
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.

The Microchipping of Dogs (Scotland) Regulations 2016

Conditions to be met by a database operator

- 8.—(1)** A database operator must—
- (a) record on its database—
 - (i) details notified to it by keepers of dogs by virtue of regulations 6 and 10(1); and
 - (ii) data provided to it by virtue of regulation 9(2)(b);
 - (b) in relation to a dog, retain the data which it must record by virtue of sub-paragraph (a) in relation to that dog for a period of 30 years from the date of birth, or estimated date of birth, of that dog;
 - (c) in relation to retained data, publish its policy on data retention and destruction;
 - (d) have sufficient database capacity to store retained data and do so securely;
 - (e) have a system whereby retained data can be readily retrieved;
 - (f) back up retained data at a secure off-site facility once every 24 hours;
 - (g) provide an authorised person with such retained data as is necessary for the performance of the following functions—
 - (i) re-uniting a dog with its keeper; and
 - (ii) the enforcement of these Regulations;
 - (h) provide a veterinary surgeon with such retained data as is necessary for the purpose of re-uniting a dog with its keeper;
 - (i) provide a person with enforcement functions relating to the welfare of dogs conferred by virtue of any enactment with such retained data as is necessary for the prevention or detection of crime relating to the welfare of dogs;
 - (j) provide the current keeper with such retained data requested by the current keeper to the extent that it relates to the current keeper and its dog (not including details on any previous keeper);
 - (k) provide a previous keeper with such retained data requested by that keeper to the extent that it relates to that keeper (not including details on any other keeper);
 - (l) have a system for identifying—
 - (i) an authorised person;
 - (ii) a person mentioned in sub-paragraph (h) or (i);
 - (iii) the current keeper of a dog; and
 - (iv) any previous keeper of a dog,when such person makes an inquiry about retained data;
 - (m) have a system for answering telephone requests for retained data at all times;
 - (n) have a system for answering on-line requests for retained data at all reasonable times;

- (o) have a system for redirecting telephone queries relating to dogs whose retained data is recorded on other databases which comply with sub-paragraph (s) to the database operators of those other databases;
 - (p) have a system for automatically redirecting on-line requests relating to dogs whose retained data is recorded on other databases which comply with sub-paragraph (s) to the database operators of those other databases;
 - (q) have a system for ensuring that, so far as practicable, on recording a change to the keeper of the dog, the former keeper is aware or made aware of the fact a change is taking place;
 - (r) maintain sufficient records to demonstrate to the Scottish Ministers that the database operator is complying with the requirements of this regulation;
 - (s) make available to other database operators such information as is necessary to allow other database operators to determine which compliant microchip unique numbers relate to dogs whose details are recorded on the database operator's database; and
 - (t) have a system for responding directly to the inquirer of any query received by virtue of sub-paragraph (o) or (p).
- (2) In this regulation "on-line request" means a request submitted to a database operator on-line in the manner provided for by the database operator's website.