

Privacy Impact Assessment

1. Title

Historic Environment Scotland Act 2014 - Secondary Legislation

2. Introduction

Historic Environment Scotland (HES) has been established as a Non-Departmental Public Body (NDPB) by the Historic Environment Scotland Act 2014 to fulfil roles formerly served by Historic Scotland (HS) and the Royal Commission on Ancient and Historic Monuments Scotland (RCAHMS). HES will take over operational responsibility on 1 October 2015.

Most of the regulatory roles which HES will carry out have previously been carried out by Historic Scotland acting as Ministers, but the new body's status as an NDPB means it has been necessary to set out new and revised requirements for these functions in the Act, leading to a suite of 9 new or revised regulations and a number of consequential changes to primary and secondary legislation, also secured by orders .

This PIA is intended to identify and mitigate the potential impacts of these proposed regulations on privacy, and particularly on the potential for misuse of personal information.

3. What is a Privacy Impact Assessment (PIA)?

A PIA is a tool to identify and reduce the privacy risks of a project. A PIA can reduce the risks of harm to individuals through the misuse of their personal information.

The UK Information Commissioners Office, as the public body chiefly concerned with data protection, has produced guidance on PIA. This guidance, including PIA screening questions, has been used in the development of this PIA.

This PIA explores the implications on confidentiality, and privacy of information, as a consequence of the secondary legislation arising from the Historic Environment Scotland Act 2014. The PIA will provide:

- The background to the secondary regulation supporting the Historic Environment Scotland Act 2014
- A screening process by which the level of potential risk is assessed

- An assessment of how personal and sensitive information would be handled by HES and what risks are associated with this handling, including potential mitigation where required.
- A review of the relevant legislation governing the handling of private and sensitive information by government bodies and NDPBs
- A note of future actions, outwith the immediate scope of this PIA, that are considered to be important in ensuring that compliance is achieved and monitored appropriately

4. Background

The Historic Environment Scotland Act, which was granted Royal Assent on 9 December 2014, establishes Historic Environment Scotland (HES) as a new NDPB which will take over the functions of Historic Scotland and RCAHMS. The Board of HES was appointed on 19 January 2015 and is currently preparing to take over responsibility for all functions on 1 October 2015.

In addition to changes to legislation reflecting HES' role and legal status, the Act changes processes for the designation of sites and buildings (by scheduling and listing) and for scheduled monuments, listed buildings and conservation areas consent, and creating new rights of appeal against certain HES decisions. HES will be a statutory consultee in relation to listed building and conservation area consents and also in relation to EIA and SEA. The exact way in which these processes operate will have a direct impact on a wide range of people including owners and managers of Scheduled Monuments and listed buildings, and heritage professionals.

The overall approach in the Act and the draft Regulations seeks to further streamline the system, aligning Scheduled Monument, listed building and planning systems where possible while retaining the same level of protection for our valuable historic environment. The approach also seeks to improve transparency through new requirements for notification and publication. In many cases this is how Historic Scotland already works, but by including these requirements in Regulations we demonstrate the commitment of this Government, and Historic Environment Scotland to transparency and access to information.

In the draft Regulations, several revised or wholly new administrative arrangements are set out that come within the scope of this assessment. These include:

4.1 Designation of Scheduled Monuments and listed buildings – the schedule and the list will be publicly available online, and a copy will be made available for inspection at HES' principal office. Decisions will be published on a new HES web portal, which will be created to meet the requirements set out in the regulations. Practices and processes will be put into place to make sure that personal information of key external contacts is not published as part of this process. HES will conduct reasonable enquiry including Registers of Scotland searches and site visits to

establish the owners and occupiers of an asset, who would be notified in writing of an intention to designate. The scheduling or listing entry will include a postal address sufficient to be able to identify the asset. However, personal information (such as that contained on legal scheduling documents) will not be published, in line with current practices. A new feature is that a copy of the published schedule and of the published list will be required to be available at the principal office of HES, although informal arrangements for this exist at present. It is likely these consultation copies will be delivered by access to a computer terminal giving access to the online versions rather than as printed documents, thus ensuring they are up to date at all times.

