

Cabinet Secretary for Rural Affairs, Land Reform and  
Islands  
Mairi Gougeon MSP



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

T: 0300 244 4000  
E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Finlay Carson MSP  
Convener  
Rural Affairs and Islands Committee

By Email: [rural.committee@parliament.scot](mailto:rural.committee@parliament.scot)

10 May 2024

## **The Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024**

Dear Finlay,

I am writing in follow-up to my appearance before the Rural Affairs and Islands Committee on 1 May 2024 in consideration of The Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024.

During the session members raised a number of points to do with data in relation to the introduction of remote electronic monitoring (REM) for pelagic and scallop dredge vessels and I agreed to send copies of the Data Protection Impact Assessment (DPIA) and Privacy Notice. These documents (attached) detail how data will be processed and protected under REM and outline how the policy complies with our obligations under data protection laws, including the UK General Data Protection Regulation (GDPR).

**MAIRI GOUGEON**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)

**INVESTORS IN PEOPLE™**  
We invest in people Silver



# Data protection impact assessment (DPIA)

## 1 Introduction

The purpose of this document is to report and assess any potential privacy impacts as a result of using Remote Electronic Monitoring (“**REM**”) systems on fishing vessels.

## 2 Document metadata

2.1 Name of policy/project/initiative: **Remote Electronic Monitoring (REM) of fishing vessels**

2.2 Date of report:

2.3 Version number:

2.4 Author of report: **Jessica Roscoe**

2.5 Name of information asset owner (IAO) of relevant business unit: **Malcolm Pentland**

2.6 Date for review of DPIA

Review date	Details of update	Completion date	Approval Date

### 3 Description of the project and personal data

#### 3.1 Description of the work

##### Background

Remote Electronic Monitoring (REM) relates to the use of imagery, sensors, and Vessel Positioning Systems (VPS) to independently monitor fishing operations, effort and/or catch.

The Scottish Government's Fisheries Management Strategy<sup>1</sup> highlights the duty we have as managers of the marine environment to ensure that fishing activities are undertaken sustainably and responsibly. It also stresses the increasing significance of accountability within the fishing industry in securing consumer confidence in the products it offers.

**Scottish Statutory Instrument (No. XXXX)** makes it a legal requirement for all scallop dredge<sup>2</sup> and pelagic vessels in Scottish waters and Scottish vessels wherever they fish to have a fully operational REM system installed on board. Pelagic vessels for the purposes of this policy are defined as: Refrigerated Sea Water /Chilled Sea Water (RSW/CSW) and freezer vessels, 12 metres and over in length, fishing for small pelagics<sup>3</sup>.

##### Why REM?

The introduction of a REM compliant fleet will principally allow for full documentation of fishing activity, presenting a variety of benefits covering three main areas:

#### **1) more data for Scottish Government's Science, Evidence, Data and Digital portfolio (SEDD) – better assessments**

REM technology offers a range of scientific benefits, by supporting and building upon existing fisheries-dependent data collection methods such as independent fishery observers, vessel monitoring systems (VMS) and logbooks.

REM technologies can improve the timeliness, quality, spatial resolution, cost-effectiveness and accessibility of scientific data to ensure the data utilised for fisheries management decision making is of high quality. If used on a large scale, and as more tools are developed and implemented such as Machine Learning (ML), REM data streams can be integrated with existing data collection programmes to support stock assessments, support other scientific research interests and wider decision-making in the marine environment.

Consequently, this should help deliver benefits in relation to fisheries stock management, which in turn can help lead to more responsible, traceable and sustainable fishing. Scientific involvement in co-developing and deploying REM technology is therefore of significant importance, with Scottish Government compliance and SEDD both co-beneficiaries of this system.

As the tools to support REM are developed and improved in future, such as Machine Learning (ML), the data generated by REM could ease the reporting burden and duplication of effort on behalf of fishers and fisheries management organisations. Information such as a vessel's location, fishing

<sup>1</sup> [Future fisheries: management strategy - 2020 to 2030 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/future-fisheries-management-strategy-2020-to-2030/pages/1-introduction.aspx)

<sup>2</sup> A vessel that uses an appliance with a rigid framed mouth which is towed through the water and is manufactured, adapted, used or intended for use for the purpose of fishing for any bivalve mollusc of the *Pectinidae* family

<sup>3</sup> Defined in Article 6(9) of the retained Technical Conservation Regulation (2019/1241) – which is defined as 'species such as mackerel, herring, horse mackerel, anchovy, sardine, blue whiting, argentinnes, sprat, and boarfish'

effort, gear, and most importantly from a fully documented fisheries management perspective, the types and quantities of retained or discarded catch.

### 2) more data for Scottish Government compliance – compliance tool

REM can act as a deterrent to non-compliant activity, such as entering restricted areas, discarding, slipping or high grading, and can create a level playing field for all vessels that use it within a fishery as long as rules are applied fairly and consistently and where there are appropriate levels of monitoring and analysis. Therefore, REM aims to maintain greater levels of compliance and as such more sustainable fisheries with fewer occurrences of illegal practices. REM will enhance the Scottish Government’s abilities to demonstrate accountability in Scottish fishing practices (and non-Scottish activity taking place in Scottish waters), to deliver confidence that fishers are complying with fisheries rules and regulations, and to supplement our existing enforcement tools used as part of our world-class compliance system. Over time, with further development of tools such as ML, REM could be used in place of existing methods allowing efficiencies in fisheries compliance activities.

### 3) protecting the ecosystem, with positive knock-on result of reputation

In addition to REM improving accountability in our fishing practices, consumers will have more confidence that fish is being caught sustainably and thus improve the reputation of Scottish fishing in general.

#### What is being introduced?

Under the policy REM becomes mandatory for all scallop dredge and pelagic vessels (including freezer vessels) operating in Scottish waters, and for Scottish scallop dredge and pelagic vessels regardless of where they are fishing. Pelagic vessels will have a 2-year lead in time, whereas using REM to monitor scallop dredge activity is not a new concept with suitable systems readily available.

The technical specification accompanying the legislation details the exact technical specifications, including the requirements for the VPS, sensors and camera(s) and stipulates transmission of data and data retention requirements that vessels owners must comply with.

