and confidentiality agreements drawn up by WPS will have access to individuals' personal data. Individuals' details will not be disclosed by QMS or SPDCC staff to other pig keepers. Researchers will be required to sign a confidentiality agreement should data they are provided with be able to combine with other data sources and subsequently identify an individual.

Technology

5.3 The database that will store PED personal information has controlled access. The epidemiologist from the SPDCC may attend farms affected by PED and there is a risk that personal information either printed or stored on mobile devices will be mislaid or lost. Mitigating actions must be considered by QMS when considering the privacy risks associated with collection of personal data associated with the draft statutory instrument "The Specified Diseases (Notification) Amendment (Scotland) Order 2016".

6. Risks identified and appropriate solutions or mitigation actions proposed

Is the risk eliminated, reduced or accepted?

| Risk | Ref | Solution or mitigation | Result |
|---|--------|--|----------|
| QMS will share mandatorily collected personal data with WPS and there is a risk of information being used for other purposes or by others, leading to disclosure of limited personal information. | Risk 1 | Make clear in the Data Sharing Agreement the conditions under which data is being shared. | reduced |
| Disclosure of names and contact details of persons with pigs suspected to be, or infected with PED. | Risk 2 | Controlled access to data, data sharing and confidentiality agreements and controller-processor agreements to be put in place. | reduced |
| SPDCC staff inform keepers within the local area of a confirmed PED case that PED may be present in the area. Although the location of the infected premises will not be disclosed (unless consent has been given) it may be possible for the infected premises to be identified. | Risk 3 | The benefits of ensuring that PED does not spread further by informing keepers within the local area about PED outweigh risks to privacy of the affected keeper. | accepted |
| A large outbreak will require additional support staff that may be unfamiliar with the DPA. | Risk 4 | Controlled access and a requirement to understand and sign a data sharing agreement before additional staff are allowed access. | reduced |

7. Incorporating Privacy Risks into planning

Explain how the risks and solutions or mitigation actions will be incorporated into the project/business plan, and how they will be monitored. There must be a named official responsible for addressing and monitoring each risk.

| Risk | Ref | How risk will be incorporated into planning | Owner |
|---|--------|--|----------------------------------|
| QMS will share mandatorily collected personal data with WPS and there is a risk of information being used for other purposes or by others, leading to disclosure of limited personal information. | Risk 1 | QMS will provide the Scottish Government with a copy of the Data Sharing agreement between QMS and WPS. | Sheila Voas, Scottish Government |
| Disclosure of names and contact details of persons with pigs suspected to be, or infected with PED. | Risk 2 | The WPS computer system in the SPDCC already requires controlled access to data. Data sharing and confidentiality agreements and controller-processor agreements will be put in place that outline the conditions for managing the PED data. | Stuart Ashworth, QMS |
| A large outbreak will require additional support staff that may be unfamiliar with the DPA. | Risk 4 | New users provided with access to the WPS computer system will be required to understand and sign a confidentiality agreement before being given access. | Stuart Ashworth, QMS |

8. Authorisation and publication

The PIA report should be signed by your Information Asset Owner (IAO). The IAO will be the Deputy Director or Head of Division.

Before signing the PIA 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 PIA report, the IAO is confirming that the impact of applying the policy has been sufficiently assessed against the individuals' right to privacy.

Details of any relevant information asset must be added to the Information Asset Register, with a note that a PIA has been conducted.

I confirm that the impact of allowing specific information to be collected as a requirement of the Specified Diseases (Notification) Amendment (Scotland) Order 2016 has been sufficiently assessed against the needs of the privacy duty:

| | |
|------------------------------------|-----------------|
| Sheila Voas | |
| Deputy Director | XXX 2015 |
| Animal Health and Welfare Division | V0.6 |
| Scottish Government | |

Annex C:

Once you have completed your BRIA on this template please send to the Better Regulation [mailbox](#) and allow 10 working days for assessment and turnaround.

To ensure consistency of BRIAs across the Scottish Government, please do not amend the titles or layout of the template – Full guidance on what your BRIA should contain can be found [here](#).