4.2 Scheduled Monument Consent – all applications and decision notices will be publicly available through a web portal, with sensitive personal information not being published. All relevant consent forms will provide a statement that indicates the purpose of the information being gathered and how it will be stored. Personal information will be supplied by the applicant on a sheet which will be separated from the form prior to publication, to avoid the risk of accidental release. As the new body will not have Crown Immunity, applications for consent by HES in respect of managed properties will also be the subject of the consent process, whereas Historic Scotland has to date been the subject of a parallel process which was not published online in any form. The regulations propose that applications may be considered valid even where information is not disclosed due to national security or other security concerns (such as the continued security of a property), if a statement is made that public disclosure of the information would be contrary to the public interest.

4.3 Listed Building Consent & Conservation Area Consent - Applications and decision notices for these consents are presently made available online by Scotland's planning authorities on dedicated web portals, and this process would be maintained going forward. This material will include all responses by HES, which mirrors present practice for Historic Scotland's consultation responses. The proposed regulations also provide for any document relating to these consents to be sent by electronic means, subject to the agreement of the recipient. Again, the regulations propose that applications may be considered valid even where information is not disclosed due to national security or other security concerns (such as the continued security of a property).

4.4 Appeals against scheduling, listing or Scheduled Monument Consent – The regulations set out the procedure for owners, occupiers or tenants of assets proposed for scheduling or listing by HES to appeal to the Scottish Ministers. Applicants for Scheduled Monument Consent may also appeal against decisions, or conditions imposed by HES, again to the Scottish Ministers. The Directorate for Planning and Environmental Appeals (DPEA) will handle these appeals, and the information provided by the appellant will be posted on DPEA's web portal in a manner consistent with other, planning-related, appeals already handled by DPEA.

HES will not hold any personal information on its own public portal as part of this process.

4.5 Scheduled Monument Enforcement Notices - The proposed regulations provide for HES to issue Scheduled Monument Enforcement Notices, rather than Ministers as at present. HES will publish online all enforcement notices, but will not publish personal information.

5. Consultation question

The partial PIA was a part of the public consultation. The potential impacts of the proposed regulations were assessed by asking:

Do you think that the privacy impact assessment has identified the key issues associated with Privacy in the draft regulations?

There were no responses which raised any problems in this respect, other than one response questioning in principle the point of Impact Assessments.

6. Screening Process

As part of the current consultation process, a PIA has been conducted to address concerns about the transfer and storage of personal and sensitive information by HES which has received from users of its regulatory services, and by the publication online of information relating to the above processes. This PIA aims to identify and mitigate any risks associated with data protection and information privacy.

The first stage in our PIA was the screening process, in order to evaluate whether a full-scale PIA should be conducted. The screening questions and answers are detailed below.

Technology

1. Does the project apply new or additional information technologies that have substantial potential for privacy intrusion?

No. While a new web portal will be created to meet the requirements set out in the regulations, existing technology including resources already in use by Historic Scotland will be deployed. Any other new processes or practices that are required for this service going forward will be risk assessed and signed off by the relevant HES senior officer.

Identity

2. Does the project involve new identifiers, re-use of existing identifiers, or intrusive identification, identity authentication or identity management processes?

No. Names, addresses, email addresses, phone numbers and postcodes will be collected as part of the official collection and recording of information related to the regulatory work of HES, and have been previously by Historic Scotland. These are subject to appropriate safeguards. This information would not be published or released to the general public. Case Identifiers will be published and these are linked to identities on our current systems but identifier or information on individuals will not be published.

3. Might the project have the effect of denying anonymity and pseudonymity, or converting transactions that could previously be conducted anonymously or pseudonymously into identified transactions?

No.

