



## Agency Board Meeting 16 February 2021

Board Report Number: SEPA 05/21

### Service Update

<b>Summary:</b>	All of SEPA's services were disrupted by the cyberattack on the 24 <sup>th</sup> of December. We are progressively building services up on a priority basis. The purpose of this paper is to give an overview of progress on our two external services – regulation and flooding.
<b>Risks:</b>	If we fail to build services up quickly and well, we create three risks. First, there may be a risk of not protecting the Scottish environment, especially from key threats. Second, there may be risks to individuals and organisations which are unable to secure specific services from us. Third, we need to make sure that, as we build services, we don't create a risk of missing the opportunity to incorporate effectiveness and efficiency improvements.
<b>Resource and Staffing Implications:</b>	We will be mainly using existing resources to build back our services. There may be a small number of cases where we engage some external expertise to assist us and this will incur some additional costs.
<b>Equalities:</b>	Under our new Recovery Protocol, equalities considerations are being built into service design and implementation from an early stage.
<b>Environmental and Carbon Impact:</b>	Under our new Recovery Protocol, environmental and carbon considerations are being built into service design and implementation from an early stage.
<b>Purpose and audience of the report:</b>	The purpose of this agenda item is to update the Board on the approach we are taking to building external service delivery and seek any feedback on our processes.
<b>Report Author:</b>	Terry A'Hearn Chief Executive
<b>Appendices:</b>	Service Update – 12 February 2021

## 1. Introduction

- 1.1 All of SEPA's services were disrupted by the cyberattack on the 24<sup>th</sup> of December. We are progressively building services up on a priority basis. The purpose of this paper is to provide an overview of progress on our two external services – regulation and flooding.

## 2. Background

- 2.1 We are building services up on a priority basis. We will describe three examples.
- 2.2 First, as the Board has previously been advised, we made sure we could issue flood alerts and warnings on the first three days of the cyber attack. We then prioritised consolidating the processes that underpin the alerts and warning system. This work has since been tested several times, including by Storm Christoph in mid-January, and again we have been able to consistently issue relevant alerts and warnings.
- 2.3 Second, we have re-established our digital septic tank registration system. This is an important system for the management of the environmental impact of septic tanks. It also underpins many property transactions and an inability to access the service can adversely affect individuals. The digital service was re-established last week and, by the 11<sup>th</sup> of February, 100 septic tanks had been registered. Prior to the digital service being set up, we tried to assist people by providing a manual registration service for those who contacted us. Other high-volume transaction services (e.g. for waste carriers) are being prioritised for digital re-establishment.
- 2.4 Third, we have ensured that we are prepared to respond to any significant environmental events. As just one example, there was one incident of flaring at the ExxonMobil plant in Mossmorran. It turned out that the elevated flaring lasted for just over an hour and, in that time, we were able to quickly mobilise our normal response team and approach.

## 3. The Issues

- 3.1 There is a huge amount to do to build all of our services up. As we prioritise the building of services, we are taking the following steps to keep the public and stakeholders involved and informed:
- on the 28<sup>th</sup> of January, we published a general description of how we will provide services until the 30 June in the light of the pandemic, EU Exit and the cyberattack. This was called "Approach to the Delivery of Services until June 2021";
  - on the 28<sup>th</sup> of January, we also published the first of our weekly updates on service delivery. This takes the form of a table which shows for each specific service (1) what SEPA can currently do and (2) what we suggest service users do. The third and latest of these updates is provided as an appendix for information;
  - as part of this service update, we provide a mechanism for people to complete a form that enables them to seek help with a service if their need is urgent; and
  - we have commenced a major programme of contacting stakeholders to inform them of our recovery plans.

- 3.2 At the Board meeting, we will describe some of these examples in a bit more detail so that Board members can provide feedback and help test our approach to building up our service delivery.

**4. Recommendations**

- 4.1 The Board:
- (i) notes the update on external service delivery, and
  - (ii) provides any feedback to help us refine and improve our processes.

