

Scottish Public Authorities Sharing Data: Further Consultation

Analysis of Responses

January 2021



Scottish Government
Riaghaltas na h-Alba
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Introduction

1. The UK Digital Economy Act 2017 (“The Act”), Part 5 introduces new information sharing powers to reduce debt owed to, or fraud against, the public sector. To be able to use the information sharing powers, public authorities (and bodies which provide services to public authorities in Scotland) must be listed in Schedule 7 of the Act for the debt powers or Schedule 8 for the fraud powers. The Scottish Government intends to add Scottish public authorities with devolved functions (“Scottish Bodies”) to the Schedules via Regulations.
2. Before making the Regulations, the Act requires the Scottish Ministers to consult on the public authorities to be added to the Schedules. Listing the Scottish Bodies in the consultation (and in the illustrative draft Regulations) does not amount to an undertaking that the Regulations will ultimately specify those bodies.

Consultation Overview

3. We ran a consultation from 21 January to 15 June 2020 seeking views on a list of Scottish Bodies that the Scottish Government is considering adding to the Schedules. We also asked, at that time, if there were any further Scottish Bodies that should be considered for inclusion in the Schedules. Included in the responses were requests to confer information sharing powers on certain additional Scottish Bodies that were not mentioned in the initial consultation.
4. In response to those views, we held this further consultation from 7 September to 6 November 2020 on additional Scottish Bodies being considered for inclusion in the Schedules.

Overall Summary

5. There were 12 responses to the consultation, 10 via the online Citizen Space portal and two by mail; these did not directly answer the consultation questions. The table below shows the breakdown of respondents.

Respondent Type	Number of Responses
Organisations	8
Individuals	4
Total	12

6. The answers to the two questions can be summarised as follows:
 - Q1: The majority of respondents supported the proposed inclusion of the further Scottish Bodies listed under Schedule 7 in the consultation.
 - Q2: The majority of respondents supported the proposed inclusion of the further Scottish Bodies listed under Schedule 8 in the consultation.

Analysis of Responses to Each Question

Q1: Should the further Scottish Bodies listed in Annex A be added to Schedule 7 of the Act?

Option	Organisation	Individual
Yes - all the Scottish Bodies listed should be added	6	3
Yes - but only some of the Scottish Bodies listed should be added	0	0
No - none of the Scottish Bodies listed should be added	0	1
Not answered	2	0
Total	8	4

Q2: Should the further Scottish Bodies listed in Annex A be added to Schedule 8 of the Act?

Option	Organisation	Individual
Yes - all the Scottish Bodies listed should be added	6	3
Yes - but only some of the Scottish Bodies listed should be added	0	0
No - none of the Scottish Bodies listed should be added	0	1
Not answered	2	0
Total	8	4

Responses received other than through Citizen Space

7. The two organisations below did not answer directly the consultation questions and are recorded under the “Not answered” numbers in the two questions above.
- The Information Commissioner’s Office was pleased to say it has no objection to the inclusion of the proposed public authorities in the relevant schedules.
 - The Welsh Government welcomed the opportunity to consider the proposals and confirmed that it has no comments to make.

Conclusion

8. The consultation responses show that there is broad support for the further Scottish Bodies listed in the consultation being added to Schedules 7 and 8 of the Act.
9. The list of Scottish Bodies for inclusion in the Schedules will now be finalised and the Regulations laid before the Scottish Parliament. To be added to the Schedules a body must satisfy the conditions in Chapters 3 and 4 of Part 5 of the Act. If approved, the Regulations will add the named Scottish Bodies to Schedules 7 and 8, enabling them to progress making use of the debt and fraud powers set out in the Act.

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