Multiple organisations

4. Does the project involve multiple organisations, whether they are government agencies (e.g. in 'joined-up government' initiatives) or private sector organisations (e.g. as outsourced service providers or as 'business partners')?

Yes. Most of the new methods of publication which involve potential risks to privacy will be undertaken by HES, but other elements will be handled by planning authorities and by DPEA. These bodies already have significant experience in handling personal sensitive information and ensuring that these risks are managed. All appropriate measures will be taken to remove, as far as is possible, the risk that a service user is able to be identified from data storage and release practices. One issue will be supplying appeal information to DPEA that may include personal information, which would need to be encrypted under the provisions of the Data Protection Act. This will be dealt with by processes/practices, and the new organisation will develop a way of providing encrypted information via e-mail to relevant bodies.

Data

5. Does the project involve new or significantly changed handling of personal data that is of particular concern to individuals?

No. The process for handling data in similar circumstances already exists, and will be maintained in the new body.

6. Does the project involve new or significantly changed handling of a considerable amount of personal data about each individual in the database?

No. While online publication of application material and decision-making will occur, such information will be subject to the principles set out in the Data Protection Act 1998.

7. Does the project involve new or significantly changed handling of personal data about a large number of individuals?

No. The process for handling data in similar circumstances already exists.

8. Does the project involve new or significantly changed consolidation, inter-linking, cross-referencing or matching of personal data from multiple sources?

No.

Exemptions and exceptions

9. Does the project relate to data processing which is in any way exempt from legislative privacy protections?

No.

10. Does the project's justification include significant contributions to public security measures?

No.

11. Does the project involve systematic disclosure of personal data to, or access by, third parties that are not subject to comparable privacy regulation?

No.

7. Conclusions from Screening Process

The answers to the screening process suggest that there are very limited concerns in terms of privacy as a result of the information being collected from service users, or the publication of information relating to the regulatory work of the new body. Where there are areas of concern, there are mitigating measures in place. A matrix detailing the main privacy risks associated with the data processing surrounding the regulations, and the action being taken to mitigate the risks is detailed at Annex A.

Based on the answers to the screening exercise we did not consider that a full-scale PIA was required, and we have proceeded on the basis that a small-scale PIA is appropriate.

8. How would personal information be obtained and handled?

8.1. Listing and scheduling

Historic Scotland designates scheduled monuments and listed buildings through three main approaches, and these approaches will be continued by HES:

- The body decides to consider an asset for designation as a result of its own enquiries;
- A third party proposes an asset to be considered for designation;
- An owner, occupier or tenant proposes an asset to be considered for designation

Information on owners, occupiers or tenants may be obtained by a number of means, but will only be used if they give consent to processing of that data for the operational requirements of HES:

- Registers of Scotland searches
- Informal enquiry with the owner, occupier or tenant if these can be identified through publicly available information
- Formal enquiry with the owner, occupier or tenant if identifying information has been given by either them or a third party

An example of the proposal form available to owners/occupiers/tenants or third parties can be seen here (<http://www.historic-scotland.gov.uk/listingapplicationform.pdf>). This form will be revised for 1 October 2015 with new branding, but the substantive elements of it will be retained for HES' designation work.

Personal information retrieved by these means includes names, addresses, email addresses, phone numbers and (in some cases) postcodes. This information will be placed on two separate databases, one for listed buildings and a separate one for scheduled monuments. Access to these databases will be restricted solely to those members of staff with responsibility for designation or casework associated with the proposed assets. The databases will be stored on secure servers and password-protected, and information handled in line with practices set out in the Data Protection Act (DPA) 1998.

The listing description is presently published online by Historic Scotland, and this practice would continue under HES. The information provided includes the postal address (but not postcode), architectural description, notes on the specific qualities of the structure, and references to further reading. No detailed personal information is made available.