## 3.2 Personal data to be processed

Variable	Data Source	Number of data subjects (people)	Categories of data subjects	Data subjects relationship to controller
Personal data processed under Part 2 – General Processing				
<b>Name of vessel owner- and contact details (or representative)</b>	Vessel owner (or representative)	There are 21 pelagic vessels in the Scottish fleet and 39 pelagic vessels from the rest of the UK or from foreign countries which fished in Scottish waters between 2018-2021.	Vessel owner (or representative)	Vessel Owner - Government

		In 2022 there were 76 Scottish registered and 36 UK registered scallop dredge vessels operating in Scottish waters.		
<b>Location data – where applicable to sole traders (rather than to a company), this data has the potential to be personal data)</b>	The REM system on the fishing vessel (automatically stores location data at intervals of at least once every 10 seconds).	As above	Fishers	<u>Vessel Owner - Government</u>
<b>Coincidental video/imagery Vessel employees.</b>	The REM system on the fishing vessel (digital cameras are required for the purpose of capturing and monitoring fishing and related activities). The cameras must be fully functioning throughout the duration of a fishing trip from the point that the winch sensor is first operated.	Unknown. The number of people working on a fishing vessel is not monitored and it is not possible to speculate how frequently they may appear in the footage.	Fishers	Vessel Owner/Employee - Government

<b>Variable</b>	<b>Data Source</b>	<b>Number of data subjects (people)</b>	<b>Categories of data subjects</b>	<b>Data subjects relationship to controller</b>
Personal data processed under Part 3 – Law Enforcement Processing				
<b>Contact data and name of vessel owner</b>	Vessel owner (or representative)	There are 21 pelagic vessels in the Scottish fleet and 39 pelagic vessels from the rest of the UK or from foreign countries which fished in Scottish waters	Vessel owner (or representative)	Vessel Owner - Government

		<p>between 2018-2021.</p> <p>In 2022 there were 76 Scottish registered and 36 UK registered scallop dredge vessels operating in Scottish waters.</p>		
<p><b>Locational / spatial data (has the potential to be personal data)</b></p>	<p>Sensors are installed on the vessel to capture location and activity data.</p> <p>A key requisite of the REM system is a vessel positioning system (VPS) which automatically stores location data at intervals of at least once every 10 seconds.</p> <p>Winch sensors provide evidence of fishing activity and are connected to the winches by which fishing gear is deployed. These sensors detect the operation of the winches when they are in use. VPS data, along with data from the winch sensors, is used to establish what fishing activities the vessel has been engaged in and the location the activity has taken place.</p>	As above	Vessel owner (or representative)	<u>Vessel Owner - Government</u>
<p><b>Coincidental video/imagery.</b></p>	<p>Digital cameras are required to be installed for the purpose of capturing and monitoring fishing and related activities. The cameras must be fully</p>	<p>Unknown. The number of people working on a fishing vessel is not monitored and it is not possible</p>	Fishers	Vessel Owner

	<p>functioning throughout the duration of a fishing trip from the point of the first operation of the winch sensor.</p> <p>Scallop boats are obliged to operate a minimum of one digital camera whose the combined field of view is capable of capturing all movements related to the setting and hauling of fishing gear.</p> <p>Pelagic vessels are required to have sufficient cameras on board to capture all fishing, sampling, processing and discarding activity.</p>	<p>to speculate how frequently they may appear in the footage.</p> <p>Scottish Government does not use data from the cameras to identify people.</p> <p>Camera footage is required for the purpose of monitoring fishing and related activities. Any instances where an individual is recorded as part of this process it is incidental footage.</p>		
--	--	--	--	--

### 3.4 How this data will be processed

#### PERSONAL DETAILS

Vessel owners (or their representative) must submit identity data, contact data and vessel data in order to meet the requirements. The information is received directly from the vessel owner (or representative) and is stored securely on the Scots network.

Articles 8 and 18 of the SSI requires this information places a duty on the vessel owner (or representative) to ensure the data is kept up to date

#### LOCATIONAL DATA – (has the potential to be personal).

Fishing vessel locational data is gathered on the REM device that the fisher has installed on their vessel. For pelagic vessels, it must be transmitted automatically (using wifi or mobile phone connectivity) to a data storage system owned, operated or hosted by or on behalf of the manufacturer of the REM system. Scallop vessels have the option to store data on board and upload on request.

Owing to the existing technology onboard, a pelagic vessel must transmit this data in real time. Whereas a scallop dredge vessel must automatically upload the data when it is within range of, has

access to, or is connected to any means of transmission (where there is no signal or if a vessel is out with mobile range this data will be stored onboard and uploaded on the next available opportunity).

Although the policy sets out the technical specifications required of a vessel's REM system it does not specify which system must be installed. The Scottish Government must be able to access, analyse and extract the locational data from the data storage system of the third party. The data is required to be held and made available to Scottish Ministers for a period of one year, unless authorised for early deletion by the Scottish Ministers. Any data extracted from the data storage system of the third party provider is held on servers securely stored and maintained within SG premises with access protected with individualised login details, password protection on files.

The Scottish Government does not specify which third-party provider should be used to host REM data but third party providers could be based in the UK, EU or elsewhere in the world and will act as joint controllers of personal data.

Within the Scottish Government access to the data is limited to trained analysts who have a business need, predominantly concerned with Compliance and Science functions within the Marine Directorate. Data will also be used by Marine Directorate analysts for example in the context of marine spatial planning.

An individual vessel's locational data will not be shared outside the Marine Directorate of the Scottish Government unless we have a legal obligation to do so, or where prosecutorial bodies or other law enforcement bodies have demonstrated that any request for information from them falls under an exemption in the Data Protection Act 2018. In such instances, this data could be shared in raw form. However, the data may be used in aggregated and anonymous form in publications and reports produced by, for and on behalf of the Scottish Government.

For scientific analysis, data may be shared with ministerial/governmental advisory groups for specific purposes and for defined periods. In such instances Marine Directorate would remain the data controller and liable for any breaches or leaks. These bodies would process this data (sensor and locational – i.e. not containing any personal information) on behalf of Marine Directorate.

The data provides an accurate record of a fishing vessel's location at the point of collection. To that extent it does not need to be kept up to date.

Information about companies is not necessarily personal data, however locational data may still pose some risk to them so should be processed carefully. Information about fishers acting as sole traders or a partnership may constitute personal data. Where the registered owner of a fishing vessel is a natural person and also the skipper of the vessel, it is possible to link his/her owner details from existing records to location data, which could make this data 'personal'. Scottish Government records can identify whether the registered owner(s) of a fishing vessel is natural or legal person, it can also differentiate between partnership/group of individuals and sole traders.

Data controller – Vessel Owner and Scottish Government  
Processor - third party REM provider.

