The Animal Health (Fixed Penalty Notices) (Scotland) Regulations 2026: Data Protection Impact Assessment

September 2026

Scottish Government
Riaghaltas na h-Alba

Data Protection Impact Assessment

The Animal Health (Fixed Penalty Notices) (Scotland) Regulations 2026

Version date: 8 December 2025

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The Animal Health (Fixed Penalty Notices) (Scotland) Regulations 2026 (the Regulations) will introduce a FPN scheme for certain offences under animal health and bee legislation. The scheme aims to provide enforcement agencies with a proportionate and efficient enforcement method that that does not require referral to the Crown Office and Procurator Fiscal Service (COPFS) but still provides a meaningful and dissuasive penalty for those who are considered to have committed an offence. FPNs are intended to support early redirection through behaviour change to promote compliance with animal health rules.

The proposed legislation is available on legislation.gov.uk

This Data Protection Impact Assessment (DPIA) works in conjunction with the Article 36(4) ICO consultation form submitted in advance of this, as the proposal requires consultation with the Information Commissioner's Office (ICO).

1. Contact and Schedule Information

1.1 Scottish Government Department
Animal Health and Welfare: Disease Control Branch

1.2 Contact email
animalhealthFPNscheme@gov.scot

1.3 Data protection support email
dpa@gov.scot

1.4 Data protection officer
dataprotectionofficer@gov.scot

1.5 Is your proposal primary legislation, secondary legislation, or other form of statutory measure?
Secondary legislation

1.6 What stage is the legislative process at?
The Animal Health (Fixed Penalty Notices) (Scotland) Regulations 2026 were laid before the Scottish Parliament in draft in January 2026.

2. Introductory information

2.1 Summary of proposal
The Regulations will introduce a fixed penalty notice (FPN) scheme for certain animal health and bee health offences. This will be a new enforcement tool which will

complement existing enforcement measures (including warning letters, formal notices, and referral to the Crown Office and Procurator Fiscal Service for consideration of prosecution) that are currently used by enforcement agencies in relation to animal health and bee health offences.

Under the Regulations, FPNs are a financial penalty that may be offered to a person alleged to have committed a relevant offence as an alternative to the case being referred to COPFS for consideration of criminal prosecution under relevant animal health legislation. The Regulations provide that a FPN may be issued, however, there is no compulsion to issue a FPN. The use of a FPN will not be suitable in every instance and it would be for those enforcing the legislation to determine when they will be used. FPNs are not designed for serious offences or for minor breaches where advice and guidance in the first instance would be sufficient in rectifying the issue. FPNs will complement existing enforcement options rather than replace them. Therefore, the option to use alternative enforcement measures, including offering verbal advice or written warnings, will continue to be available. Additionally, the option to prosecute instead of offering a FPN will continue to be available and may be used for more serious or repeat offending.

Powers to issue FPNs will be given to persons with existing powers of enforcement under animal health and bee health legislation. This includes inspectors and officers of local authorities, inspectors and veterinary inspectors from the Animal and Plant Health Agency (APHA), inspectors and veterinary inspectors from Food Standards Scotland (FSS), authorised officers from the Scottish Government Rural Payments and Inspections Division (SGRPID), and police constables. The Regulations will require a FPN to detail the alleged offence and reasonable particulars of the circumstances alleged to constitute the offence.

The regulations specify:

- how FPNs must be issued
- the circumstances in which FPNs may not be issued
- how FPNs may be paid and the effect of doing so
- how FPNs can be appealed or withdrawn
- the procedure for intimating an intention not to pay a FPN
- the relevant offences that FPNs can be issued for
- the penalty level and amounts that will be applicable for each offence
- the circumstances in which a penalty amount could be increased or decreased

The Regulations create an offence relating to the obstruction of an authorised officer exercising functions in relation to FPNs.

The Regulations will also amend the Animal Health Act 1981 and the Bees Act 1980 to exclude the payment period for a FPN from the time limit for bringing criminal proceedings for an offence.

2.2 Description of the personal data involved

Personal data will be processed when an authorised officer of an enforcement authority takes any enforcement action against an individual or company that has

breached animal health or bee health legislation. In relation to FPNs, personal data (name and address) would be collected by the enforcement authority and used to issue the FPN. This information would be collected directly from the data subject by the investigating enforcement agency.

The Regulations will require the processing of criminal convictions or offences data. The Regulations will introduce a new enforcement tool available to agencies for the enforcement of animal health and bee legislation. Offence data will be processed by enforcement agencies for the purposes of issuing FPNs, record-keeping and consideration of appeals.