Partial/Final/Review Business and Regulatory Impact Assessment

| |
|--|
| Title of Proposal |
| The Specified Diseases (Notification) Amendment (Scotland) Order 2016 |
| Purpose and intended effect |
| Background |
| <p>Porcine Epidemic Diarrhoea Virus (PED) can cause severe diarrhoea and dehydration in pigs. PED is not notifiable in GB or reportable to the OIE. A new, highly pathogenic, strain of PED virus has spread quickly across North America and has been confirmed in the Ukraine in December 2014.</p> <p>A milder strain of the disease has been circulating in Europe since the 1970s and affected several farms in Scotland in the 1980s. Although less virulent, this strain can still have a significant negative impact on health and welfare of pigs. In the 1980s the disease was controlled and eradicated by swift veterinary support, containment of infected pigs (e.g. voluntary movement restrictions) and implementation of stringent biosecurity.</p> <p>The new strain can kill up to 80-100% of infected suckling piglets in naïve herds (i.e. herds not previously exposed to the virus). Adult pigs can become infected but generally do not die, however, there may be significant consequences for productivity, such as a significant reduction in growth rates and poor reproduction performance.</p> <p>PED can be spread rapidly by contact with infected pigs, their faeces or bodily fluids. It can also be spread through contact with contaminated feed, water, implements, vehicles, premises, human clothing/footwear, and other fomites (items that are not infectious in themselves but can become contaminated and transfer infection).</p> <p>The pig industry throughout GB is keen to ensure the disease does not develop in this country. Consequently, discussions between government and industry representatives have resulted in two industry-led initiatives to help prevent and control an incursion of the virus.</p> <p>In the first initiative, the industry has developed contingency plans across GB to respond to an incursion of PED. A key component of the plan in Scotland is the collaboration between Quality Meat Scotland¹ (QMS) and Wholesome Pigs Scotland² (WPS) to establish a Scottish Pig Disease Control Centre (SPDCC). Reports of suspect/confirmed cases will be made by</p> |

¹ Quality Meat Scotland is an executive non-departmental public body of the Scottish Government established under The Quality Meat Scotland Order 2008

² Wholesome Pigs (Scotland) Ltd is a producer co-operative formed to manage a health scheme where pig carcasses are regularly monitored post-slaughter to assess the presence of any clinical disease.

telephone to the SPDCC. SPDCC staff will offer biosecurity advice and support to the keepers of pigs on suspect and infected premises (larger outbreaks may require additional staff from other organisations, such as Scottish Pig Producers³). SPDCC Staff will enter the location details of confirmed PED cases into the ScotEID⁴ database to identify any pig keeper within the local area of an infected premises. Keepers identified will be contacted and informed that PED may be present or has been detected in a herd in the area and to be vigilant for signs of disease. Advice will be given on what biosecurity measures can be put in place to prevent an incursion of the disease.

In the second initiative, industry representatives across GB (including QMS, Scottish Pig Producers, NFU Scotland (NFUS), Pig Veterinary Society, the National Pig Association, the British Pig Association and AHDB Pork) are requesting that the UK Administrations make PED notifiable on suspicion or confirmation. In Scotland, pig industry representatives and the Scottish Government have discussed the notification process and propose that reports of PED be made direct to the SPDCC, including the name and address of the keeper of the herd (ie the person who owns or is responsible for the pigs, whether on a permanent or temporary basis) and location of where the affected pigs are kept. The industry argues that by making the disease notifiable it will help support their own contingency plan through early identification and containment of the disease and so increase the likelihood of eliminating the disease before it gets an opportunity to become widespread and more difficult to manage. Early identification of initial suspect or confirmed PED cases is vital for slowing the spread of the disease to other units, thereby reducing the impact of PED on the wider industry. If the disease is not made notifiable, laboratories and private veterinary surgeons would not be able to disclose disease from a particular farm due to client confidentiality. In England, Defra is considering introducing similar legislation.

Objective

To make it a legal requirement, through the introduction of a Scottish statutory instrument made under the Animal Health Act 1981, for:

- a person who has in their possession or under their charge a pig or pig carcase which they know or reasonably suspects may be infected with PED to notify a person authorised by Scottish Ministers as soon as practicable.
- A veterinary surgeon or other person who examines or inspects a pig or pig carcase which they reasonably believe is infected with PED to notify a person authorised by Scottish Ministers as soon as practicable.
- A person who, following analysis of a sample taken from a pig or pig carcase, reasonably suspects is infected with PED to notify a person authorised by Scottish Ministers as soon as practicable.