## CAMERA DATA

Scallop boats must operate at least one digital camera for the purpose of capturing all movements related to the setting and hauling of fishing gear. Pelagic boats are required to have sufficient cameras to capture any and all fishing, sampling, processing and discarding activity that takes place on board. Camera data must be automatically transmitted (using wifi or mobile phone connectivity) to a data storage system owned, operated or hosted by or on behalf of the manufacturer of the REM



system or, in the case of scallop vessels, retained on the onboard REM hardware device and submitted automatically on receipt of request by Scottish Ministers. The data is required to be held and made available to Scottish Ministers for a period of one year, unless authorised for early deletion by the Scottish Ministers.

Camera placement and numbers will vary from vessel to vessel, however the universal focus of the camera(s) is to monitor fishing activity on location. Some providers of REM systems can provide 'privacy masks' which can blank out unnecessary parts of the image. Where vessels choose to make use of such technology this is permitted, providing that the images captured continue to be sufficient in meeting the technical specification within the legislation.

In a minority of the images viewed by SG analysts, crew may be in peripheral view. However, it should be noted that any camera footage where an individual is identifiable will be incidental and should not have an effect on that individual (documentation submitted for regulating fishing activity does not extend to naming/identifying crew members, only the Master of the vessel). The Scottish Government does not currently use data from the cameras to identify people and a vessel cannot be readily identified from the camera footage alone.

Analysts use pre-recorded surveillance images, real time reporting does not need to take place.

Data from cameras is a compliance and scientific tool. For compliance purposes, if footage is viewed and deemed to represent a potential infringement, the footage will be retained as part of any ongoing investigation and permanently deleted on conclusion of such investigation. For scientific and general fisheries management purposes, camera footage will be kept for as long as required, particularly for comparison with historical data sets, and for creating training data sets for ML development.

Data controller – Vessel Owner and Scottish Government  
Processor - third party REM provider.

### RETENTION OF DATA

A duty is placed on the vessel owner (or representative) to ensure that the data recorded by an REM system installed on board in relation to a fishing trip are retained for a period of one year beginning with the time at which the data are recorded. This applies to both scallop and pelagic vessels. In some circumstances it may be permitted to delete data before the end of the one year period, but only with the express permission of the Scottish Government.

Data Controller – Vessel owner and Scottish Government#  
Processor – third party REM provider

## 3.4 The purpose(s) of the processing

The SG is committed to delivering sustainable and responsible fisheries management – a key part of this is to improve accountability and confidence in seafood products and fishing operations by using existing and emerging technology to improve our knowledge base and ensure that we are fishing within sustainable limits. Data generated by REM will help to inform the Scottish Government's policy

development, provision of scientific advice and intelligence for enforcement purposes (as set out in detail in section 3.1).

## 4 Data controllers and data processors/sub processors

### 4.1 Data controllers

Organisation		Vessel Owners	
Activities		Fisher/boat owner	
Is the organisation a public authority or body as set out in Part 2, Chapter 2, Section 7 of the Data Protection Act 2018?		No	
Lawful basis for processing under UK General Data Protection Regulation (UK GDPR) Article 6 for the collection and sharing of personal data – general processing.	The Marine Directorate of the Scottish Government is responsible for the integrated management of Scotland's seas.  Article 6(1)(c) of UK GDPR provides a lawful basis for processing where: Compliance with a legal obligation.	Lawful basis for processing under UK General Data Protection Regulation (UK GDPR) Article 9 – special category data or Article 10 – criminal convictions data  Include condition from Schedule 1 or 2 of the Data Protection Act 2018	No special category data are being collected.
Law enforcement – if any law enforcement processing will take place – lawful basis for processing under Part 3 of the Data Protection Act 2018		Legal gateway for any sharing of personal data between organisations	

Organisation		Scottish Ministers	
Activities		Devolved Government	
Is the organisation a public authority or body as set out in Part 2, Chapter 2, Section 7 of the Data Protection Act 2018?		Yes	
Lawful basis for processing under UK General Data Protection Regulation (UK GDPR) Article 6 for the collection and	The Marine Directorate of the Scottish Government is responsible for the integrated	Lawful basis for processing under UK General Data Protection Regulation (UK GDPR) Article 9 – special category data	No special category data are being collected.

<p>sharing of personal data – general processing.</p>	<p>management of Scotland's seas.</p> <p>Article 6(1)(e) of UK GDPR provides a lawful basis for processing where: “processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller”.</p> <p>Data generated by REM will help to inform the Scottish Government’s policy development, provision of scientific advice and intelligence for enforcement purposes.</p> <p>Under UK GDPR Article 6 personal data is processed for compliance purposes by Marine Directorate under the legal obligation, and in line with, fishing and conservation legislation.</p>	<p>or Article 10 – criminal convictions data</p> <p>Include condition from Schedule 1 or 2 of the Data Protection Act 2018</p>	
<p>Law enforcement – if any law enforcement processing will take place – lawful basis for processing under Part 3 of the Data Protection Act 2018</p>	<p>Where data is collected for Compliance purposes, it falls under Law Enforcement Processing and is covered by Part 3 of the Data Protection Act 2018. This is enforcement which Marine Directorate already carry out in line with the named fishing and conservation</p>	<p>Legal gateway for any sharing of personal data between organisations</p>	

	<p>legislation. The condition from Schedule 8 of the DPA 2018 is condition 2: "<i>Administration of justice</i> - This condition is met if an offence is detected and the processing is necessary for the administration of justice.</p>		
--	--	--	--

