

Members' Library Service Request Form

Date of Document	22/05/25
Originator	Cheyne Hamm
Originator's Ref (if any)	
Document Title	Public bodies climate change duties: consultation on draft Statutory Guidance: East Lothian Council response

Please indicate if access to the document is to be “unrestricted” or “restricted”, with regard to the terms of the Local Government (Access to Information) Act 1985.

Unrestricted	<input checked="" type="checkbox"/>	Restricted	<input type="checkbox"/>
--------------	-------------------------------------	------------	--------------------------

If the document is “restricted”, please state on what grounds (click on grey area for drop-down menu):

For Publication

Additional information:

Authorised By	Keith Dingwall
Designation	Head of Development
Date	13/06/25

For Office Use Only:	
Library Reference	57/25
Date Received	13/06/25
Bulletin	Jun25

REPORT TO: Members' Library Service

MEETING DATE: June 2025

BY: Head of Development

SUBJECT: East Lothian Council Response to Consultation on Statutory Guidance for Climate Change Duties

1 PURPOSE

- 1.1 To make available East Lothian Council (ELC) officers' response to the Scottish Government's *Consultation on draft Statutory Guidance for public bodies: putting the climate change duties into practice*. The response was drafted by the Lead Reporter for ELC with comments from members of the Climate and Nature Emergency Group. It was submitted by the Lead Reporter and the Council's Chief Planning Officer, who has Delegated Powers to respond to Scottish Government consultations on behalf of ELC as a planning authority.

2 RECOMMENDATIONS

- 2.1 Members are asked to note the content of the report.

3 BACKGROUND

- 3.1 East Lothian Council, as a public body, has a legal responsibility to act on three duties relating to climate change, as set out in the Climate Change (Scotland) Act 2009. These are to act: 1) in the way best calculated to contribute to the delivery of emissions reduction targets, 2) in the way best calculated to help deliver the Adaptation Programme, and 3) in a way that it considers most sustainable.
- 3.2 Under the 2009 Act, Scottish Ministers are required to provide the public bodies with guidance, to support them in putting their climate change duties into practice. Statutory guidance was originally published in 2011 and now requires to be updated.

3.3 In February 2025, the Scottish Government published a draft of this updated statutory guidance. It contains sections on equalities, mitigation, adaptation, and acting sustainably. There are also appendices which include a template Climate Change Strategy and Carbon Management Plan. Much of the document is dedicated to explaining how public bodies should approach these duties, but there are some proposed new obligations for public bodies. These include producing a Carbon Management Plan and reporting on some categories of Scope 3 emissions. There is also a proposed requirement for local authorities to set area-wide emissions reduction targets.

3.4 The main points of ELC's response are as follows:

- There are some helpful sections of the guidance. It is useful to know which Scope 3 emissions will need be reported and what documents ELC must produce to comply with the 3 duties if the draft guidance is adopted.
- The draft guidance contains new requirements for public bodies, but does not indicate that any new funding will be provided for roles or tools to meet these requirements. This will make compliance extremely difficult for public bodies. New statutory documents such as area-wide targets and carbon management plans will not be effective if limited resources are stretched across all these new requirements.
- There is not alignment across this draft guidance and other climate policy changes on the horizon. The draft guidance says that sector-specific guidance will be forthcoming, but these documents should be made available when the statutory requirements are put in place. This draft guidance was also published although the Scottish Government does not have up-to-date emission reduction targets or a current climate change plan. Guidance on the first duty should only be instituted when those targets are in place.
- There is risk of significant duplication across the public sector. The draft guidance relies heavily on the use of assessments, particularly in application of the third duty. The principles behind assessments are agreeable, such as staying within planetary limits and avoiding adverse effects on vulnerable groups. However, the guidance as it is leaves it up to each public body to decide how and where to implement assessments, to write the assessments themselves, and then to report on having instituted them. It would be more efficient and consistent in reporting if there were national tools and frameworks for public bodies to use.
- The guidance is not clear on the whole. It is a long document with 'must' and 'should' statements buried between theories and graphics. In general, it emphasises theories and principles over requirements. The templates in the appendices are clear and useful – if unfunded – and allow public bodies to quickly see if they have complied with requirements. The entire document should be clearer about what public bodies *must* do (e.g. specific targets, milestones, and policies) rather than providing the ideas and leaving it to each body to act on their own.

