

## Annex A

From: [redacted]

Sent: 29 Sep 2020 19:26

To: [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; "Curtis PS (Penelope)"; [redacted]

Cc: News Desk

Subject: RE: Media query - Independence referendum franchise - BBC

Thanks, [redacted].

I've included the lines we previously used for any referendum franchise questions below. These are pre-covid/passage of the Franchise Bill but still set out the specifics of the Referendums Act so can be used.

At the 2014 referendum on Scottish independence, the franchise was based on who can vote at Scottish Parliament and local government elections. The use of this franchise was intended to allow those who were residents in Scotland, and who would be directly affected by the outcome of the referendum, to have a say on their future.

The Referendums (Scotland) Act 2020 sets out that the franchise at referendums will be any UK or Commonwealth citizen, citizen of the Republic of Ireland or relevant citizen of the European Union who is aged 16 or over, is registered in the register of Scottish local government electors and is not subject to any legal incapacity to vote. You will note that the Act does not propose that the franchise should be extended to those resident outside Scotland. However, it will be for the Scottish Parliament as a whole to decide whether to adjust this franchise if a Bill is brought forward to legislate specifically for an independence referendum.

Thanks again,  
[redacted]

## **Annex B**

### **Section 38(1)(b) - personal information**

An exemption under section s.38(1)(b) of FOISA applies to some of the information you have requested because it is the personal data of a third party, i.e. names and contact details of individuals, and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018.

This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.