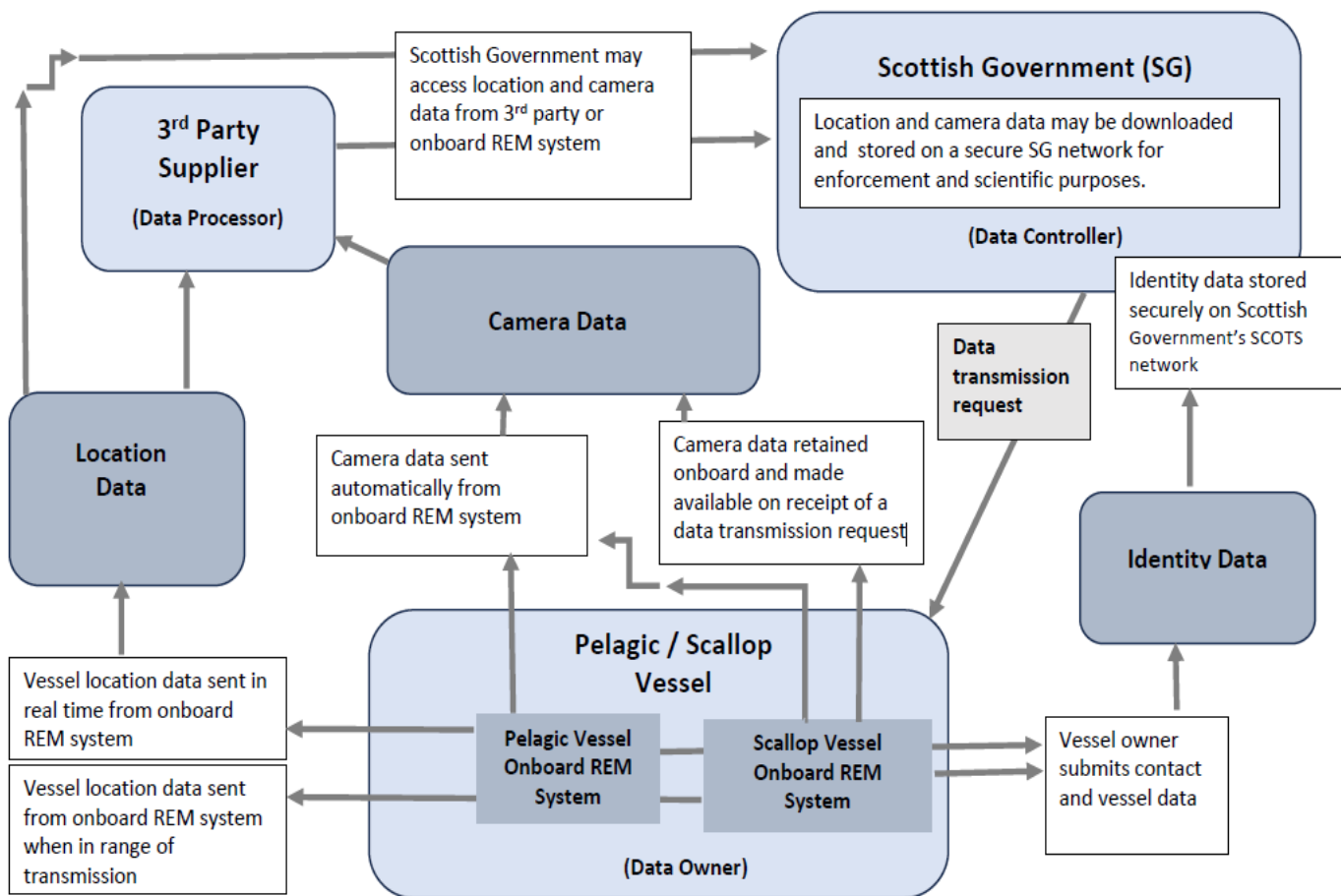
#### 4.1 Data processors and sub processors

<list the organisations contracted as data processors or data sub processors and their activities>

<b>Organisation</b>	<b>Activity</b>	<b>Contract in place compliant with UK GDPR Art 28? Yes/No</b>
Not applicable		
Third Party REM Provider	Process all data on behalf of the Vessel Owner	Responsibility of the VO

## 4.2 Data flows – flowchart

### How Remote Electronic Monitoring Data is Processed



## 5 Stakeholder analysis and consultation

### 5.1 Stakeholders

<list all the stakeholder groups involved in the project, including external stakeholders, and state their interest>

Group	Interest
Scottish Government (Scottish Ministers)	SG is the <b>data controller</b> for all of the data shared with them and processed under the REM legislation.
System designers and developers (3 <sup>rd</sup> party manufacturers of REM systems)	System designers and developers are responsible for <b>designing and developing REM systems and analysis tools used worldwide</b> , and are data processors.
Registered owners of vessels	The master, the owner and the charterer (if any) of a relevant scallop or pelagic boat must ensure that the REM system installed on board and is fully functional at all times.

### 5.2 Method used to consult with these groups when making the DPIA

Virtual meetings and written reports.

### 5.3 Data protection issues identified by these groups during consultation

General concerns around privacy relating to the capture of images onboard which have been addressed within the DPIA and through the production of a privacy notice.

General concerns around the sharing of data with interested parties outside of the Government e.g. environmental groups. This has been addressed within the DPIA and we are clear when and how data will be used.

### 5.4 Method used to communicate the outcomes of the DPIA

As above.



## 6 Questions to identify data protection issues

### Necessity

The SG is committed to delivering sustainable and responsible fisheries management – a key part of this is to improve accountability and confidence in seafood products and fishing operations by using existing and emerging technology to improve our knowledge base and ensure that we are fishing within sustainable limits. Data generated by REM will help to inform the Scottish Government's policy development, provision of scientific advice and intelligence for enforcement purposes.

### Proportionality

Alternatives to cameras, including Marine Patrol vessels, drones and aeroplanes, have been considered. However, whilst these options continue to be pivotal in delivering risk-based surveillance of fishing operations at sea, we have concluded that they do not match the high level of efficient and cost-effective remote camera based monitoring that REM affords.

Existing compliance methods will continue to be used alongside REM, such as routine coastal inspections carried out by operations officers which can detect infringements on vessels' landing. Vessels are also currently subject to an arrival process when VMS data is checked to ensure compliance.

### Justification

Scotland's marine environment is a national asset and a shared natural resource. The Scottish Government's role (for example our role as fisheries managers) is to manage and preserve that asset for the benefit of Scotland and future generations to come. There are considerable challenges in managing the marine environment where space is at a premium and in demand from a range of industries and users. The use of REM – particularly the locational and sensor data - will help to address those challenges (e.g. spatial data will provide a footprint on the fishery) and aid improved interaction between fishers and other marine users (e.g. in a marine planning context). The use of cameras will ensure compliance – at sea - with fisheries regulations, and support increased knowledge of fishing operations and catches.

### Involvement of multiple organisations

The REM data is only available to relevant Marine Directorate staff. All MD staff undertake annual training regarding procedures for data security and privacy, to comply with DPA 2018 and subsequent amendments (including UK GDPR). All staff know how to recognise a personal data breach and how to report suspected breaches in line with the requirements.

Exceptional data sharing could take place if MD have a legal obligation to do so, or where prosecutorial bodies or other law enforcement bodies have demonstrated that any request for information from them falls under an exemption in the Data Protection Act 2018.

### Anonymity and pseudonymity

All REM can only be accessed through analysing tools provided to limited analysts within the Marine Directorate. Where appropriate, the Marine Directorate may use the sensor and locational data in aggregated and anonymous form in reports (e.g. when presenting data from different years to discern

trends) or when sharing analysis and experiences within the scientific community. Individual vessels, their crews and fishing businesses cannot be identified as part of this work.