Note: in practice it is proposed that notification would be to QMS.

This will help support the pig industry's voluntary PED contingency plan by encouraging the prompt reporting of suspect or confirmed PED cases. The plan will enable immediate advice and support to be offered to affected pig keepers. It will also help ensure pig premises in close proximity or that may have been contaminated through contact tracings to increase vigilance for signs of disease and strengthen on farm biosecurity and so minimise any impact of PED on the wider industry.

³ Scottish Pig Producers is a co-operative that markets pigs for its dedicated farmer members.

⁴ ScotEID is the Scottish Government's livestock movement and traceability database for sheep, goats and pigs. It also hosts the Scottish Industry led Bovine Viral Diarrhoea (BVD) eradication scheme. For more information go to www.scoteid.com.

Rationale for Government intervention

The rationale for Scottish Government intervention is support for the pig industry's PED contingency plans by helping to detect, as early as possible, an incursion of PED. The industry's contingency plan is voluntary and relies on the good will of pig producers to test for disease on suspicion and to adopt the movement controls and biosecurity measures outlined in the plan.

Knowing where disease is will ensure that rapid support can be offered to an affected pig keeper and ensure other pig keepers in the immediate vicinity of an infected/contact premises can adopt the heightened biosecurity arrangements.

Consultation

Within Government

Animal and Plant Health Agency
Food Standards Scotland
Department for Environment, Food and Rural Affairs
Welsh Government
Department of Agriculture and Rural Development for Northern Ireland

Business

The Scottish Government has frequently met Scottish pig industry representatives to plan controlling a potential incursion of PED in Scotland. The Scottish Government has discussed the proposal of making PED notifiable with representatives from the following organisations:

- Quality Meat Scotland (QMS)
- Scottish Pig Producers Ltd.
- Wholesome Pigs Scotland
- Scotland's Rural College (SRuC)
- National Farmers Union Scotland (NFUS)
- British Pig Association (BPA)
- Pig Veterinary Society (PVS) (British Veterinary Association)

Discussions with industry representatives from elsewhere in the UK including the National Pig Association and AHDB Pork have also taken place.

Public Consultation

Scottish Ministers have given their approval for a public consultation to seek views on making PED a notifiable disease. The consultation period has been shortened from the standard 12 weeks to six weeks, partly because of the discussions that have already taken place between pig industry representatives and the Scottish Government, and partly because making an animal disease notifiable under the Animal Health Act 1981 is not unusual. It will take place from 13 November 2015 to 24 December 2015.

Options

Two options were discussed and considered by the Scottish Government and Scottish industry stakeholders:

Option 1 – do nothing, i.e. leave it to industry to control an incursion of PED in GB.

- The industry has put in place a contingency plan to help control and eradicate an

incursion of PED into Scotland. The plan relies on pig keepers voluntarily reporting suspicion of disease to an industry led disease control centre (SPDCC) in Huntly.

- Once reported, QMS will ensure the SPDCC offer industry advice and support to the keeper of the suspect or infected premises in accordance with the agreed contingency plan.
- SPDCC staff will identify and contact other pig keepers within the local area of an infected premises notifying them that disease is circulating

Option 2 – The preferred option is to make PED notifiable under the Animal Health Act (1981) to a person or body authorised by Scottish Ministers

- A legal obligation is placed on a person who has in their possession or under their charge a pig or pig carcass which they know or reasonably suspects to be infected with PED to notify a person authorised by Scottish Ministers as soon as practicable (Quality Meat Scotland (QMS) will be authorised to receive notifications). Under this requirement laboratory technicians and private veterinary surgeons will also be required to notify QMS if they reasonably suspect that an animal or carcass is infected with PED virus.
- The information provided to QMS would be the name and address of the keeper, a contact telephone number and the address and CPH of the location of the affected pigs.
- On confirmation of PED, QMS will activate its PED contingency plan as described in option 1 above (i.e. the SPDCC offers industry advice and support to the keeper and alerts keepers in close proximity that PED is circulating).