2.3 Will the processing of personal data as a result of the proposal have an impact on decisions made about individuals, groups or categories of persons?
Yes. The Regulations will include provision allowing a person to intimate that they intend not to pay an FPN and also to appeal the FPN. Both of these processes will require enforcement authorities to process information provided by the person making the intimation or appeal.
The FPN scheme will also include an escalation process for repeat offending where a person is found to have breached the same relevant requirement multiple times during a three year period from the date on which the FPN was first issued. The action taken (e.g. doubling up of penalty amount, or potential referral to COPFS) will depend on the penalty level attributed to the relevant requirement.

In order for these escalation processes to function, enforcement authorities will be required to retain and store the following information for three years beginning with the date on which the FPN was issued:

- name and address of person to whom the FPN was issued
- the date of issue
- the legislative requirement breached and the relevant offence
- the penalty level and whether doubling up has been applied.

Escalation will only be permitted where it is the same enforcement authority who has issued the initial FPN, so the Regulations do not require this information to be shared amongst different enforcement authorities.

If an enforcement authority decides to refer a case to COPFS for consideration of prosecution, then they would be required to share personal data relating to the alleged offender (including name and address) as well as details of the alleged offence and the circumstances alleged to constitute the offence. This would be the case under existing animal health and bee health legislation where an enforcement authority refers a matter to COPFS for potential prosecution.

All decisions relating to the issuing, escalation, withdrawal or appeal of FPNs involve human decision making. No decisions are taken solely by automated means, and Article 22 UK General Data Protection Regulation (UK GDPR) does not apply.

2.4 Necessity, proportionality and justification
The Regulations will introduce a FPN scheme for certain offences under the Animal Health Act 1981 and the Bees Act 1980 or orders or regulations made under those

Acts. The scheme aims to provide enforcement agencies with a proportionate and efficient enforcement method that that does not require referral to the COPFS but still provides a meaningful and dissuasive penalty for those who are considered to have committed an offence. FPNs are intended to support early redirection through behaviour change to promote compliance with animal health rules.

The policy objective is to provide enforcement agencies with a proportionate and efficient mechanism for addressing certain breaches of legislation, improving compliance while reducing reliance on criminal prosecution.

The Regulations will establish a statutory framework for issuing FPNs that:

- enables enforcement agencies to respond swiftly to non-compliance;
- reduces the burden on enforcement agencies for dealing with repeated non-compliance; and
- maintains a meaningful deterrent for offences without requiring court proceedings.

The Regulations set out the levels and amounts of penalties applicable under the scheme, including provisions for varying penalty amounts depending on the relevant offence. The Regulations will also specify:

- the authorities empowered to issue FPNs
- the procedural requirements for issuing, paying, and appealing FPNs
- the procedure requirements for intimating an intention not to pay a FPN
- the legal effect of payment
- the conditions under which a notice may be appealed and withdrawn

In addition, the Regulations will create new offences relating to the obstruction of individuals exercising functions in connection with FPNs.

The FPN scheme is designed to complement existing enforcement mechanisms rather than replace them. It will provide enforcement bodies with an additional, proportionate tool to address non-compliance without requiring referral to the COPFS.

FPNs offer alleged offenders the opportunity to discharge criminal liability for an offence through payment of a penalty. Where payment is not made, enforcement agencies retain discretion to pursue prosecution. Importantly, failure to pay an FPN does not constitute a separate offence.

Enforcement of animal health and bee legislation could continue using existing methods including educational advice (oral and written), warning letters, formal notices, and, where necessary, referral to COPFS for prosecution. These tools aim to encourage compliance through guidance and proportionate escalation.

Failing to introduce FPNs would not address persistent non-compliance for lower level offences that are unlikely to be taken to COPFS. This could result in higher risk of disease outbreaks, with potentially serious consequences for animal welfare, public health and food safety. There could be potential economic and trade impacts, including export restrictions and loss of market confidence, if outbreaks occur as a result of the non compliance. For example, the single Foot and Mouth disease

outbreak in Germany in January 2025 is estimated to have cost around 1 billion Euros . Without FPNs, enforcement agencies would rely on costly and time-consuming COPFS referrals for escalation, diverting resources from proactive disease prevention or other regulatory work. There would be a lack of meaningful deterrent for repeat offenders where prosecution is not considered to be proportionate, leaving enforcement gaps and risk of wider non compliance if not enforceable.

FPNs would be no more invasive than existing enforcement methods as the level of personal data collected when an offence is committed would be the same. We are not aware of any unintended consequences of these provisions.