- Refreshing the guidance is a significant opportunity to achieve a consistent approach across the entire public sector and make progress on national objectives. A good example is coastal change, where local authorities were given funding and a clear objective, so now the Scottish coast is covered by Coastal Change Plans and Shoreline Management Plans. If all public bodies used the same templates for climate impact assessments, for instance, the Scottish Government could be certain that these important principles are instituted across the public sector, while public bodies could easily report on their level of compliance.
- 3.5 This response has been drafted by the Sustainability & Climate Change Officer, who is the Lead Reporter for ELC and whose role will be most directly affected by the contents of the guidance. Officers on the Climate and Nature Emergency Group, which is the group that drives and oversees ELC's action on the twin crises, contributed additional comments. Comments were both written text sent via email and verbal remarks.
- 3.6 ELC's Chief Planning Officer has Delegated Powers to respond to Scottish Government consultations on behalf of ELC as a planning authority. After discussions with the Sustainability & Climate Change Officer, it was determined to submit a response on behalf of the Council. The organisation's response therefore reflects the views of ELC officers alone. It is understood that community organisations in the county, including East Lothian Climate Action Network, submitted their own response.
- 3.7 The UK Climate Change Committee published its advice for Scotland's Carbon Budgets on 21 May, two days before the consultation period on this draft guidance closed. The Scottish Government should produce its climate change plan based on this budget within 12 months. Given that, in the opinion of ELC officers, the draft guidance would benefit from substantial revision, it is hoped that the Scottish Government takes this opportunity to completely align and accelerate climate action across every sector. It would be optimal if the plan was published alongside statutory guidance on contributing to it, and vice versa.

4 POLICY IMPLICATIONS

- 4.1 None at this time, but the revised statutory guidance will introduce new requirements for ELC.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – None at this time, but the revised statutory guidance will introduce new requirements for ELC.
- 6.2 Personnel – N/A.
- 6.3 Other – none.

7 BACKGROUND PAPERS

- 7.1 Consultation on draft Statutory Guidance for public bodies: putting the climate change duties into practice:

<https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2025/02/climate-change-duties-draft-statutory-guidance-public-bodies-consultation/documents/consultation-draft-statutory-guidance-public-bodies-putting-climate-change-duties-practice/consultation-draft-statutory-guidance-public-bodies-putting-climate-change-duties-practice/govscot%3Adocument/consultation-draft-statutory-guidance-public-bodies-putting-climate-change-duties-practice.pdf>

- 7.2 Climate Change (Scotland) Act 2009:

<https://www.legislation.gov.uk/asp/2009/12/contents>

AUTHOR'S NAME	Cheyne Hamm
DESIGNATION	Sustainability & Climate Change Officer
CONTACT INFO	climatechange@eastlothian.gov.uk
DATE	27/05/2025

Respondent Information Form

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/> and refer to the Privacy Notice at the end of this document.

What is your name?

Chevne Hamm

Are you responding as an individual or an organisation?

Only select 'organisation' if you are submitting a response on behalf of an organisation rather than your own individual views.

(Required)

- Individual
 Organisation

What is your organisation?

If responding on behalf of an organisation, please enter the organisation's name here.

If you are responding as an individual you can leave this blank.

East Lothian Council

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

(Required)

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations only:

The option '*Publish response only (without name)*' refers only to your name, not your organisation's name. If this option is selected, the organisation name will still be published.

If you choose the option '*Do not publish response*', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

Further information about your organisation's response

Organisations may use this space to provide additional context for their response. This could be information about, for example:

- any research your organisation undertook to inform the response
- any engagement with your members or audience undertaken to inform the response

This is optional.

Response from the Lead Reporter for East Lothian Council with comments from the Council's Climate and Nature Emergency Group.

Do you work for, or are you responding on behalf of, a Scottish public body subject to the climate change duties?

If you are responding as an individual and do not work for an organisation subject to the duties, please answer 'no' and skip the questions about your sector and job role.

Your response to this question and those below about sector and job role will not be published.