Sectors and groups affected

The legislation in option 2 does not put in place any movement controls and there is no requirement to slaughter affected animals. The main sectors likely to be affected by this proposal are pig keepers (including hobby farmers and those with pet pigs), private veterinary surgeons, diagnostic laboratories carrying out tests for pig diseases and abattoirs handling pigs. It is recognised that where reports of suspect PED are made by a laboratory or a private veterinary surgeon they may not know all the information required by legislation.

Once suspicion has been reported or confirmed industry will take the lead in contacting the keeper of the affected pig premises to offer support and advice on how to control and eliminate disease and prevent onward spread to other premises. Voluntary movement restrictions may be recommended. On confirmation, SPDCC staff will input the CPH number of the infected premises into the ScotEID system to identify the name, address, telephone number and email address of all pig keepers (and the farm or production address if different) in the local area of the affected premises. Those keepers will be contacted by the SPDCC, informed that PED may be circulating in the area and asked to be vigilant for any signs of disease. Advice and support may then be offered to contact premises and this may include recommendations to either seek advice from their private veterinary surgeon or submit samples to SRuC.

Costs

Option 1 - do nothing

This option is already in place and does not involve Government introducing any legislation therefore there are no new costs to consider.

Option 2 – Place a legal obligation on:

- *a person who has in their possession or under their charge a pig or pig carcass*
- *a veterinary surgeon or other person who examines or inspects a pig or pig carcass*
- *a person who, following analysis of a sample taken from a pig or pig carcass which they know or reasonably suspects that a pig may be infected with PED to notify a person or body authorised by Scottish Ministers as soon as practicable.*

As a result of the measure outlined in option 2 to make reporting PED compulsory there will be costs to industry associated with becoming familiar with the new requirements of the legislation and then, in the event of suspected or confirmed disease, there will be the costs of reporting to the SPDCC.

Familiarisation

The concept of reporting a notifiable disease to the authorities is a familiar one to the pig industry. There are already notifiable diseases affecting pigs (eg foot and mouth disease, classical swine fever). However, it is proposed that for PED, reporting is not to 'the authorities', but to an industry group. Farmers, private veterinary surgeons, laboratories and hauliers will be informed about this new requirement by correspondence and through articles, possibly in the specialist press.

It should not take long for each affected person to become acquainted with the notification requirements (ie. who needs to be notified and what details to provide in the event of suspicion or confirmation of the disease on the holding). However, staff instructions may need to be drafted or changed to reflect the new legislative requirements and this may take some time to draft.

Reporting

Scotland may remain disease free in which case there are likely to be no reporting costs. However, in the event of an outbreak, the cost of reporting would be the cost of a telephone call for those reporting suspicion or confirmation of disease and the time that call takes.

It is anticipated that any costs would be easily absorbed within existing resources and would be outweighed by the benefits from reduced disease spread that early notification could bring. The Scottish Government is not proposing to put in place any additional statutory disease control measures.

Data collection

There will be a cost to the pig industry in providing staff to cover out of normal working hours cover to maintain the SPDCC's 24 hour helpline.

International Trade

There is the potential for trade restrictions from third countries once a PED case is confirmed, which could result in loss of trade for the pig industry. There is a counter argument that by making it notifiable it will be easier to declare to third countries that certain regions are free from disease. Countries outwith the EU affected by the highly pathogenic strain of PED have still been able to trade with European countries if they could meet certain export requirements.

Benefits

Option 1 - do nothing

There would be no costs to the tax payer associated with this option and the industry PED contingency plan would still be able to be implemented in full. Reports of suspicion or confirmation of disease would be made voluntarily to the pig industry's SPDCC who would activate the PED contingency plan. The plan will help maintain high animal health and welfare standards within the Scottish pig industry. However, as the disease would not be notifiable there is a risk of non-notification or a delay in reporting suspicion to the SPDCC.

Option 2 – Place a legal obligation on:

- *a person who has in their possession or under their charge a pig or pig carcass*
- *a veterinary surgeon or other person who examines or inspects a pig or pig carcass*
- *a person who, following analysis of a sample taken from a pig or pig carcass*

which they know or reasonably suspects that a pig may be infected with PED to notify a person authorised by Scottish Ministers as soon as practicable (in practice it is proposed that notification would be to QMS).