The formal scheduling document is presently made available by Historic Scotland to view online, and this would continue as part of HES' practice. This document contains a legal description of the asset and the nearest available postal address as defined on the relevant Ordnance Survey 1:10000 mapping, and a map showing the location and extent of the designation. Scheduling documents contain ownership information (name, address and postcode) on the original paper version that is signed by the responsible officer, but at present, online version of these documents have this information redacted. This practice would continue under HES. Much redaction work on schedulings undertaken prior to the enactment of the DPA (i.e., the majority of the 8,200 monuments scheduled to date) has taken place in recent years, and the organisation retains the skills and capabilities to maintain this facility in HES as new designations occur.

Where a decision is taken not to designate an asset or an asset is removed from the list or schedule, the personal information held by HES will be removed from the databases and any other repository, which will mirror current practice at Historic Scotland.

8.2. Scheduled Monument Consent applications

HES will be the decision-making body on Scheduled Monument Consent, and will handle all routine applications. DPEA will handle appeals against decisions separately. The proposed regulations will include a commitment to publish all applications and decisions made by HES. This represents a change from present practice, where the title of an application and the decision made by Historic Scotland is published online without any provision of application material or decision notices. At present, all application materials and decision notices are contained on a web-based casework management system running on SCOTS, and which has access restricted to those officers dealing with casework. A new system is being developed for HES (initially within a SCOTS environment), which will allow personally sensitive information to be redacted prior to publication on the online portal. A quality-control element similar to those used by planning authorities' operational web portals has been designed into the system to prevent inappropriate release of personal information.

Information provided on application forms about owners, occupiers or tenants includes names, addresses, email addresses, phone numbers and postcodes. This information will be added to the scheduled monument database already described, which would be amended as required. Access to this database would be restricted solely to those members of staff with responsibility for casework. The database will be password-protected, and information handled in line with practices set out in the DPA.

HES will operate a system of monitoring of scheduled monuments by which members of staff visit every monument on a cyclical basis in order to check their

condition. Part of this evidence-gathering involves validation of the information present on the scheduled monument database, and this is updated as required. This information is also utilised in order to pursue action where a scheduled monument has been damaged, which may lead to a Scheduled Monument Enforcement Notice (see below) being served. In both cases, handling of this information is subject to the principles defined in the DPA.

8.3. Listed Building Consent and Conservation Area Consent applications

Planning authorities are responsible for handling these consents in the first instance, with Historic Scotland acting as a statutory consultee, and it is intended that HES will continue this role. Presently, all application material including decision notices are published online on the web portals of the relevant planning authority. Personal information held by these authorities is redacted prior to publication on the web portals, and this represents the information that HES will have access to. The proposed regulations set out that any communication from a planning authority or HES may be sent electronically if the intended recipient (i.e., the applicant) has given consent. This consent will be sought at application stage, where the applicant will be granted the opportunity to not receive electronic communications if they prefer.

8.4. Appeals against designation or Scheduled Monument Consent

The regulations propose that all material related to an appeal (including material submitted by the appellant) may be published online by DPEA, who will be the body responsible for handling these appeals. At present, material related to such appeals is not published in any form. DPEA handle a large number of appeals relating to applications for planning permission, Listed Building Consent, Conservation Area Consent and applications made under the various provisions of the Electricity Act 1990. DPEA publishes all of material relating to these appeals on its online web portal, with sensitive personal information redacted. It is anticipated that the same level of compliance would be followed with information related to appeals.

8.5. Scheduled Monument Enforcement Notices

Information on owners and occupiers is available under restricted and password-protected access to a controlled database, as noted above. Once HES has been satisfied that the notice can be issued to an appropriate person, the notice will be posted on site and delivered to that person according to the proposed regulations. The notice and any subsequent communications will be uploaded to HES' web portal for publication, and personal or sensitive information will not be published.