(Required)

- Yes
- No
- Don't know
- Prefer not to say

If you answered 'yes' to the question above, please indicate which sector your organisation belongs to:

- Local authority
- NHS Scotland body
- Integration joint board
- Transport partnership
- College or university
- Central government body
- Other
- Prefer not to say

If you work for a Scottish public body subject to the climate change duties, which of these categories best describes your role:

- Leadership or senior management
- Policy
- Operational or delivery role
- Specialist (e.g. finance, procurement)
- Other
- Prefer not to say

Is your organisation a public body subject to the mandatory annual reporting on compliance with the climate change duties under the Reporting Order, i.e. the public bodies climate change duties reporting?

If you are responding as an individual and do not work for an organisation subject to the Reporting Order, please answer 'no' and skip the questions about your sector and job role.

Your response to this question and the one below about your role will not be published.

(Required)

- Yes
- No
- Don't know
- Prefer not to say

If you answered ‘yes’ to the question above, in your role, are you the lead reporter for the organisation (i.e. are you responsible for completing and submitting the annual report) or do you contribute to the annual public bodies climate change duties report?

- Yes
- No
- Prefer not to say

Do you consent to Scottish Government contacting you again in relation to this consultation exercise?

(Required)

- Yes
- No

What is your email address?

If you would like to be contacted again in future about this consultation please enter your email address here. You will also need to give permission to be contacted in the question above.

Your email address will never be published.

climatechange@eastlothian.gov.uk

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

(Required)

9. I consent

Consultation Questionnaire

Climate change and equalities

1. **With respect to the protected characteristics, could the content of the Statutory Guidance be changed or added to, to strengthen any positive impacts or lessen any negative impacts as it is implemented by public bodies?**

- Yes
 No
 Don't know

If so, how? Please give us your views.

I am not certain how this aspect of the guidance could be improved. Nothing in this guidance is likely to prompt an immediate change of course from public bodies and, in any case, most of the guidance is at a theoretical level which encourages constant assessments for impacts.

2. **With respect to inequality caused by socio-economic disadvantage, could the content of the Statutory Guidance be changed or added to, to strengthen any positive impacts or lessen any negative impacts as it is implemented by public bodies?**

- Yes
 No
 Don't know

If so, how? Please give us your views.

The draft guidance gives one 'bad' example of a road diversion going through a deprived area. It would be useful to know if there are other, similar effects in particular that public bodies should look out for which might worsen socio-economic disadvantage. Similar to other comments in this response, it would be clearer to put in plain English 'public bodies must comply with the third duty by doing x without worsening characteristic y.'

Taking climate into account in decision making

3. **Does the guidance make it clear how public bodies can fulfil the requirement to 'best calculate' the climate impact of their actions?**

- Yes
- Partially
- No
- Don't know

Please provide comments below.

There are lots of theories and methods and references to further guidance on specific sectors, but the document does not offer a clear way to do this calculation. Should we report and say 'We have an integrated impact assessment which uses the methodology in the guidance.'? Another points: these 'calculations' cannot all be through impact assessments. It would be more holistic if we could –for example- check our financial strategies and construction projects against nationally-comparable carbon calculator tool or if legislation was in place to reference emissions standards that would keep public sector decisions within national carbon budgets. The phrase 'best calculated' implies there is a calculation we should do, but this guidance only tells us how to assess, not to calculate. Colleagues noted that it isn't clear how big the impact has to be to trigger an assessment – SEAs for instance do prompt considering climate change, but even plans which have climate impacts may be screened out.

4. Does the guidance make it clear how public bodies should take future climate scenarios into account when making plans and investment decisions?

- Yes
- Partially
- No
- Don't know

Please provide comments below.

There is a heavy reliance on impact assessments and environmental assessments. There are times where the guidance links the reader to other documents for further reading, when it would be more helpful to synthesise the key points in the guidance itself (it does this for the Leaders' Climate Emergency Checklist) so the reader can work out what is important for compliance.

The first duty: reducing emissions (climate change mitigation)

5. Do you have any comments about the guidance provided in this chapter (chapter 5) on complying with the first duty?

Please give us your thoughts. For example, are there any gaps or are there ways that you think it could be improved.