All enforcement agencies have individual responsibilities to ensure compliance with UK GDPR. If an enforcement agency decides to refer a case to COPFS for consideration of prosecution, then they would be required to share personal data relating to the alleged offender (including name and address) as well as details of the alleged offence and the circumstances alleged to constitute the offence. This would be the case under existing animal health and bee health legislation where an enforcement authority refers a matter to COPFS for potential prosecution, so the Regulations should not require a change to existing processes.

2.5 Will the implementation be accompanied by guidance or by an associated Code of Conduct?

The Regulations will be supported by comprehensive guidance for enforcement agencies.

3. Data Controllers

3.1 Organisation: Scottish Ministers

3.1.1 Activities

The Scottish Ministers are an enforcement authority for the purposes of the Regulations.

The Regulations require enforcement authorities to make arrangements for the retention and storage of records specified within the Regulations whenever a FPN is issued for 3 years beginning with the date on which the FPN was issued.

3.1.2 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.

3.1.3 Lawful basis for processing under the Data Protection Act 2018 for the collection and sharing of personal data – general processing

Section 35(2)(b) – necessary for the performance of a task carried out for law enforcement purposes by a competent authority

3.1.4 Lawful basis for sensitive processing under the Data Protection Act 2018

N/A

3.1.5 Law Enforcement – if any law enforcement processing will take place – lawful basis for processing under Part 3 of the Data Protection Act 2018

For law enforcement purposes, Scottish Ministers are a competent authority under paragraph 2 of Schedule 7 of the Data Protection Act 2018.

3.1.6 Legal gateway for any sharing of personal data between organisations

Sections 71, 72 and 73 of the Animal Health Act 1981, section 1(7) of the Bees Act 1980, and regulation 12(1) of the Animal Health (Fixed Penalty Notices) (Scotland) Regulations 2026.

3.2 Organisation: Local authorities

3.2.1 Activities

Every Scottish local authority is an enforcement authority for the purposes of the Regulations.

The Regulations require enforcement authorities to make arrangements for the retention and storage of records specified within the Regulations whenever a FPN is issued for 3 years beginning with the date on which the FPN was issued.

3.2.2 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.

3.2.3 Lawful basis for processing under the Data Protection Act 2018 for the collection and sharing of personal data – general processing

Section 35(2)(b) – necessary for the performance of a task carried out for law enforcement purposes by a competent authority

3.2.4 Lawful basis for sensitive processing under the Data Protection Act 2018

N/A

3.2.5 Law Enforcement – if any law enforcement processing will take place – lawful basis for processing under Part 3 of the Data Protection Act 2018

For law enforcement purposes, local authorities have statutory functions and are a competent authority under section 30(1)(b) of the Data Protection Act 2018.

3.2.6 Legal gateway for any sharing of personal data between organisations

Sections 71, 72 and 73 of the Animal Health Act 1981, and regulation 12(1) of the Animal Health (Fixed Penalty Notices) (Scotland) Regulations 2026.

3.3 Organisation: Police Scotland

3.3.1 Activities

The Police Service of Scotland is an enforcement authority for the purposes of the Regulations.

The Regulations require enforcement authorities to make arrangements for the retention and storage of records specified within the Regulations whenever a FPN is issued for 3 years beginning with the date on which the FPN was issued.

3.3.2 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.

3.3.3 Lawful basis for processing under the Data Protection Act 2018 for the collection and sharing of personal data – general processing

Section 35(2)(b) – necessary for the performance of a task carried out for law enforcement purposes by a competent authority

3.3.4 Lawful basis for sensitive processing under the Data Protection Act 2018

N/A

3.3.5 Law Enforcement – if any law enforcement processing will take place – lawful basis for processing under Part 3 of the Data Protection Act 2018

For law enforcement purposes, the chief constable of the Police Service of Scotland is a competent authority under paragraph 9 of Schedule 7 of the Data Protection Act 2018.

3.3.6 Legal gateway for any sharing of personal data between organisations

Sections 71, 72 and 73 of the Animal Health Act 1981, and regulation 12(1) of the Animal Health (Fixed Penalty Notices) (Scotland) Regulations 2026.

4. Consultation

4.1 Have you consulted with the ICO using the Article 36(4) form?

We have complied with the requirement to consult with the ICO under Article 36(4) of the UK GDPR. Having considered the submission, the ICO did not wish to engage further on the proposals.

4.2 Do you need to hold a public consultation and if so has this taken place? What was the result?

The Scottish Government has taken forward two public consultation on proposals to introduce FPNs for animal health offences. A public consultation was held in 2019 seeking views on proposals to give Scottish Ministers the power to make regulations allowing FPNs to be used in relation to appropriate animal health offences. The consultation demonstrated strong support for the introduction of proportionate FPNs, with 82.2% of respondents agreeing that FPNs would improve enforcement outcomes. A full analysis of the responses to the 2019 consultation is available on the Scottish Government website. The responses informed an amendment to the Animal Health Act 1981, made through the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 to give Scottish Ministers the power to make regulations allowing for FPNs to be used for certain animal health offences.