## Technology

Measures are in place to limit those with access to the data. Only authorised personnel with the necessary permissions/licences can access the sensor data or camera footage generated. Footage will not be shared outside MD unless we have a legal obligation to do so, or where prosecutorial bodies or other law enforcement bodies have demonstrated that any request for information from them falls under an exemption in the Data Protection Act 2018.

Measures are in place to limit and secure data that is collected, stored or transferred from a fishing vessel using secure technologies. Any REM data extracted by the Marine Directorate is stored on a secure server operated exclusively by Marine Directorate.

If there are no issues found when camera data is analysed then camera views for which Marine Directorate Compliance have no further need for will be permanently and securely deleted from the server within 30 days after the data is received and reviewed. If, however, there is a science or analytical use for the camera view the video data will be retained for analysis and archiving. Camera data will be saved only in circumstances where there is a clear need to do so.

## Identification methods

The UK Government position has been that locational data obtained from fishing vessels is personal data<sup>4</sup>.

Through existing records held by Scottish Government it is possible to identify fishing boats and in circumstances where the registered owner of a fishing vessel is a natural person, such as the skipper of the vessel, individuals are also identifiable. Owner details held by Scottish Government will link to location data, making this personal data.

Existing Scottish Government records can identify whether the registered owner of a fishing vessel is natural or legal person, it can also differentiate between partnership/group of individuals (e.g. a family partnership between a father and son) and sole traders.

## Sensitive/Special Category personal data – including biometric data

The Programme is not gathering any sensitive/special category personal data (i.e. Race, ethnic origin, politics, trade union membership, religion, genetics, biometrics (where used for ID purposes), health, sex life and sexual orientation).

## Children or other vulnerable data subjects (people)

Not applicable – no impacts on children or vulnerable data have been identified.

<sup>4</sup> [Vessel monitoring system: data request - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/vessel-monitoring-system-data-request)

## Data matching or linkage

Since 2012 it has been a requirement for all EU and UK fishing vessels 12 metres and over to be fitted with a tracking device (Vessel Monitoring System, (known as VMS) which transmits a vessel's positional data to a satellite and then sends it to a national or international body that monitors vessels' position, course, speed and other parameters. The coupling of VMS data with electronic logbook data is currently the most practical and cost-effective way to describe the spatial dynamics of fishing activities. At present the International Council for the Exploration of the Seas (ICES) requests VMS and logbook data from ICES member countries via an annual data call, with the data products (spatial distribution of fishing effort and surface and subsurface abrasion) used as a basis for advice to fisheries managers within the EU. Currently, the UK has a memorandum of understanding with ICES which enables the UK to ask for advice products directly. It should also be noted that VMS data is also accessible to Marine Directorate Science, Evidence, Data and Digital, (SEDD) staff for a variety of relevant analyses. While the methodologies and workflows for processing VMS data are well-developed there are a number of short-falls, particularly in regards to the uncertainty of inferring fishing activity from vessel speed for mobile bottom-contacting fishing gears, the inability to infer fishing activity for static gears, and the relatively long intervals between VMS pings (1-2 hours).

The intention of this REM policy, which uses imagery, sensors, and rich spatial data (pings at 10 second intervals) to independently monitor fishing operations, effort, and/or catch, is to provide a more robust alternative to this. Under present arrangements, REM data will be used alongside VMS data to supplement the data set. As the use of REM expands, we will update this DPIA to reflect any changes to this.

## Changes to data handling procedures

The Scottish Government has been using REM for some time and robust data handling procedures are in place. This policy broadens the scope of existing practices and this DPIA will be updated should our data handling procedures develop in future.

## Statutory exemptions/protection

i) The archiving, research or statistics exemption

## Automated decision making or profiling

Not applicable – REM outputs will be interpreted by Marine Directorate officials and no solely automated decision making will take place.

## Other risks

No other risks have been identified.

## 7 UK General Data Protection Regulation (UK GDPR) principles

<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
7.1 Principle 1 – fair and lawful (see 4.1), and transparent	Yes	The lawful basis for processing personal data will be public task (Art. 6(1)(c) of GDPR - legal obligation.  All information will be laid out in the Privacy Notice
Part 3 principle 1 – lawful and fair	Yes	Part 3 of the Data Protection Act 2018  Addressing “fairness”, data will not be processed in a way that is unduly detrimental or misleading. Fishers will be aware video recording will be a deterrent, so will be aware they are potentially being recorded breaking the law.
<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
7.2 Principle 2 – purpose limitation	Yes	The data is collected for specific purposes (named above) and will not be processed in a manner incompatible with those purposes. Data will be deleted once appropriate analysis has been carried out, provided data is not required for law enforcement purposes.
Part 3 Principle 2 – purpose must be specified, explicit and legitimate		
<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
7.3 Principle 3 – adequacy, relevance and data minimisation	Yes	The project will not gather information that is not necessary to achieve the policy objectives. The REM data being gathered has the potential to be personal data but is not in every case and the UK Government position has been that locational data is personal data.  The use of sensors and VPS only would only provide a partial picture of at-sea fishing operations, cameras are an effective solution to provide confidence and accountability in the fleets operation, and removes the current complexities of enforcing prohibitions of fishing vessels while at sea. Cameras will be operational and recording at all times while the vessel is in Scottish waters and for Scottish vessels at all times regardless of where they are fishing.

		Non-camera based solutions – including Marine Patrol vessels, drones and aeroplanes – continue to be used by Marine Directorate Compliance for risk-based surveillance of fishing operations at sea. However, camera solutions, deployed consistently amongst key parts of fishing fleet, is considered the most efficient and cost-effective methodology, providing scope for all at sea operations to be monitored remotely if required.
Part 3 Principle 3 – adequate, relevant and not excessive	Yes	The data is collected for specific purposes (named above) and will not be processed in a manner incompatible with those purposes. Data will be deleted once appropriate analysis has been carried out, provided data is not required for law enforcement purposes.
<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
7.4 Principle 4 – accurate, kept up to date, deletion	Yes	The REM data provides an accurate record of a fishing vessel’s activity at the point of collection. To that extent it does not need to be kept up to date.
Part 3 Principle 4 - accuracy	Yes	Distinguishing between data based in fact, and data based on opinion or assessment (e.g. witness statements) – data will be video footage and if used for the purposes of law enforcement will factually show video footage of a crime being committed
<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
7.5 Principle 5 – kept for no longer than necessary, anonymization	Yes	<p>The legislation requires identity data to be submitted to the Scottish Government. The information that is received can be stored securely on Scots or held on a secure cloud based system and will kept only for as long as it is valid and for as long as the vessel is licensed to fish in Scottish waters. Under the legislation vessels are required to notify the Scottish Ministers if any details change.</p> <p>Measures are in place to limit and secure data that is collected, stored or transferred from a fishing vessel using secure technologies. Any REM data that is extracted by the Marine Directorate is stored on a secure server which is operated exclusively by Marine Directorate.</p> <p>Access to stored data is limited to trained analysts with the appropriate permissions to view it.</p>