There are some bits of useful clarity, such as that we should have 2 carbon budgets. It is also helpful to know what documents public bodies are expected to produce and what the contents of those should be. However, the guidance's approach is usually to recommend more plans, assessments, and principles to follow. These are not unimportant but do not actually clarify what benchmarks public bodies are meant to reach and how we report on having reached them. Perhaps this will be part of the government's climate change plan – it should be clear to each public body how much it has to decarbonise per year in order to sufficiently contribute to national targets. It is helpful to know the expectations on local authorities to decarbonise their areas, but a gap is that there are no solutions to decarbonise sectors which are 'low influence' or outwith the gift of local authorities to change through legislation. Requiring a climate change statement seems unhelpful, if public bodies also have to produce a climate change strategy to cover the high-level rationale for action. We need the equivalent of the 'Woodland Carbon Code' and 'Peatland Carbon Code' for amenity grass areas and other council parks & greenspaces, to calculate emissions inset.

We know that planning plays a key role in area-wide emissions (up to 1/3 of an area's emissions can be influenced) but planning is minimal in the guidance on area-wide emissions reduction. It would be useful to have more examples and guidance on how to use planning levers to decarbonise and demonstrate we have done so.

6. Do you think the Carbon Management Plan template is suitable for its intended purpose as outlined in Annex A?

- Yes
- No
- Don't know

Please give us your thoughts.

This clarity of expectation is welcome, but many elements of this plan are extremely challenging to implement when public bodies are subject to year-on-year funding cycles. Practitioners in our organisation have been clear that they cannot commit to multi-year decarbonisation measures without knowing the funding that will be available in those coming years.

Some elements, such as carbon impact assessments on every policy & project, will be extremely onerous even for climate change practitioners. It will require each organisation doing duplicate research into emissions factors, which in cases such as electricity change unpredictably.

7. Do you think the Climate Change Plan template for local authorities is suitable for its intended purpose as outlined in Annex B?

- Yes
- No
- Don't know

Please give us your thoughts.

Helpful level of detail, but I have similar concerns to the CMP template about setting targets without knowing the funding situation. Adaptation targets are similarly difficult to set and the guidance provides no examples. The sections are proportionate and organised sensibly. The third duty is, as ever, much more vague than the first 2, particularly for area-wide sustainability. Setting national targets & outcomes would allow the guidance to give public bodies details about how to contribute – as it stands, the guidance simply tells bodies to set targets at *some* level of detail.

The second duty: adaptation

8. The guidance lays out an approach whereby public bodies should: review the Scottish National Adaptation Plan (SNAP); identify the objectives relevant to them; contribute towards those objectives; and, where relevant, report annually on progress in their public bodies climate change duties report.

To what extent do you agree or disagree with this proposed approach?

- Strongly agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Strongly disagree
- Don't know

Please provide any additional comments below.

In general, this is a good approach that closely aligns with the actions in the Adaptation Capability Framework. It would be useful to know if the PBCCDR template will change to be compatible – relatedly, public bodies should be given some guidance how to *report* on having contributed to outcomes, i.e. what specific information is wanted? As with other sections of this guidance, the iterative, capacity-building approach is time intensive and will require more than a small sustainability team can achieve on its own so more resource is needed. Also similar to other sectors, this section is very long and should prioritise the actual obligations for compliance in the text of the guidance, with theory spared for further reading.

9. Do you have any other comments about the guidance provided in this chapter (chapter 6) about complying with the second duty?

Please give us your thoughts. For example, are there any gaps or are there ways that you think it could be improved.

This is stronger than the mitigation section. It is useful to have guidance about preparing for 2 and 4 degree scenarios at medium- and long-time frames. Reference to the Adaptation Capability Framework is welcome, but it would be more useful to know or if there is a minimum score we should reach. Setting targets & outcomes for adaptation is a gap in the guidance. Guidance on assessing the impacts of warming scenarios is a gap – how can public bodies know what the effects will be or assess how to make up the adaptation gap without modelling, which requires extra resource? Overall, there is still more detail in the mitigation section when it should be closer to parity given the accelerating impacts of climate change.

The third duty: acting in the most sustainable way

10. Having considered the content of the chapter (chapter 7), is it clear how public bodies should implement the third duty, to act in the most sustainable way?

- Yes
- Partially
- No
- Don't know

Please give us your thoughts.