Terry A'Hearn  
12 February 2021

## Annex 1

12 February 2021

### SERVICE STATUS: UPDATE

On Christmas Eve, the Scottish Environment Protection Agency confirmed that it was responding to a significant cyber-attack affecting its contact centre, internal systems, processes and communications. SEPA will not engage with likely international serious and organised criminals intent on disrupting public services and extorting public funds. The matter is subject to a live criminal investigation.

Following the attack, business continuity arrangements were immediately enacted and our Emergency Management Team is working with Scottish Government, Police Scotland and the National Cyber Security Centre to respond to what is complex and sophisticated criminality.

Whilst the attack significantly impacted our organisation and infrastructure, we're working to clear external priorities:

- Protecting Scotland's environment.
- Providing priority services to individuals and businesses across Scotland.

Our approach continues to be to take the best professional advice from multi-agency partners, including Police Scotland and cyber security experts, with the multi-agency response focused on eradication, remediation and recovery.

We've said that whilst for the time being we've lost access to most of our systems, including our email system, what we haven't lost is the knowledge, skills and experience of our twelve-hundred expert staff.

Through their work we've adapted and continue to provide priority regulatory, monitoring, flood forecasting and warning services. In addition, our approach will continue to prioritise supporting Scotland's recovery.

Whilst some systems and services may be badly affected for some time, step-by-step we're working to assess and consider how we recover. Below you'll find the latest information on our current service status and recovery. We'll update this on a weekly basis so that we're clear on what those we work with can expect and how we'll prioritise progress.

## PROTECTING COMMUNITIES & BUSINESSES AT RISK FROM FLOODING

FLOOD FORECASTING & WARNING	
WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
Flood forecasting and warning services are adapting and continuing to operate. We remain able to issue alerts and warnings. Floodline remains operational.	19 Feb 2021
WHAT SHOULD YOU DO NOW?	
Floodline provides live flooding information and advice on how to prepare for or cope with the impacts of flooding 24 hours a day, 7 days a week.  Check the latest flood information and follow alerts and warnings <a href="#">here</a> . Sign up and get notified when the area you live, work or travel through is at risk of flooding.  Register for Floodline <a href="#">online</a> or contact us: 0345 988 1188.	

RAINFALL & RIVER LEVELS DATA	
WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
SEPA's rainfall and river level web pages are not currently operational as a result of the cyber-attack. We cannot currently provide historical river or rainfall data.	19 Feb 2021
WHAT SHOULD YOU DO NOW?	
No immediate service provision. We're working on it. Check weekly service status updates.	

FLOOD MAPS	
WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
Flood maps for your area remain available.	19 Feb 2021
WHAT SHOULD YOU DO NOW?	
Check flood maps for your area <a href="#">here</a> .	

FLOOD RISK MANAGEMENT	
WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
We're continuing to work with Scottish Government, Scottish Water and local authorities to coordinate and concentrate efforts to tackle flood risk.  We are required to finalise and publish the next set of updates to Scotland's plans by the end of the year. We are currently working with our partners to establish a new timetable for agreeing and publishing the final plan updates.  Land use planning advice for flood risk is covered in the land use planning section under regulation.	19 Feb 2021
WHAT SHOULD YOU DO NOW?	
Contact us at <a href="#">sepa.org.uk/contact</a> noting there will be a delay in response.	

## REGULATION

### PERMITTING

WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
<p>We are not currently able to receive, verify or determine applications for Waste Management Licences, Complex Waste Exemptions, New Waste Carriers Licences, Controlled Activities in the Water Environment, and PPC Part A &amp; B.</p> <p>Please do not submit any application or contact us unless you require authorisation within the next three weeks.</p> <p>The exceptions to this are existing private sewage treatment systems (septic tanks) or renewal of Waste Carrier Licences (see below).</p>	19 Feb 2021
WHAT SHOULD YOU DO NOW?	
<p>Please do not submit any applications at this time and check regular updates. Contact us at <a href="https://sepa.org.uk/contact">sepa.org.uk/contact</a> if your authorisation is required urgently within the next three weeks.</p>	