		<p>In circumstances where Marine Directorate Compliance analysts are unable to detect any issues, downloaded camera data will be permanently and securely deleted from the server within 30 days (after the data is received and reviewed), unless required for further scientific purposes.</p> <p>Camera data may be retained for analysis and archiving if there is a science use for the camera view the video data. Any camera data will be saved only in circumstances where there is a clear need to do so.</p> <p>Due to its high temporal frequency and confirmation of activity on location (via sensors or cameras) REM sensory data is of high scientific value. As such Marine Directorate scientists will retain sensor and locational data relating to fishing activities (in a non-anonymised format) to supplement and enhance existing spatial data i.e. VMS and logbooks. Sensor and locational data for broader research purposes will be stored in anonymised and aggregated formats. MD is establishing a process to appropriately anonymise and prepare data for this purpose, this DPIA will be reviewed accordingly once confirmed. Any sensory data that is found to be clear of any infringement issues and not required by scientists will be permanently and securely deleted from the server within 12 months of the data download occurring. However, data can be retained as part of any ongoing compliance investigation, until that case has been concluded. All MD staff are aware of the rules around the retention period.</p>
Part 3 Principle 5 - retention		<p>Any camera data that is downloaded from a vessel for compliance purposes and found to be clear of any infringement issues is permanently and securely deleted from the server within 30 days of images being received and reviewed, unless required for scientific and analytical purposes. If footage is viewed and deemed to represent a potential compliance infringement, the data will be retained as part of any ongoing investigation and until that case has been concluded. All SG staff are aware of the rules around the retention period.</p> <p>Marine Directorate Science, Evidence, Data and Digital may retain camera view the video data for analysis and archiving in circumstances where a clear science need for the camera data has been identified.</p>

		<p>Measures are in place to limit and secure data that is collected, stored or transferred from a fishing vessel using secure technologies. Any REM data extracted by the Marine Directorate is stored on a secure server operated exclusively by MD. If there are no issues found when camera data is downloaded then camera views for which MS Compliance have no further need for will be permanently and securely deleted from the server within 30 days after the data is received and reviewed. If there is a science use for the camera view the video data will be retained for analysis and archiving. Camera data will be saved only in circumstances where there is a clear need to do so.</p> <p>It should be noted that fishing boat owners must ensure that the data recorded by an REM system in relation to a fishing trip are retained for a period of one year, beginning at the time at which the data are recorded, unless early deletion is authorised by the Scottish Ministers.</p>
<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
7.6 UK GDPR Articles 12-22 – data subject rights	Yes	<p>An appropriate REM privacy notice will be available to all registered owners affected vessels. This will cover:</p> <ul style="list-style-type: none"> <li>- Right to be informed</li> <li>- Right of access</li> <li>- Right of rectification</li> <li>- Right of erasure – within boundaries of Marine Directorate fulfilling its legal obligations/public tasks to process data.</li> <li>- Right to restrict processing – within boundaries of Marine Directorate fulfilling its legal obligations/public tasks to process data.</li> </ul>
Part 3 - data subject rights	Yes	<p>An REM privacy notice is published (<a href="#">LINK</a>, and at Annex A) and will be available to all relevant registered owners of impacted vessels This will cover:</p> <ul style="list-style-type: none"> <li>- Right to be informed</li> <li>- Right of access</li> <li>- Right of rectification</li> <li>- Right of erasure – within boundaries of Marine Directorate fulfilling its legal obligations to process data.</li> </ul>

		- Right to restrict processing – within boundaries of Marine Directorate fulfilling its legal obligations to process data.
<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
7.7 Principle 6 - security	Yes	<p>The legislation stipulates that transfer of REM data must be secure.</p> <p>Any data extracted by Marine Directorate is fully protected from unauthorised access throughout collection, storage and transmission. Only trained data analysts with the appropriate permissions may access and view the data.</p> <p>The protocol on unauthorised access extends to both Scottish Government IT security and physical security.</p> <p>The REM data transmitted is encrypted from end-to-end, it can only be read by the sender and receiver (similar to WhatsApp encryption). It can only be read in decrypted form by limited users who have licensed access to specific software to perform REM analysis and have specific permission to access a vessel's data.</p> <p>Marine Directorate analysts that are permitted and have licensed access to analyse REM are each provided with a user profile and password protected access to a data analysis software tools and applications.</p>
Part 3 Principle 6 - security	Yes	<p>Personal data is protected from unauthorised access at all times, during collection, storage and transmission. This includes both IT security and physical security.</p> <p>The REM data transmitted is encrypted from end-to-end, it can only be read by the sender and receiver (similar to WhatsApp encryption). It can only be read in decrypted form by limited users who have licensed access to specific software to perform REM analysis and have specific permission to access a vessel's data. These limited MD users with licensed access analyse REM data are each provided with a user profile and password protected access to a data analysis tool.</p>



7.8 UK GDPR Article 44 - Personal data shall not be transferred to a country or territory outside the European Economic Area.		The processor will possibly be outside of the EEA however, this will be the responsibility of the Vessel Owner. SG will not share data outside of the EEA.
---	--	--

