

## SCOTTISH GOVERNMENT RESPONSE

The [Scottish Government Consultation on devolved data sharing secondary legislation for the purposes of data sharing public service delivery powers, as defined in the Digital Economy Act 2017](#) was held from 12<sup>th</sup> December 2017 to 5<sup>th</sup> February 2018.

The consultation received four responses; one from Ken Macdonald, Head of Information Commissioner for the Regions (Scotland office), Julie James, Leader of the House and Chief Whip, Welsh Government, and two responses from private individuals, one of whom indicated that they did not wish to be identified publicly.

The responses did not highlight any concerns with our intention to list the four specified persons in the Regulations and, as such, support our approach to limit the inclusion of specified persons to just those where data sharing in relation to the specified objectives being laid in Westminster would provide a clear and valid improvement in services to individuals or households.

Feedback from the consultation centred on the need to explain the nature of data sharing that would be permitted under the Regulations and to be specific when describing particular instances of data sharing to support Public Service Delivery through the proposed objectives.

A Privacy Impact Assessment, Equalities Impact Assessment and Child Rights and Wellbeing Impact Assessment will be published alongside the Policy Note and Regulations as these are laid in the Scottish Parliament. These assess the impacts on privacy, on the equalities protected characteristics, and on the individuals and households affected by the proposals in the Scottish Regulations.

In making use of the powers, a number of safeguards are in place to ensure the full detail and rationale for proposed data shares are set out up front and documented through appropriate contracts, data sharing agreements and data processing agreements. The Privacy Impact Assessment details these safeguards and protocols.

The Scottish Government is co-ordinating with the UK Government to lay the Regulations outlined in the consultation.

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