### PRIVATE SEWAGE SYSTEMS (SEPTIC TANKS)

WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
We have established a system to allow registration of existing septic tanks.	19 Feb 2021
WHAT SHOULD YOU DO NOW?	
<p>If the system is:</p> <ul style="list-style-type: none"> <li>• More than two years old; and</li> <li>• Serves up to three properties</li> <li>• You can register at:  <a href="https://www.sepa.org.uk/regulations/authorisations-and-permits/application-forms/private-sewage-treatment-system/">https://www.sepa.org.uk/regulations/authorisations-and-permits/application-forms/private-sewage-treatment-system/</a> </li> </ul> <p>If the system is:</p> <ul style="list-style-type: none"> <li>• Less than two years old; or</li> <li>• Serves more than three properties</li> <li>• Contact us at: <a href="https://sepa.org.uk/contact">sepa.org.uk/contact</a></li> <li>• Please only contact us if you require authorisation within the next 3 weeks.</li> </ul>	

### SPECIAL WASTE CONSIGNMENT NOTES

WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
SEPA remains unable to sell pre-coded printed special waste consignment notes due to the reduced use of SEPA offices. However, the codes must still be purchased directly from SEPA	19 Feb 2021.
WHAT SHOULD YOU DO NOW?	
<p>It remains important to maintain compliant hazardous waste management. Follow the steps in our temporary regulatory position statement and purchase codes directly from SEPA by telephone on 07388 371621.</p> <p><a href="https://regulatoryapproach.sepa.org.uk/media/1121/covid-19-swcen.pdf">https://regulatoryapproach.sepa.org.uk/media/1121/covid-19-swcen.pdf</a></p>	

### TRANS-FRONTIER SHIPMENTS OF WASTES

WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
We are not currently able to receive, verify or approve applications for the export or import of wastes.	19 Feb 2021
WHAT SHOULD YOU DO NOW?	
<p>Please do not submit any applications at this time and check regular updates. If this delay is likely to cause an adverse impact to the environment or communities contact us at <a href="https://sepa.org.uk/contact">sepa.org.uk/contact</a></p>	

<b>WASTE CARRIERS LICENSES</b>	
<b>WHAT ARE WE ABLE TO DO NOW?</b>	<b>NEXT UPDATE</b>
Our online application service for new and renewal of waste carriers or brokers registrations is currently unavailable.	19 Feb 2021
<b>WHAT SHOULD YOU DO NOW?</b>	
<p>If your registration is due to expire before 1 April 2021 SEPA will treat it as extended until 30 June 2021.</p> <p>We will provide updated information on how to submit a renewal application when this is available.</p>	

<b>POLLUTION REPORTING &amp; ENVIRONMENTAL INCIDENT RESPONSE</b>	
<b>WHAT ARE WE ABLE TO DO NOW?</b>	<b>NEXT UPDATE</b>
<p>The ability to report environmental events or pollution remains available and we will respond to the most significant environmental incidents.</p> <p>As a result of current COVID-19 restrictions we will only initiate field response to deal with the most significant environmental incidents however we will deal with as many reports of pollution as possible remotely.</p>	19 Feb 2021
<b>WHAT SHOULD YOU DO NOW?</b>	
Report environmental events at <a href="https://sepa.org.uk/report">sepa.org.uk/report</a> or contact our 24 Hour Pollution Hotline: 0800 80 70 60	

<b>ADVICE TO SCOTTISH BUSINESSES</b>	
<b>WHAT ARE WE ABLE TO DO NOW?</b>	<b>NEXT UPDATE</b>
<p>Information and advice for regulated sectors remains available through our sector plans and COVID-19 and EU Exit Regulatory Approach hubs.</p> <p>Information and advice for small and medium-sized enterprises remains available through our NetRegs hub.</p> <p>Other than pollution incidents, we have very limited capability to assess and respond to non-urgent enquiries.</p>	19 Feb 2021
<b>WHAT SHOULD YOU DO NOW?</b>	
<p>Our Sector Hub is available <a href="#">online</a>.</p> <p>Our COVID-19 and EU Exit Regulatory Approach Hub is available <a href="#">online</a>.</p> <p>Our NetRegs Hub is available <a href="#">online</a>.</p> <p>If you require support contact us at <a href="https://sepa.org.uk/contact">sepa.org.uk/contact</a> noting there will be a delay in response.</p>	