Under Option 1 laboratories and private veterinary surgeons may not be able to disclose disease from a particular farm due to client confidentiality. There is also a risk that a keeper may be unwilling to disclose they have disease or delay disclosure to the SPDCC. Introducing legislation to make PED notifiable under Option 2 increases the likelihood of disease being reported. This increases the chance of an incursion being identified thus allowing the industry to provide help and support quickly to an affected pig keeper.

Scottish Firms Impact Test

The proposed legislation is a result of a direct request from leading pig industry organisations and representatives from across Great Britain. Teleconferences between Scottish Government and the pig industry have taken place on many occasions since June 2014 where the industry has been requesting Government make PED notifiable.

Competition Assessment

There are no impacts on competition. The proposed legislation only introduces a requirement for anyone who suspects or knows a pig may be infected with PED to notify QMS.

*Will the proposal directly limit the number or range of suppliers? **No***

*Will the proposal indirectly limit the number or range of suppliers? **No***

*Will the proposal limit the ability of suppliers to compete? **No***

*Will the proposal reduce suppliers' incentives to compete vigorously? **No***

Test run of business forms

There are no forms required for businesses to complete as a result of these legislative proposals.

Legal Aid Impact Test

The proposed legislation will use existing offence provisions in the Animal Health Act 1981. There are no implications for legal aid.

Enforcement, sanctions and monitoring

The offence provisions in the proposed legislation are consistent with the penalties imposed for the non-notification of other notifiable animal diseases (making non notification an offence under Section 73 of the Animal Health Act 1981). The penalty on conviction of an offence under this section is a maximum of six months imprisonment and/or an unlimited fine. Local authorities would be responsible for implementing the legislation in their respective areas.

If the proposed legislation is implemented, the effectiveness of the legislation will be monitored by Scottish Government and the Scottish pig industry.

Implementation and delivery plan

Following the public consultation and consideration of responses it is anticipated legislation will be laid in January 2016 and come into effect in February 2016.

Post-implementation review

The Order will be reviewed within 10 years. A review may be held sooner if the European Commission introduces legislation or scientific advances are made in the prevention and control of this disease. Monitoring the effectiveness of the legislation will also arise from any outbreaks or suspected outbreaks of PED.

Summary and recommendation

Scottish Government recommends option 2 *ie: Place a legal obligation on:*

- *a person who has in their possession or under their charge a pig or pig carcass*
- *a veterinary surgeon or other person who examines or inspects a pig or pig carcass*
- *a person who, following analysis of a sample taken from a pig or pig carcass*

which they know or reasonably suspects that a pig may be infected with PED to notify a person authorised by Scottish Ministers as soon as practicable (in practise it is proposed to make QMS the reporting body).

The Scottish Government believes this option will best support the Scottish pig industry's efforts in ensuring suspicion of disease is reported promptly. Early detection of the disease will allow the Scottish pig industry to provide prompt support and help to affected keepers thus potentially minimising any financial impact on the wider Scottish and GB industry. This will also help minimise any negative impact on pig health and welfare of a disease incursion.

• Summary costs and benefits table

| Option | Total benefit per annum: - economic, environmental, social | Total cost per annum: - economic, environmental, social - policy and administrative |
|--------|---|---|
| 1 | Nil – no legislation is proposed in this option | Nil – no legislation is proposed in this option |
| 2 | Potentially quicker identification of an incursion of PED | Familiarisation with new reporting requirements and the cost and time of a phone call to report disease if it is suspected. |

Declaration and publication

The Cabinet Secretary or Minister responsible for the policy (or the Chief Executive of non departmental public bodies and other agencies if appropriate) is required to sign off all BRIAs prior to publication, using appropriate text as follows:

- *Sign-off for Partial Stage BRIAs:*

I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

- *Sign-off for Final Stage BRIAs:*

I have read the Business and Regulatory Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

- *Sign-off for Review Stage BRIAs:*

I have read the Business and Regulatory Impact Assessment and I am satisfied that (a) it represents an accurate assessment of the actual costs, benefits and impact of the policy, and (b) that the benefits do (or do not) justify the costs. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed:

Date:

Minister's name: Richard Lochhead

Minister's title: Cabinet Secretary for Rural Affairs, Food and Environment

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