If this section is anything, it isn't 'clear.' There is a promise of sector-specific guidance for practitioners of those sectors - this should be published alongside the main guidance document. For example, guidance on how to demonstrate public bodies act sustainably with their estates or -in the case of Councils- waste management & social housing. This section is heavy on theory and method but light on implementation. There is a reliance on impact assessments to do a lot of the heavy lifting – is each organisation expected to produce its own impact assessments based on its own calculations of sustainability (which could lead to massive public sector duplication), what should the scope of those impact assessments be, and should they be the same impact assessments which look at equalities or do we need multiples?
The exclusive focus in sustainable development overlooks the need for de-growth in some sectors.

11. Do you have any other comments about the guidance provided in this chapter (chapter 7) about complying with the third duty?

Please give us your thoughts. For example, are there any gaps or are there ways that you think it could be improved.

Colleagues expressed concern about the difficulty of carbon costing every project, which might delay or increase the costs of building cycle paths or widening pavements, for instance.

Reporting of scope 3 emissions

12. To what extent do you agree or disagree with the proposed baseline reporting of the scope 3 emission categories outlined in section 8.3.5.1 of the guidance?

- Strongly agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Strongly disagree
- Don't know

Please provide any additional comments below.

These are sensible starting points for reporting scope 3 emissions as they are relatively easy to record and within the scope of influence of most public bodies. It is somewhat contradicted when elsewhere in the guidance (section 5.3) it suggests that the most material effect on greenhouse gas emissions might be purchased goods and construction projects. This section would be a good place to use some plain English, turning phrases like 'should be noted' to 'include this in the PBCCDR comments column.' This would make it clearer how and where to report compliance.

13. Do you think that any other categories of scope 3 emissions should be included in the recommended baseline for reporting, where these are relevant and applicable? Please tick all that apply.

- Purchased goods, works and services
- Capital assets (e.g. construction)
- Upstream transportation and distribution
- Upstream leased assets
- Downstream transportation and distribution
- Processing of sold products
- Use of sold products
- End-of-life treatment of sold products
- Downstream leased assets
- Franchises
- Investments

If you ticked any of the categories of scope 3 emissions above, please provide an explanation. This field can also be used for any other comments related to this chapter.

Reporting on investments & finances may require some working with financial institutions, but there are existing assessment methodologies that could be legislated. Banking and investments are one of the most materially significant ways that emissions can be reduced, and many public bodies have publicly called for divestment anyway.

Overall reflections

14. Do you think that the guidance fulfils its stated purpose of providing support to public bodies in putting the climate change duties into practice?

- Yes

- No
 Don't know

Please provide further comments below.

All my colleagues and I fully support the basic principles here, and that we all need to go further, faster, to tackle the climate emergency. This guidance document sets out the principles and thinking behind climate change planning, all of which are very agreeable. It is genuinely welcome to have an acknowledgement that consistency across the public sector is needed and for all the disparate theories for practitioners compiled in one place.

But there are no specific details of how. The statutory guidance as it is lacks clarity and cohesiveness between the sections. It is lengthy to the extent it will be difficult to bear in mind all at once. We need more detail about what we are actually expected to do and how to demonstrate we are doing it. The background information should support the requirements, not the other way around. There is an over-reliance on assessments, and there is not any benchmark for what would be a suitable score for those assessments. The guidance should have clear links telling public bodies how to and how much to support national plans and outcomes, and full alignment with the national climate change plan.

Crucially and fundamentally, how is all of this going to be funded? In order to implement all this, public bodies need the necessary funding, powers, guidance, tools, and resources (including staff capacity) to undertake and deliver all the contents of this guidance.

15. Do you have any further comments about the guidance?

Please give us your thoughts. For example, are there any gaps or are there ways that you think it could be improved.

Firstly, a huge amount of work has clearly gone into pulling this guidance together, from worked examples to academic theories. Challenging concepts are explained in tremendous detail. The draft guidance recognises that there are limits to the influence of public bodies and there is the promise of sector-specific guidance coming soon which will be welcome.

There must be no additional requirements without additional funding. In particular, asking public bodies to target & cost mitigation measures at the 'replace' level (e.g. electric vehicles, heat pumps) when we operate with year-on-year funding cycles is a challenging circle to square. Additionally, many of the measures in this guidance – including setting area-wide targets using ClimateView, creating an adaptation plan, reporting on Scope 3 emissions, and developing organisational sustainability policies all at once- will need sustainability specialists to implement, which in many public bodies is a small team without the human resource to do all of the above effectively. With an effective public sector-wide hiring freeze in place, it is unlikely that public bodies will be able to meaningfully engage with all they are being asked to.