<b>DEPOSIT RETURN SCHEME</b>	
<b>WHAT ARE WE ABLE TO DO NOW?</b>	<b>NEXT UPDATE</b>
Information about Deposit Return Scheme can be found at <a href="https://depositreturnscheme.zerowastescotland.org.uk/">https://depositreturnscheme.zerowastescotland.org.uk/</a>	19 Feb 2021
<b>WHAT SHOULD YOU DO NOW?</b>	
Please submit any queries regarding Deposit Return Scheme to <a href="https://depositreturnscheme.zerowastescotland.org.uk/contact-us">https://depositreturnscheme.zerowastescotland.org.uk/contact-us</a>	

<b>RESERVOIR INCIDENTS</b>	
<b>WHAT ARE WE ABLE TO DO NOW?</b>	<b>NEXT UPDATE</b>
We continue to be able to respond to reservoir incidents. Flood risk maps continue to be available to emergency responders via resilience direct.	19 Feb 2021
<b>WHAT SHOULD YOU DO NOW?</b>	
<p>If there is a reservoir incident, please contact</p> <p>24 Hour Pollution Hotline: 0800 80 70 60.</p>	

RESERVOIR REGULATION – RESERVOIRS (SCOTLAND) ACT 2011	
WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
We are not currently able to receive, verify or process reservoir registrations or engineers certificates, reports, statements or appointments.	19 Feb 2021
WHAT SHOULD YOU DO NOW?	
Comply with the legislation. Guidance on this can be found on SEPA’s <a href="#">reservoir webpages</a>  The <a href="#">Controlled Reservoirs Register</a> which contains information on all registered controlled reservoirs is also available.  Do continue to prepare reports and submissions, but don't send them to us or enquire about submissions at this time. We'll provide further updates on how to send information to us, as soon as possible.  If there is an emergency at your reservoir then please contact our 24 Hour Pollution Hotline: 0800 80 70 60.  You can contact us at <a href="#">sepa.org.uk/contact</a> , noting that we have very limited capacity to assess and respond to non-urgent enquiries.	
LAND USE PLANNING, CONTAMINATED LAND, ELECTRICITY ACT, FORESTRY AND SIMILAR CONSULTATIONS	
WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
We are not currently able to provide any responses to any person or body on land use planning (including flood risk advice) or similar consultations related to contaminated land, Energy Act, Forestry etc. unless agreed as of outstanding national priority. Standing advice and our planning guidance is available at <a href="#">sepa.org.uk/environment/land/planning</a> .	19 Feb 2021
WHAT SHOULD YOU DO NOW?	
Do not contact SEPA for a planning response as it cannot be provided, but if you need support, then contact us at <a href="#">sepa.org.uk/contact</a> noting there will be a delay in response. Please look at our standing advice and planning guidance at <a href="#">sepa.org.uk/environment/land/planning</a> .	
SCOTTISH LANDFILL COMMUNITIES FUND	
WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
We are not currently able to receive notifications from Approved Bodies.  Check our Project Screening Tool (Vicinity checker) at: <a href="https://www.sepa.org.uk/data-visualisation/scottish-communities-landfill-fund/">https://www.sepa.org.uk/data-visualisation/scottish-communities-landfill-fund/</a>  Check our Project Eligibility Quiz at: <a href="https://scottishepa.typeform.com/to/YjmHzb">https://scottishepa.typeform.com/to/YjmHzb</a>	19 Feb 2021
WHAT SHOULD YOU DO NOW?	
New projects can check eligibility for funding by taking the <a href="#">Eligibility Quiz</a>  Approved Bodies should <ul style="list-style-type: none"><li>○ continue to operate as normal; receiving, assessing and enrolling applications for funding.</li><li>○ continue to complete the required notification forms as usual</li></ul>	