Building on feedback from the 2019 consultation, the Scottish Government consulted again in 2025 on detailed proposals for the animal health FPN scheme. The Animal Health FPN Scheme Consultation ran from 7 March 2025 – 30 May 2025 and considered the general characteristics of the scheme, the penalty levels and amounts, and the offences the scheme would cover. A full analysis of the responses to the 2025 consultation is available on the Scottish Government website. The 2025 consultation received 69 responses, of which 53 were from individuals and 16 were from organisations. The consultation responses were broadly supportive and provided useful feedback on the proposals for the animal health FPN scheme and have informed the development of the Regulations.

The Scottish Government has also engaged with the Society of Chief Officers of Trading Standards in Scotland (SCOTSS) and the Society of Chief Officers of Environmental Health in Scotland (SoCOEHS) through the Local Authority Animal Health and Welfare Strategy Group and Animal Health and Welfare Panel. In addition, discussions have been held with key stakeholders through the Scottish Government Animal Health and Welfare General Stakeholder Group, the Sheep Scab Industry Working Group, and the Bee Health Improvement Partnership. Members of these groups include (but are not limited to):

- National Farmers Union Scotland (NFUS)
- British Veterinary Association (BVA) Scotland
- Scottish Association of Meat Wholesalers (SAMW)
- Scottish Dairy Cattle Association (SCDA)
- Institute of Auctioneers and Appraisers Scotland (IAAS)
- Scottish Beef Association (SBA)
- Quality Meat Scotland (QMS)
- National Sheep Association (NSA)
- Scottish Beekeepers Association
- Bee Farmers Association
- British Horse Society

The Animal and Plant Health Agency (APHA), the Scottish Government Rural Payments and Inspection Directorate (SGRPID) have also provided insights into current enforcement arrangements, and have had an opportunity to respond to public consultations.

4.3 Were there any Comments/feedback from the public consultation about privacy, information or data protection?
The consultation did not receive any comments relating to privacy, information or data protection.

5. Further assessment and risk identification

5.1 Will the proposal require the creation of new identifiers, or require the use of existing ones?
No.

5.2 Will the proposal require regulation of: technology relating to processing, behaviour of individuals using technology, technology suppliers, technology infrastructure, information security?
No.

5.3 Will the proposal require establishing or change to operation of an established public register (e.g. Accountancy in Bankruptcy, Land Register etc.) or other online service?
No.

5.4 Please provide details of whether the proposal will involve the collection or storage of data to be used as evidence or use of investigatory powers
The data collected will inform decisions regarding enforcement actions to be taken but will not in itself be used as evidence.

5.5 Would the proposal have an impact on a specific group of persons e.g. children, vulnerable individuals, disabled persons, persons with health issues, persons with financial difficulties, elderly people?
An equality impact assessment has been undertaken with no identifiable direct impacts on specific groups.

5.6 Is there anything potentially controversial or of significant public interest in the policy proposal as it relates to processing of data?
No.

5.7 Are there consequential changes to other legislation that need to be considered as a result of the proposal or the need to make further subordinate legislation to achieve the aim?
No.

5.8 Will this proposal necessitate an associated code of conduct? If so, what will be the status of the code of conduct (statutory, voluntary etc.)?
No.

5.9 Have you considered whether the intended processing will have appropriate safeguards in place, for example in relation to data security, limitation of storage time, anonymisation?
The data controllers already have policies and procedures in place for the handling of data, and are well versed in the sensitivities and legal requirements for processing personal data. They will continue to ensure they comply with their statutory duties and have appropriate safeguards in place. This includes drafting of operational DPIAs, Data Sharing Agreements and updating Privacy Notices as appropriate.

This DPIA does not cover operational processing and each enforcement authority will be responsible for ensuring they comply with their statutory duties and have appropriate safeguards in place.

5.10 Will the processing of personal data as a result of the proposal have an impact on decisions made about individuals, groups or categories of persons?
Yes. The Regulations include provision allowing a person to intimate that they intend not to pay a FPN and also to appeal the FPN. Both of these processes will require enforcement authorities to process information provided by the person making the intimation or appeal.

The FPN scheme will also include an escalation process for repeat offending where a person is found to have breached the same relevant requirement multiple times during a three year period from the date on which the FPN was first issued. The action taken (e.g. doubling up of penalty amount, or potential referral to COPFS) will depend on the penalty level attributed to the relevant requirement.