9. Legislation

The *Data Protection Act* (DPA) 1998 places legal obligations for organisations which store and process personal information. The Act provides a set of principles to

ensure that personal information is used only for legitimate purposes. The principles state that personal data must be:

- fairly and lawfully processed;
- processed for limited purposes;
- adequate, relevant and not excessive,
- accurate,
- not kept any longer than necessary,
- processed in accordance with individual's rights,
- kept secure, and
- not transferred abroad without adequate protection.

A DPA compliance check has been carried out as part of this PIA (attached at Annex B) and we have assessed that the proposed regulations as compliant with the requirements of the DPA.

The *Human Rights Act* (Article 8) provides that:

'Everyone has the right to respect for his private and family life, his home and his correspondence.'

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.'

The handling and processing by Historic Scotland of information received as part of its regulatory roles does not infringe this Right, and HES will maintain the expected standard in this regard. Planning authorities and DPEA have the same obligations in terms of data management.

Code of Practice

The Scottish Ministers' Code Of Practice On Records Management By Scottish Public Authorities, has been considered for the permanent arrangements. On the basis that the information published by Historic Scotland and in due course by HES does not publish sensitive personal information of any individual, we believe that operations carried out under the proposed regulations will comply with the Code of Practice. The storage of clerical information will be carried out in accordance with good practice in records management as detailed in the Code of Practice.

10. Future actions

The data handling processes will be largely the same under the proposed regulations as they are now, and the additional responsibilities implicit in the regulations can be made the subject of the same safeguards. We believe that the data handling proposals that are in place are sufficient to safeguard the information that will be stored and processed by HES, and that any risks to the privacy of that information are limited.

We believe that HES' practices regarding potential impacts on privacy should be the subject of periodic review in the new organisation, and this will be set out in future Corporate Plans. We consider that the Sponsorship Team of Scottish Government's Historic Environment Policy Unit would be best placed to ensure that adequate monitoring and reporting is undertaken.

11. Conclusions

We have conducted this PIA to establish the privacy risks regarding the information that we will be handling and storing, and the mitigation of those that have been identified.

This PIA has identified that the data-handling and storage arrangements that will be in place for HES do not pose any significant risks to the privacy of that information. There was only one respondent to the specific consultation question regarding the storage and handling of sensitive information. They considered that the risks would be adequately identified, and were likely to be well-managed by the new body if the proposed mitigations are adhered to.

We believe that the systems that are to be put in place for managing the transfer and storage of data comply with legislative demands, and we will continue to robustly review these systems to ensure future compliance.

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1 June 2015

Privacy Impact Assessment - Mitigation Summary

(Annex A)

Questions to identify Privacy Issues	Answer and Risk rating	Mitigation
1. Does the proposal include the use of new or additional technologies with the potential for privacy intrusion?	No - Low	There are no new technologies involved. While a new web portal will be created to meet the requirements set out in the regulations, existing technology including resources already in use by Historic Scotland will be deployed.
2. Identity: Does the proposal include new identifiers, or substantially change or re-use existing, identifiers or any intrusive or onerous identification, authentication or identity management processes?	No - Low	All personal and sensitive information received will be handled according to the principles set out in the Data Protection Act 1998.
3. Identity: Does the proposal affect anonymity or pseudonymity; will previously anonymous or pseudonymous transactions be identified?	No - Low	As for 2 above.
4. Is the justification for the proposal	No - Low	We have previously consulted with stakeholders including service users in workshops and informal consultation exercises, in order to draft

either unpublished or unclear?		the proposed regulations. The consultation on the proposed regulations will be published at http://www.scotland.gov.uk/Consultations/Current on 19 December 2014.
4. a) Does the proposal involve new or changed data collection policies or practices that may be unclear or intrusive?	No - Low	Existing data handling techniques have been tried and tested for the many elements defined in the proposed regulations, and will be taken forward by HES. A new web portal shall be created by HES to publish application material, and development of this will fully take into account the principles defined in the Data Protection Act 1998 regarding personal and sensitive information.
4. b) Does the proposal involve new or changed quality assurance or security processes or standards that may be unclear and/or unsatisfactory?	No - Low	As for 4 (a)
4. c) Does the proposal involve new or changed data access or disclosure arrangements that may be unclear or permissive?	No - Low	As for 4 (a)
4. d) Does the proposal involve new or changed data retention processes that may be unclear or extensive?	No - Low	As for 4 (a)
4. e) Does the	Yes -	As for 4 (a). The new web portal created by

