

Education (Scotland) Bill

Data Protection Impact Assessment

May 2024

Data Protection Impact Assessment

Education (Scotland) Bill

Version date: May 2024

Review date:

The draft Bill makes provision for the establishment of a new qualifications body and the establishment of an independent officeholder of HM Chief Inspector of Education in Scotland.

This Data Protection Impact Assessment (DPIA) works in conjunction with the [Article 36\(4\) ICO](#) consultation form submitted in advance of this, as the proposal requires consultation with the Information Commissioner's Office (ICO).

1. Contact and schedule information

1.1	SG department	Education Reform Division, Scottish Government
1.2	Contact email	EducationReform@gov.scot
1.3	Is your proposal primary legislation, secondary legislation or other form of statutory measure?	Primary Legislation

2. Introductory information

	Questions	Comments
2.1	Summary of proposal	<p>The objectives of the Bill are to provide the legal underpinning to support the design and delivery of a national organisational infrastructure for education in Scotland that more effectively supports the system, to deliver the vision for education in Scotland.</p> <p>The Bill is in two substantive parts. Part one establishes a new qualifications body, to be known as Qualifications Scotland, to replace the Scottish Qualifications Authority (SQA). It will be set up as a Non-departmental Public Body (NDPB), including appropriate governance arrangements and statutory functions. As an operationally independent organisation, the provisions are primarily enabling ones that set the governance and structural arrangements for how Qualifications Scotland will be able to operate.</p> <p>Part two establishes the office of HM Chief Inspector of Education in Scotland. The statutory functions will be conferred on the Chief Inspector and the Chief Inspector will lead a new independent education inspectorate, to take forward the education inspection functions that currently sit within Education Scotland. The Bill will set out the governance arrangements and statutory functions necessary in relation to the full range of educational establishments and services currently inspected, from early years to adult learning.</p>
2.2	<p>Description of the personal data involved</p> <p>Please also specify if this personal data will be special category data, or relate to criminal convictions or offences</p>	<p>The Bill does not make provision to collect any additional personal data or special category data. The work of the Digital Pathfinder thematic of the education reform programme includes analysis of the data collected at present by the SQA and Education Scotland. The outcome of this may suggest additional data is collected by the new bodies or shared to enhance the learner and end user experience. There is no policy intention to enforce any changes via legislation.</p>

	Questions	Comments
		<p>The New Qualifications Body</p> <p>The Education (Scotland) Act 1996 established the Scottish Qualifications Authority (SQA) which saw the creation of a national awarding body responsible for development, delivery, assessment and awarding of all types of qualifications besides university degrees. It also made the SQA the regulator of qualifications through its accreditation of other awarding bodies and their qualifications based in Scotland, and from other jurisdictions providing qualifications in Scotland.</p> <p>The new qualifications body will exercise functions similar to those currently undertaken by the Scottish Qualifications Authority which will involve the processing of personal data including that relating to:-</p> <ul style="list-style-type: none"> • Candidates for qualifications and their parents or guardians (where relevant); • Employees and ex-employees of SQA and predecessor bodies; • Agency workers and consultants (current and former); • Applicants for SQA positions, appointee roles or other positions (successful and unsuccessful); • Other workers – temporary, short-term and voluntary work placements; • Individuals working for their suppliers, partners or in centres; • Members of the public who engage with the body e.g. FOI requests and other enquiries. <p>Special category personal data is likely to be processed in relation to the above such as</p>

	Questions	Comments
		<p>making adjustments for learners with disabilities and other additional support needs in assessment and other arrangements for qualifications.</p> <p><u>Office of HM Chief Inspector of Education</u></p> <p>HM Inspectors have evaluated the quality of education in Scotland, initially in schools, and subsequently in a variety of other educational settings, for more than 150 years. Following the Scotland Act 1998, the Inspectorate was made an Executive Agency of the Scottish Government in 2001 and HM Inspectors were answerable to the Scottish Ministers for the running of the Inspectorate and the whole inspection system in Scotland.</p> <p>Since June 2011, HM Inspectors have been part of Education Scotland as the lead public body for assurance and education improvement in Scotland and a key partner in helping achieve the Scottish Government's vision of excellence and equity.</p> <p>Inspection serves to provide assurance and public accountability to stakeholders about the quality of education by carrying out individual establishment/service level inspections and conducting national thematic inspections on specific aspects of the educational system. It also promotes continuous improvement and builds capacity for improvement by identifying and sharing effective practice and informs the development of educational policy and practice by providing independent, professional evidence-based advice.</p> <p>Education Scotland process a range of personal information concerning: Local Authority schools, independent schools: early years establishments; higher and further education establishments; Scottish education partners; employees; suppliers; and service providers. This will include names, addresses and possibly information relating to a child/young person or adult's disabilities.</p> <p>The intention is to remove the inspection function from Education Scotland and create an independent inspectorate. The Bill will</p>