### DPA 2018 Part 3 – Law Enforcement Processing requirements

<b>Requirement</b>	<b>Response</b>
<p>Documentation – maintain internal records of processing activities</p> <ul style="list-style-type: none"> <li>• Name and details</li> <li>• Purposes of processing</li> <li>• Description of categories of individuals and categories of personal data</li> <li>• Recipients of personal data or categories of recipients</li> <li>• Details of transfers to third countries</li> <li>• Retention schedules</li> <li>• Description of technical and organisational security measures</li> </ul>	<p>This is met by the DPIA.</p> <p>All data request are actioned through ESOA – ESOA will notify FDF unit of request – Information supplied to requester and recorded on Erdm.</p> <p>REM data is primary used for compliance purposes i.e. complying with 2017 Scallop order and MPA incursions.</p> <p>Names and details of master of vessels are recorded on electronic log book which are subject statutory returns. REM holds no personal data relating to crew/owners/charter.</p> <p>REM will not use camera footage to identify individuals.</p> <p>Data will be retained for a minimum of 12 months , any data retained out with the 12 months would only be for enforcement action.</p> <p>Data downloaded is encrypted and secured on a stand alone server which is password protected.</p>
<p><b>Logging</b> - if you operate automated processing systems (any IT database), you must keep logs for at least the following actions (without recording the data itself):</p> <ul style="list-style-type: none"> <li>• Collection</li> <li>• Alteration</li> <li>• Consultation</li> <li>• Disclosure</li> <li>• Combination</li> <li>• Erasure</li> </ul> <p>And where possible:</p> <ul style="list-style-type: none"> <li>• Identity of the person who accessed the data,</li> <li>• The reason for access</li> </ul>	<p>Only Marine Directorate licence holders have access to data (5 in total). Any data requested is requested/downloaded and made available for all licence holders to view. All requested data is processed through Analyser software and is traceable through a messaging service.</p>

<ul style="list-style-type: none"> <li>• The date and time of any associated action</li> </ul>	
<p><b>Categorisation of individuals</b> – where relevant and as far as possible, have a clear distinction between:</p> <ul style="list-style-type: none"> <li>• Suspects</li> <li>• Victims</li> <li>• Witnesses</li> <li>• People convicted of a criminal offence</li> </ul>	<p>This is met by the DPIA.</p> <p>FDF unit will not identify individuals through camera footage. Identification will be established through statutory return on log book and through corroboration at point of interview.</p>

## Risks identified and appropriate solutions or mitigation actions proposed

Is the risk eliminated, reduced or accepted?

Risk	Ref number	How risk will be monitored and incorporated into planning	Owner
Lack of transparency about data processing		Privacy Notice will be published online.	Reduced
Personal data may be generated by monitoring fishing vessel activity		<p>The UK Government position has been that locational data is personal data.</p> <p>Scottish Government records can identify whether the registered owner(s) of a fishing vessel is natural or legal person.</p> <p>REM data is securely transferred from the vessel to MD/secure system in encrypted form.</p> <p>Depending on the REM provider and access arrangements for MD the individuals with access to the data are restricted to either a minimum number of licensed users (currently 6) or a minimum number of shared licenses (currently 1). Shared licenses can be a license usable on a single machine by multiple users with password protected accounts or a single license that is activated/deactivated between users/ machines.</p> <p>Data processing staff are required to comply with SG terms and conditions around data security and undertake annual training.</p> <p>The cameras focus is as defined above, to monitor fishing operations. For scallop vessels only, images which are not automatically transferred to MD, are requested on a risk based approach. Analysts select a small sequences of images which reduces the risk of breaching any personal privacy.</p>	Reduced
Personal details about an individual is lost or leaked		Relevant internal documents are password protected.	Reduced

		<p>Any paper copies of documents holding personal information (i.e. names and contact telephone numbers) are kept in locked cabinets when possible.</p> <p>MD data processing staff are required to comply with SG terms and conditions around data security and undertake annual training.</p>	
Separation of Part 2 and Part 3 processing		<p>Distinct purposes have been established for both processing regimes</p> <p>Data rights requests should be evaluated on a case-by-case basis by MD/IADP branch to ensure correct handling</p>	Reduced
Application of Article 89 exemption		<ul style="list-style-type: none"> <li>- data is minimised to what is necessary</li> <li>- it is necessary to use personal data, including establishing that anonymised data isn't possible</li> <li>- it is not used to make decisions about people</li> <li>- the data is held securely and has documentation (this DPIA) in place around it</li> </ul>	Reduced

### Incorporating data protection 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
Personal data may be generated by monitoring fishing vessel activity		Personal data could be generated by monitoring fishing activity but not in the majority of cases. (The UK Government position has been that VMS data (location data) is personal data). Nevertheless, data will be treated as personal data although technically it might not fall within the definition but case by case decisions may needed in some instances.	The Scottish Government, Malcolm Pentland
Personal details about an individual is lost or leaked		Legal requirement under Part 2 of GDPR for Information Commissioner's Office (ICO) to be notified within 72 hours of a leak occurring.	The Scottish Government, Malcolm Pentland

## Data Protection Officer (DPO) advice

Advice from DPO	Action	Reason advice not actioned
Update DPIA to include law enforcement processing	Actioned and included.	
Update privacy notice to include law enforcement processing		

## Authorisation and publication

The DPIA report should be signed by your information asset owner (IAO). The IAO will be the Deputy Director or Head of Division.

- Before signing the DPIA 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 DPIA report, the IAO is confirming that the impact of applying the policy/undertaking the project or initiative etc. has been sufficiently assessed against the risk to individuals' rights and freedoms.
- The results of the impact assessment must be published in the eRDM with the phrase "DPIA report" and the name of the project or initiative in the title.
- Details of any relevant information asset must be added to the Information Asset Register, with a note that a DPIA has been conducted.

**I confirm that the impact of requiring the use of remote electronic monitoring by relevant pelagic and scallop vessels (SSI XXX) has been sufficiently assessed against the rights of the data subjects (people):**

Name and job title of a IAO or equivalent	Date each version authorised
<b>Malcolm Pentland,</b> Deputy Director Marine Economy and Communities, Marine Directorate	<b>29/03/2024</b>

# Remote Electronic Monitoring (“REM”) systems on fishing vessels (2024)

## Privacy Notice

### About the introduction of Remote Electronic Monitoring

Remote Electronic Monitoring (REM) relates to the use of imagery, sensors, and Vessel Positioning System (VPS) to independently monitor fishing operations, effort, and/or catch.

Scottish Statutory Instrument (No. TO BE CONFIRMED) makes it a legal requirement for all scallop dredge and pelagic vessels in Scottish waters and Scottish vessels wherever they fish to have a fully operational REM system installed on board.

Pelagic vessels for the purposes of this policy are defined as fishing boats which:

- are 12 metres or more in length;
- are equipped with at least one of a Refrigerated Sea Water (RSW) system, a Chilled Sea Water (CSW) system or freezer storage capabilities; and
- uses fishing nets in the Scottish zone (or, for Scottish fishing boats, in any waters) for the primary purpose of fishing for small pelagic species of fish<sup>5</sup>.