<p>proposal involve a new or changed medium or method of disclosure for publicly available information so data is more readily accessible?</p>	<p>Medium - Low</p>	<p>HES works within a SCOTS environment, which will allow personally sensitive information to be stripped out (or redacted where appropriate) prior to publication on the online portal. A quality-control element similar to those used by planning authorities' operational web portals has been designed into the system to prevent release of personal information or inappropriately un-redacted documents.</p>
<p>5. Will the proposal involve multiple organisations, either government agencies (e.g. 'joined-up government' initiatives) or the private sector?</p>	<p>Yes – HES, 32 planning authorities, and DPEA Medium – Low</p>	<p>Personal or sensitive information will be handled by HES and other bodies according to the principles defined in the Data Protection Act 1998. . Data-sharing agreements shall be put in place to ensure an appropriate level of handling. The information categories that these bodies will hold reflects those categories that are presently held.</p>
<p>6. Does the proposal involve personal data of particular concern to individuals?</p>	<p>Yes – Low</p>	<p>Existing data handling techniques have been tried and tested for the many elements defined in the proposed regulations, and will be taken forward by HES, the planning authorities, and DPEA. A new web portal shall be created by HES to publish application material, and development of this will fully take into account the principles defined in the Data Protection Act 1998 regarding personal and sensitive information.</p>
<p>7. Does the proposal involve the linkage of personal data with data in other collections, or any significant change to existing data links or holdings?</p>	<p>No -Low</p>	<p>The proposed regulations will give effect to a number of means of collecting personal data which is reflected by present and ongoing practices of the organisations concerned.</p>

8. Will the proposal handle a significant amount of data about each person, or significantly change existing data-holdings?	No - Low	The process will not handle information other than what is required to provide a service to users. There will be no changes to existing data handling.
9. Will the proposal handle data about a significant number of people, or change significantly the existing population scope or coverage?	Yes - Medium - Low	Data on all applicants for consents and designations, and for appeals will be held. This will not represent a significant expansion of the categories or number of individual entries that are currently held by HES or other bodies. A privacy notice will be in place on all relevant application forms and other communications which would demonstrate how the data would be appropriately handled.
10. Does the proposal consolidate, inter-link, cross-reference or match personal data from multiple sources?	Yes – Medium - Low	Some assets are both listed and scheduled. It is HES' intention to de-list many such assets where appropriate. In such cases, the owner-occupier database for scheduling would be searched by those responsible for listing, who would be subject to the same safeguards and controls as the officers responsible for scheduling. This reflects current practice by Historic Scotland, and no other cross-referencing risk has been identified.
11. Is the proposal to process any data that is exempt from legislative privacy protections?	No – Low	For information, certain national security exemptions from the Data Protection Act may apply for some Scheduled Monument Consent, Listed Building Consent, and Conservation Area Consent applications. Similar exemptions to these consents may apply where the security of a property could be threatened by release of information. The applicant will provide a certificate setting out the reasons for requesting such exemptions. The total number of cases that would be expected to avail of these provisions is

		very low, and it is likely that this will mostly involve assets on Ministry of Defence estates.
12. Does the proposal's justification include significant contributions to public security measures?	No - Low	<p>There should be no impact on public security measures as a result of the proposed regulations.</p> <p>Exemptions to statutory consents may apply where the security of a property could be threatened by release of information. The applicant will provide a certificate setting out the reasons for requesting such exemptions. The total number of cases that would be expected to avail of these provisions is very low.</p>
13. Does the proposal intend to disclose personal data to, or access by, third parties that are not subject to EU or comparable privacy regulation?	No - Low	There is no intention to disclose any data to anyone or anywhere that is not subject to EU or comparable privacy regulations.