An example of excellent working is the Coastal Change Adaptation Plan. Local authorities were told what to achieve, given bespoke resource to do it, and the Scottish Government gets the outcome of having the coastline covered. New requirements should be treated with this same aligned and well-supported approach, which allows clear demonstration we have complied and fosters a one public sector approach.

The entire document is too long, with lots of detail on the theory and not enough practical information about compliance. One colleague described it as 'word soup.' It should be put in plain English what compliance looks like and where it will be reported – this isn't just a burden but an opportunity for Ministers to have key outcomes embedded across the whole public sector. There is frequent reference to supplements which are forthcoming, but the Statutory Guidance should be published alongside or *after* sector-specific guidance is developed because as it stands there is a risk of developing our own plans to comply with the guidance only to find out later we should have done it differently.

The template Climate Change Strategy & Carbon Management Plan are useful and most clearly outline what public bodies are expected to do, though they need more detail and the resource to back them up. It would be clearer to organise the guidance around these templates and to put the theory & further reading in an annex, rather than the other way round.

Privacy Notice

General information

This privacy notice tells you what to expect us to do with your personal information when you respond to this consultation, including by email and post.

When we process your personal information, we promise to:

- make sure you know why we need it
- only ask for what we need, and not collect too much or irrelevant information
- make sure it is accurate and up to date
- let you know if we share it with other organisations, unless we have a legal obligation to pass it on without telling you
- protect it and make sure nobody has access to it who shouldn't
- make sure we don't keep it longer than is necessary.

Please see our privacy pages for further general information:

<https://www.gov.scot/privacy/>

Our contact details

This consultation is being run by the Net Zero Public Sector Team, Domestic Climate Change Division, Scottish Government. The Net Zero Public Sector Team led on the development of the draft Statutory Guidance which is the focus of this consultation.

The Scottish Government falls under the legal entity of the Scottish Ministers in relation to processing of your personal information. We are the data controller for the personal information we process, unless otherwise stated.

You can email us at: climate.change@gov.scot

Postal enquiries should be sent to:

Scottish Government
Net Zero Public Sector Team, DCCD
Area 3F - South
Victoria Quay
Edinburgh
EH6 6QQ

Data Protection Officer's contact details

You can contact our Data Protection Officer at DataProtectionOfficer@gov.scot or via our postal address. Please mark the envelope 'Data Protection Officer'.

Your data protection rights

Data protection law gives you certain rights that you may exercise in respect of your own personal information. Not all these may be relevant to this consultation as some of the types of information mentioned below may not be requested or provided during this consultation.

- you have a right to request a copy of personal information we hold about you, by making a subject access request. This right always applies. There are some exemptions, which means you may not always receive all the information we process. [We have published further information on this \(https://www.gov.scot/publications/subject-access-request-form/\)](https://www.gov.scot/publications/subject-access-request-form/)
- you have the right to ask us to update our records if you believe that the data we hold is inaccurate or incomplete. This right always applies
- you have the right to ask us to erase your personal information. There may however be some circumstances in which we cannot comply. Such as, if we have a legal duty to keep data, or we process it in a particular way
- you have the right to ask that we stop or restrict the processing of your information in certain circumstances
- you have the right to object to processing if we are able to process your information because the process forms part of our public tasks
- you have the right to ask that we transfer the information you gave us from one organisation to another, or give it to you. This right only applies to information you have given us and we are processing information based on your consent or under, or in talks about entering into a contract and the processing is automated

You are not required to pay any charge for exercising your rights. We have one month to respond to you. Please contact us at dpa@gov.scot if you wish to make a request, or contact our Central Enquires Unit on 0300 244 4000.

Your right to complain

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. They will look into the concerns you have raised and provides the response.

If you are not satisfied with the DPO'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:

The Information Commissioner
 Wycliffe House
 Water Lane
 Wilmslow
 Cheshire
 SK9 5AF

Tel: 08456 30 60 60

Website: www.ico.org.uk

More information is available at [make a complaint on the Information Commissioner's site](#).