In order for these escalation processes to function, enforcement authorities will be required to retain and store the following information for three years beginning with the date on which the FPN was issued:

- name and address of person to whom the FPN was issued
- the date of issue
- the legislative requirement breached and the relevant offence
- the penalty level and whether doubling up has been applied.

Escalation will only be permitted where it is the same enforcement authority who has issued the initial FPN, so the Regulations do not require this information to be shared amongst different enforcement authorities.

If an enforcement authority decides to refer a case to COPFS for consideration of prosecution, then they would be required to share personal data relating to the alleged offender (including name and address) as well as details of the alleged offence and the circumstances alleged to constitute the offence. This would be the case under existing animal health and bee health legislation where an enforcement authority refers a matter to COPFS for potential prosecution.

All decisions relating to the escalation of FPNs involve human decision making. No decisions are taken solely by automated means, and Article 22 UK GDPR does not apply.

5.11 Will the proposal include automated decision making/profiling of individuals using their personal data?
No.

5.12 Will the proposal require the transfer of personal data to a 'third country'[1]?
No.

6. Risk Assessment

6.1 Risk to individual rights:

[1] Under UK GDPR this is defined as a country outside the UK

- right to be informed
- right of access
- right to rectification
- right to erasure
- right to restrict processing
- right to data portability
- right to object
- rights in relation to automated decision making and profiling

Solution or mitigation: The Regulations do not impose any requirements to collect new or additional personal data. The data will continue to be collected as necessary for the enforcement action determined by the enforcement authority.

Data controllers must ensure they apply suitable consideration to individual rights within privacy statements and give due consideration to these when conducting operational DPIA's and setting up Data Sharing Agreements.

Likelihood: Low

Severity: Green

Result: No new impact

6.2 Privacy risks: purpose limitation

Solution or mitigation: The Regulations do not impose any requirements to collect new or additional data. The data will continue to be collected as necessary for the relevant enforcement action determined by the enforcement authority.

Likelihood: Low

Severity: Green

Result: No new impact

6.3 Privacy risks: transparency

Solution or mitigation: The Regulations do not impact on the way data subjects are informed about the purpose and lawful basis for the processing, and their rights.

Likelihood: Low

Severity: Green

Result: No new impact

6.4 Privacy risks: minimisation and necessity

Solution or mitigation: There will be no change to the way in which data is collected and processed by data controllers as a result of the Regulations.

Likelihood: Low

Severity: Green

Result: No new impact

6.5 Privacy risks: accuracy of personal data

Solution or mitigation: The Regulations provide that a person may be required to provide their name and address to an authorised officer for the purpose of issuing a FPN. There is a possibility that incorrect information could be provided to the authorised officer. However, failing to provide these details, or giving a false name or address is an offence under the Regulations.

Enforcement authorities have clear processes in place for verifying a persons identity and address. Data controllers will be responsible for ensuring the information they hold about person issued a FPN is accurate.

The Regulations require that a FPN be withdrawn if it is found to have been issued in error, for example if it has been issued to the wrong person.

Likelihood: Medium

Severity: Amber

Result: Reduced

6.6 Security risks: retention and security of data

Solution or mitigation: Data controllers are responsible for ensuring the necessary safeguards are in place to manage data securely and to ensure appropriate data sharing agreements are in place to comply with UK GDPR and the Data Protection Act 2018.

The Regulations require the retention of certain data by enforcement authorities for a period of 3 years from the date a FPN is issued.

Likelihood: Low

Severity: Green

Result: Reduced

6.7 Security risks: data transfer

Solution or mitigation: Risks surrounding loss of data and information transfers occur at an operational level and therefore are not subject to this risk assessment.

Likelihood: N/A

Severity: N/A

Result: N/A

6.8 Other risks: impact on children

Solution or mitigation: A Children's Rights and Wellbeing Impact Assessment (CRWIA) has been conducted and has been published alongside the Regulations and the impact on children's rights was assessed to be neutral. A section will be incorporated within enforcement guidance which advises enforcement authorities to consider alternative enforcement approaches in the first instance for individuals aged 16 and 17, and advising that FPNs should not be issued to under 16s.

Likelihood: Low

Severity: Green

Result: Mitigated

7. Authorisation

I confirm that the Animal Health (Fixed Penalty Notices) (Scotland) Regulations 2026 has been sufficiently assessed in compliance with the requirements of the UK GDPR and Data Protection Act 2018

Name and job title of an IAO or equivalent: Jesus Gallego, Deputy Chief Veterinary Officer

Date authorised: 08/07/2026

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