<p>but do not send these to us at present – forms can be downloaded from <a href="#">here</a>.</p> <ul style="list-style-type: none"> <li>continue to use the <a href="#">Project Screening Tool (Vicinity Checker)</a> as required. Where results show the location to be just out with the 10 mile radius (usually prompting a referral to SEPA), use best effort to ensure that the project location is around 10 miles from a Landfill Site or Transfer Station.</li> </ul> <p>If you require urgent support, contact us at <a href="https://sepa.org.uk/contact">sepa.org.uk/contact</a>, noting there will be a delay in response.</p>	
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DATA RETURNS	
WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
Many environmental licences include a requirement to submit data returns or other reporting requirements on an annual or quarterly basis.	19 Feb 2021
WHAT SHOULD YOU DO NOW?	
<p>Do continue to prepare your reports and submissions but don't send them to us or enquire about submission at present. We'll provide further updates on how to send information to us as soon as possible. This includes any Scottish Pollutant Return Inventory (SPRI) returns.</p> <p>For businesses who are required to submit Producer Responsibility (PR) data, please continue to use the relevant UK system to submit your data. Please retain a copy of any supplementary PR data you would normally submit directly to SEPA but do not attempt to send this to us at present. We will provide further updates on how to send this information to us as soon as possible.</p> <p>For the avoidance of doubt, you should continue to report any environmental incidents as required by your SEPA permit by contacting our 24 Hour Pollution Hotline: 0800 80 70 60</p>	

EMISSIONS TRADING SCHEME	
WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
<p>Although operators are able to access ETSWAP, SEPA is currently unable to access this system. We are taking steps to regain access to ETSWAP.</p> <p>We are not currently able to receive communications or applications through ETSWAP, via email or by phone. For urgent regulatory queries please contact us at <a href="https://sepa.org.uk/contact">sepa.org.uk/contact</a></p>	19 Feb 2021
WHAT SHOULD YOU DO NOW?	
<p><b>Installation Operators</b></p> <p>Please do not submit any applications to vary your permit to ETSWAP at this time and check here for regular updates. Contact us at <a href="https://sepa.org.uk/contact">sepa.org.uk/contact</a> if you wish to discuss an urgent variation to your permit.</p> <p>Do continue to comply with the requirements of your permit. You must submit your Annual Emissions Monitoring (AEM) report for 2020 by 31 March and surrender allowances by 30 April.</p> <p>If you are eligible for a free allocation of allowances we will amend the conditions of your permit to reflect the recently introduced legislative requirements relating to free allocation as soon as possible - this will include the requirement to monitor the activity levels of your installation in accordance with the Free Allocation Regulation and your approved (by SEPA) Monitoring Methodology Plan (MMP). Please continue to prepare and submit an activity level change report on or before 30 June 2021. Pending formal variation of your permit – SEPA expects you to monitor in line with</p>	

<p>your previously approved MMP</p> <p><b>For Aviation Operators</b></p> <p>Do continue to monitor your emissions in accordance with your Emissions Monitoring Plan. You must submit your AEM report for 2020 by 31 March and surrender allowances by 30 April.</p>	
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## OUR ORGANISATION

### DATA THEFT : SUPPORTING OUR PARTNERS

WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
<p>Despite systems being certified to UK Government security standards, cyber security specialists have identified the theft of circa 1.2 GB of data. On Thursday, 21st January 2021 we confirmed that data stolen by what was likely to be international serious and organised cyber-crime groups has now been illegally published online.</p> <p>Full information is available <a href="#">online</a>.</p>	19 Feb 2021
WHAT SHOULD YOU DO NOW?	
<p>Working with cyber security experts, a dedicated team has been established to identify the detail of business or partner information loss and, where identified, direct contact will be made as quickly as possible with affected organisations.</p> <p>If you need to contact us about this, please contact us at <a href="https://sepa.org.uk/contact">sepa.org.uk/contact</a>. If you cannot access the form and need support completing this, please contact us on 01698 839 022 (Monday - Friday, 9am-5pm).</p>	