How we will collect the information

The personal information we will process is provided to us directly by you, as you respond to this consultation. If you respond online through the Citizen Space platform,

the information will be gathered on the 'About you' page. If you respond by email or post, the information will be gathered through the Respondent Information Form.

Why the information is needed and how it will be used

Purpose of this consultation

The purpose of this consultation is to gather feedback on draft Statutory Guidance for public bodies in relation to the climate change duties, and to inform the development of the final guidance.

Lawful basis for processing personal data

The lawful basis for processing personal data is article 6(1)(e) of the UK GDPR, which allows the processing of personal data when this is necessary for the performance of a public task in exercise of official authority and article 6(1)(a) of the UK GDPR which allows the processing of personal data where clear consent has been given for the processing of data for a specific purpose.

Under [section 45\(1\)](#) of the Climate Change (Scotland) Act 2009, Scottish Ministers must give guidance to relevant public bodies in relation to the climate change duties.

Sections 45(2) and (3) of the Act require Scottish Ministers to consult local authorities and other such persons as the Scottish Ministers consider appropriate, before giving such guidance.

Data processing is necessary for us to perform these tasks for our official functions, and the task has a clear basis in law, i.e. it is a 'public task'.

Why have we asked for your name and contact details?

Names and email addresses, and if applicable, postal addresses and postcodes, are requested solely in relation to communication about the consultation.

Your name will only be published as part of your response if you give us permission to do so (see 'Publication of responses' below).

Names and contact details will not form part of the analysis.

Why have we asked for organisational information?

We have asked for information regarding organisational responses, sector and whether the organisation is subject to the climate change duties and to the reporting duty. This is to enable us to differentiate between responses submitted by those who will be required to have regard to the guidance (i.e. the intended audience - public bodies subject to the climate change duties) and those who will not. This will inform the analysis, and in turn the final version of the guidance.

We are requesting information about the type of role that responders have, to further inform the analysis. We envisage that different users will utilise different sections of the guidance, e.g. that senior managers may find the leadership and governance sections of most use, while staff in delivery roles may focus on the chapters on implementing the duties. The guidance needs to be fit for purpose and gathering this data will help us ensure that it has been tailored correctly to the different users.

These questions are voluntary and respondents can choose not to answer, or to select a response such as 'don't know' or 'prefer not to say'. The responses given to these questions will not be published.

Where a responder submits an organisational response, and provides the name of the organisation, we may use publicly available data to verify and or determine whether the organisation is subject to the climate change duties, and to the related reporting duty.

Public bodies subject to the climate change duties are defined as Scottish public authorities within the meaning of section 3(1)(a) of the [Freedom of Information \(Scotland\) Act 2002 \(asp 13\)](#). This defines public authorities as being: (i) those listed in [schedule 1 of that Act](#); or (ii) those designated by order under section 5(1).

Public bodies subject to the reporting duty are listed in [schedule 1 of The Climate Change \(Duties of Public Bodies: Reporting Requirements\) \(Scotland\) Order 2015](#), as amended.

Data sharing

The consultation responses will be shared with an external contractor (the data processor) solely for the purposes of conducting an analysis of the consultation and producing a consultation analysis report. At the end of the contract, any datasets required will be transferred back to Scottish Government. The contractor will not retain any copies of the individual responses or related datasets.

Publication of responses

Responses will be published in accordance with respondents' expressed publication preferences. These preferences can be selected on the 'About you' page on Citizen Space for online responses; or on the Respondent Information Form for email and postal responses.

Where respondents have given permission for their response to be published, with or without their name, and after the Scottish Government has redacted any defamatory content which contravenes the moderation policy, consultation responses will be published online on Citizen Space at <http://consult.gov.scot>

How long your data will be kept

Information will only be kept for as long as is necessary to achieve the purpose it was collected for, i.e. to inform the development of the Statutory Guidance. After 12 months, Scottish Government will undertake a review to determine whether the data needs to be retained or destroyed. If it is decided that there is no rationale to justify continuing to hold the data, then it will be destroyed. If it is decided that there is justification to continue to hold the data then it can be held until a further review 12 months later.

Data protection policy document

See: <https://www.gov.scot/publications/information-assurance-and-data-protection-appropriate-policy-document/>