### Why we collect personal information

The Scottish Government is committed to delivering sustainable and responsible fisheries management, REM will help us achieve this. Data generated by REM will be used for Scottish Government policy development, intelligence for enforcement purposes and the provision of scientific advice.

The Scottish Government aims to comply fully with obligations under data protection laws. These laws include the UK General Data Protection Regulation (GDPR), and any other data protection legislation enacted by government.

### About this privacy notice

Scottish Government takes the right to privacy seriously and this privacy notice reflects our commitment to the fair and transparent processing of personal information.

This privacy notice provides a summary of how the Scottish Government handles your personal data under REM and sets out the personal data we gather, the legal basis for us to process your personal data, how long we keep your personal data before destroying it and who we share your data with.

A Data Protection Impact Assessment providing comprehensive information on how personal and other data is gathered and processed under REM is available from the Scottish Government on request.

### What personal data is gathered under REM?

---

<sup>5</sup> Defined for the purposes of the REM SSI as including mackerel, herring, horse mackerel, anchovy, sardine, blue whiting, argentines, sprat, and boarfish.

Personal data used in REM includes information which could identify you, such as your name, contact details (email address/ telephone number), as well as locational data and coincidental imagery.

### **Why we collect personal information**

The lawful basis on which Scottish Government collects, holds and processes personal information under REM is:

- Legal Obligation (Art. 6(1)(c) of GDPR) data is necessary for compliance with a legal obligation to which the controller is subject.
- The processing is necessary for the exercise of official authority vested in Scottish Government. Where data is used for law enforcement purposes, this is carried out under Part 3 of the Data Protection Act 2018 – our condition for sensitive processing is for the administration of justice.

### **How personal data is gathered under REM**

Once installed, a vessel's REM system will enable Scottish Government to be provided with a variety of REM data either from the onboard hardware or from the third-party data storage system. This will include location data, winch sensor data, electronic monitoring images and video.

- **Location data.** Location data<sup>6</sup> is gathered by the onboard REM system and is transmitted automatically (using wifi or mobile phone connectivity) to a data storage system owned, operated or hosted by, or on behalf, of the manufacturer of the REM system. Pelagic vessels are required to automatically transmit this data in real time. Scallop vessels are required to upload data when the boat is within range of, has access to, or is connected to any means of transmission.

Location data and data gathered from winch sensors that are able to detect when the boat's winches are in operation will log the vessel location every 10 seconds and ascertain what fishing activities the vessel is engaged in (if any) at that location.

Whilst vessel location is not considered 'personal data' per se, it has the potential to be if it can be linked to an individual. The master's name is personal data and will be known to the Scottish Government through the vessel's logbook records. However, the Scottish Government does not publish this level of logbook information. Sources of information about the master or crew could be available online, for example through Companies House if it is an owner/operator vessel. It is less likely to be personal data for a larger company-owned vessel with inconsistent crewing.

- **Camera data.** Under REM scallop vessels must operate at least one digital camera for the purpose of capturing all movements related to the setting and hauling of fishing gear. Pelagic boats are required to have sufficient cameras to capture any and all fishing, sampling, processing and discarding activity that takes place on board. Camera data must be automatically transmitted (using wifi or mobile phone connectivity) to a data storage system owned, operated or hosted by or on behalf of the manufacturer of the REM system or, alternatively, in the case of scallop vessels, retained on the onboard REM hardware device and submitted automatically when selected by Scottish Ministers.

### **Who controls and processes personal data under REM?**

---

<sup>6</sup> Fishing vessel location data is treated as personal data by the UK Government ([Subject Access Request Form for VMS Data.pdf \(publishing.service.gov.uk\)](#))

A 'data controller' is the entity (organisation) that determines the purposes, conditions and means of the processing of personal information. In this case the Vessel owner and the Scottish Government are data controllers and have responsibility for the personal data processed.

### **What happens to personal information (including how it will be stored and for how long)**

The Vessel Owner, with the third party supplier of the REM system acting as processor, are responsible for gathering, processing and storing personal data. This will be shared with the Scottish Government as required. Data is stored and retained as follows:

- **Identity data and contact data.** Identity and contact data of vessel owners (or their representative), as well as data used to identify affected pelagic and scallop dredge vessels that is required to be submitted to the Scottish Government is stored securely by the Scottish Government.
- **Location data.** Location data is gathered under REM to establish what fishing activities a vessel has been engaged in and the location the activity has taken place. This type of data could potentially identify the whereabouts of the master, owner or charterer of a vessel at any given time. The data is required to be held and made available to Scottish Government for a period of one year (or less, if authorised by the Scottish Government). Any data extracted from the data storage system of the third party provider is stored securely on the Scottish Government's Scots system or held on a secure cloud based system and will kept only for as long as it is valid and for as long as the vessel is licensed to fish in Scottish waters.
- **Camera data.** Under REM, camera data is used as a scientific tool and for the purposes of compliance. It is possible that an individual may appear in REM camera data. This is incidental footage and the Scottish Government does not use it to identify individuals. Camera data is automatically transmitted (using wifi or mobile phone connectivity) to a data storage system owned, operated or hosted by or on behalf of the manufacturer of the REM system or, alternatively, in the case of scallop vessels, it can be retained on the onboard REM hardware device and submitted automatically when selected by Scottish Government. Camera data is required to be held and made available to the Scottish Government for a period of up to one year.

### **Your rights**

Data protection legislation gives rights to individuals in respect of the personal data that organisations hold about them, including the right to access the personal data we process about you, the right to object to processing that is or is likely to cause substantial damage or distress to you or another, the right to request to rectify, erase, block or destroy inaccurate information and the right to be confident that we will handle your personal information responsibly and in line with good practice. These rights are not absolute and exemptions may apply.

To exercise these rights, you can write to the Scottish Government Data Protection Officer, supported by the Data Protection and Information Asset Team at:

Data Protection and Information Assets Team via email at [dpa@gov.scot](mailto:dpa@gov.scot)

### **Your right to complain to the Information Commissioner's Office**



If you have concerns about our compliance with data protection laws, please contact our Data Protection Officer in the first instance at [DataProtectionOfficer@gov.scot](mailto:DataProtectionOfficer@gov.scot). They will look into the concerns you have raised and provide a response.

If you are not satisfied with the Data Protection Officer's response you have the right to lodge a complaint with the Information Commissioner's Office (ICO). The ICO are the supervisory authority responsible for data protection in the UK. You can contact the Information Commissioner at:

Information Governance Department  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
WILMSLOW  
SK9 5AF

Tel: 08456 30 60 60

Find out more on the [Information Commissioner's Office's website](#).