### PAYMENT OF APPLICATION FEES, SUBSISTENCE FEES OUTSTANDING INVOICES


WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
We can only accept BACs payments at this time.	19 Feb 2021
WHAT SHOULD YOU DO NOW?	
<p>We can only accept BACs payments at this time.</p> <p>If you wish to make a payment call 07388 371 621 for our bank account details or queries.</p>	

### SUPPLIER ENQUIRIES

WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
<p>We can only deliver our services with the support of our supply chain. Our ability to communicate with our supply chain partners is currently limited.</p> <p>Over the coming weeks we'll be in touch with many of our suppliers to update them on the situation and seek their support in our recovery.</p> <p>We are committed to ensuring SEPA remains an excellent organisation to work with, even through this challenging time, but want to ensure we set achievable expectations.</p> <p>Over the coming weeks due to impacts on our systems, payments may be delayed - but all of our suppliers will be paid.</p>	19 Feb 2021

WHAT SHOULD YOU DO NOW?	
<p>If you are a supplier and have a query on our account with you call 07826 297 554.</p> <p>If you have a contract query please call 07721 238 319.</p>	

RECRUITMENT ENQUIRIES	
WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
Recruiting managers and our human resources team are liaising with candidates who are due to start new posts with SEPA to ensure all necessary pre-employment checks are complete and to agree a start date.	19 Feb 2021
<b>WHAT SHOULD YOU DO NOW?</b> If you applied for a vacancy that was recently advertised please bear with us. Recruitment activity is currently on hold but we will be in touch with applicants as soon as we can.	

ACCESS TO INFORMATION ENQUIRIES	
WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
<p>Our information and email systems remain impacted and offline as a result of the cyber attack.</p> <p>Our offices remain closed due to COVID 19 restrictions so we continue to be unable to provide copies of our hard copy information.</p> <p>As a result, we are limited in our ability to respond to Access to Information enquiries. We will provide advice and assistance to you as best we are able but may not be able to provide the information you are looking for at this time.</p>	19 Feb 2021
<b>WHAT SHOULD YOU DO NOW?</b> Check the <a href="http://www.sepa.org.uk">SEPA website</a> [www.sepa.org.uk] and our <a href="#">Disclosure Log</a> for information we've already published that may be of interest. You can search our Disclosure Log by entering a key search word in the Title box and clicking on the filter icon  . [https://www2.sepa.org.uk/disclosurelog/] Continue to check our <a href="https://regulatoryapproach.sepa.org.uk/cyber-attack-service-status/">service status</a> which will be updated weekly. [https://regulatoryapproach.sepa.org.uk/cyber-attack-service-status/] If you need to contact us, you can do this using our <a href="#">online form</a> . Please note there may be a delay in our response. [https://www.sepa.org.uk/contact].	

EMAIL COMMUNICATION SYSTEMS	
WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
Email systems remain impacted and offline. Information submitted to SEPA by email since Christmas Eve is not currently accessible and whilst online pollution and enquiry reporting has now been restored, information submitted in the early stages of the attack is currently not accessible.	19 Feb 2021
<b>WHAT SHOULD YOU DO NOW?</b> Contact us at <a href="http://sepa.org.uk/contact">sepa.org.uk/contact</a> noting there will be a delay in response.	

MAIL	
WHAT ARE WE ABLE TO DO NOW?	NEXT UPDATE
Our offices are closed to all except a few critical staff following the guidance on COVID-19. We are unable to send or receive mail through the post and have put a Keep Safe in place. Please do not send any mail to SEPA at this time.	19 Feb 2021
<b>WHAT SHOULD YOU DO NOW?</b> If you require support, contact us at <a href="http://sepa.org.uk/contact">sepa.org.uk/contact</a> noting there will be a delay in response.	