Privacy Impact Assessment - Data Protection Act Compliance Check

(Annex B)

1. What type of personal data is going to be processed?

The information to be processed will be taken from designations casework relating to listing or scheduling of historic assets, or from regulatory casework relating to these assets. This information includes names, addresses, email addresses, phone numbers and postcodes.

2. Which of the grounds in schedule 2 of the DPA will provide a legitimate basis for the processing?

We consider that Schedule 2 Condition 5 (d) is appropriate for the types of information that would be held as a consequence of the proposed regulations. This states that ‘the processing is necessary for the functions of a public nature exercised in the public interest by any person’.

3. If sensitive personal data is going to be processed, which of the grounds in schedule 3 (in addition to the schedule 2 grounds) will provide a legitimate basis for that processing?

We consider that Schedule 3 Condition 7 (1) (b) is appropriate in this case. This states that ‘the processing is necessary for the exercise of any functions conferred on any person by or under an enactment’. This consent would be made by a data subject in the following ways:

- completing an application form for Scheduled Monument Consent, Listed Building Consent or Conservation Area Consent
- providing personal details to HES either in response to a request from that body, or voluntarily
- consenting to a stated intention by HES to designate an asset
- notifying Scottish Ministers that they wish to appeal a decision notice issued by HES
- being made the subject of a Scheduled Monument Enforcement Notice

In accordance with the Data Protection Act, information to be received, stored, and processed as a result of these proposed regulations will be classified as “sensitive personal data”.

4. Are there any special considerations relating to Article 8 of the Human Rights Act that will not be covered by the PIA?

This Article provides that everyone has the right to respect for his private and family life, his home.

No.

5. Will any of the personal data be processed under a duty of confidentiality? If yes, how is that confidentiality being maintained?

No.

6. How are individuals being made aware of how their personal data will be used?

Individuals will be informed on application forms for consent, on the receipt of a notice of intention to designate, or in appeal documentation that the information will be stored on a secure database and processed according to the principles set out in the Data Protection Act 1998.

7. Does the project involve the use of existing personal data for new purposes?

No. Information on owners, occupiers, tenants, applicants and appellants retained by Historic Scotland will continue to be retained by HES, and new information will be added by HES to the relevant databases. This does not reflect a new use of existing data.

8. What procedures will be in place for checking that the data collection procedures are adequate, relevant and not excessive in relation to the purpose for which the data will be processed?

The process for collecting data is stated above in the section headed 'How would sensitive personal information be obtained and handled?' HES will be subject to periodic review of its data collection and retention policies, which will provide opportunities to ensure that the information being gathered is, and continues to be, adequate, relevant, and not excessive.

9. How will the personal data be checked for accuracy?

Validation checks are in place as stated in the section on 'How would sensitive personal information be obtained and handled?' to ensure that the data being provided is valid.

10. Has the personal data been evaluated to determine whether its processing could cause damage or distress to data subjects?

Yes – the data that is being collected will not be published and will be handled according to the principles set out in the Data Protection Act. This will reduce the possibility of individuals being identified from the information being processed. Therefore its processing cannot cause any harm or distress. **11. Will there be set retention periods in place in relation to the storage of the personal data?**

No Personal information on decision making for this project will be held in perpetuity as a historical record in relation to the decision making. As a historical record it is not necessary to monitor it for review or to update the information at request. The new system will not hold data in a way that would be covered under DPA.

12. What technical and organisational security measures will be in place to prevent any unauthorised or unlawful processing of the personal data?

The section “How would sensitive personal information be obtained and handled?” details the technical and organisational security arrangements for the security of the information.

13. Will you be transferring personal data to a country outside of the European Economic Area? If so where, and what arrangements will be in place to ensure that there are adequate safeguards over the data?

No