	Questions	Comments
		<p>establish the office of HM Chief Inspector of Education in Scotland. The Chief Inspector will separately be designated as an office-holder in the Scottish Administration. The statutory functions undertaken by Education Scotland in respect of inspections will be conferred on the Chief Inspector of Education in Scotland.</p> <p>Special category personal data that may be processed given the scope of the new education inspectorate's functions will include entering and gathering information from a range of educational establishments and services, including information relating to individuals with additional support needs. It is assumed that the functions of the Chief Inspector will process some special category personal data as is the case currently by Education Scotland within which the inspection function currently sits.</p>
2.3	<p>Will the processing of personal data as a result of the proposal have an impact on decisions made about individuals, groups or categories of persons?</p> <p>If so, please explain the potential or actual impact. This may include, for example, a denial of an individual's rights, or use of social profiling to inform policy making.</p>	<p>Yes.</p> <p>The Bill will result in the transfer of the functions currently undertaken by the SQA to a new qualifications body. This consists of handling the personal data of those taking qualifications. As the delivery of qualifications functions of the new body will be the same as those currently carried out by the SQA, the impact on the processing of this data will be minimal.</p> <p>This is also the likely impact in respect of the removal of the inspection function from Education Scotland to the new independent inspectorate. This consists of handling and processing of personal data contained within the records held by educational establishments and services and such types of information shared during an inspection of an establishment or service overseen by the HM Chief Inspector of Education in Scotland.</p>
2.4	<p>Necessity, proportionality and justification</p> <p>What issue/public need is the proposal seeking to address?</p>	<p>Legislating - The Scottish Government wants to ensure Scotland continues to have a world class education system that remains relevant, is based on the vision of excellence and equity in education and supports learners to fulfil their potential through the development of well-rounded skills and knowledge that give them the best opportunity to succeed and contribute</p>

	Questions	Comments
	<p>What policy objective is the legislation trying to meet?</p> <p>Were less invasive or more privacy-friendly options considered, and if so why were these options rejected?</p> <p>Are there any potential unintended consequences with regards to the provisions e.g., would the provisions result in unintended surveillance or profiling?</p> <p>Have you considered whether the intended processing will have appropriate safeguards in place? If so briefly explain the nature of those safeguards and how any safeguards ensure the balance of any competing interests in relation to the processing.</p>	<p>to Scotland's society and economy. These ambitions will be realised and supported with a new national qualifications body leading on education qualifications and the establishment of an independent inspectorate.</p> <p>Data relating to the functions set out in the Bill is already collected and the appropriate safeguards are in place. The work of the Digital Pathfinder thematic of the education reform programme includes analysis of the data collected at present by the SQA and Education Scotland. The outcome of this may suggest additional data is collected by the new bodies or shared to enhance the learner and end user experience. There is no policy intention to enforce any changes via legislation.</p> <p>Arrangements will be made for the transfer of the data controller responsibilities from the SQA to the new qualifications body and a new data controller will have to be established to support the new independent inspectorate, along with any new data processing roles.</p> <p>The transition from SQA to NQB won't involve the transfer of any data; there will be no data migration from system A to system B as a function of the legislation. For the new inspectorate care will be needed around the sharing of and the appropriate arrangements needed to be in place for the handing over of data from the existing bodies to the new bodies. There will also be a necessity to ensure that the new bodies have the skills, expertise, and resources to cover all aspects of data protection compliance. That includes arranging appropriate controls for data leaving the UK. The ICO guidance guide to international transfers should be adhered to.</p> <p>In going forward it would be the responsibility of the new qualifications body and the Chief Inspector in discharging their functions to manage and comply with legislative requirements relevant to the handling of data.</p>

	Questions	Comments
2.5	<p>Will the implementation be accompanied by guidance or by an associated Code of Conduct?</p> <p>If the latter, what will be the status of the Code of Conduct? (statutory or voluntary?)</p>	<p>No. The administrative transitional arrangements to establish the new qualifications body and independent inspectorate will be managed through the Education Reform Programme.</p>

3. Data Controllers

Organisation	The new qualifications body		
Activities	The new qualifications body is expected to process data in relation to its statutory functions as set out in the Bill, including its awarding function for qualifications and the accreditation function.		
Is the organisation a public authority or body as set out in Part 2, Chapter 2, Section 7 of the Data Protection Act 2018?	Yes		
Lawful basis for processing under UK General Data Protection Regulation (UK GDPR) Article 6 for the collection and sharing of personal data – general processing.	<p>Article 6. 1(c) processing is necessary for compliance with a legal obligation to which the controller is subject;</p> <p>1(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.</p>	<p>Lawful basis for processing under UK General Data Protection Regulation (UK GDPR) Article 9 – special category data or Article 10 – criminal convictions data</p> <p>Include condition from Schedule 1 or 2 of the Data Protection Act 2018</p>	<p>Article 9 2(g) processing is necessary for reasons of substantial public interest, on the basis of [domestic law] which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.</p>

			Schedule 1, Part 2 Statutory etc and government purposes.
Law Enforcement – if any law enforcement processing will take place – lawful basis for processing under Part 3 of the Data Protection Act 2018	N/A	N/A	N/A

Organisation	HM Chief Inspector of Education in Scotland		
Activities	The data controller will be required to process a variety of personal data in relation to inspection functions imposed on them through the Bill. It is not the intention to impose any additional requirements on the officeholder beyond such data currently handled by Education Scotland in undertaking inspection functions.		
Is the organisation a public authority or body as set out in Part 2, Chapter 2, Section 7 of the Data Protection Act 2018?	Yes		
Lawful basis for processing under UK General Data Protection Regulation (UK GDPR) Article 6 for the collection and sharing of personal data – general processing.	Article 6. 1(c) processing is necessary for compliance with a legal obligation to which the controller is subject; 1(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of	Lawful basis for processing under UK General Data Protection Regulation (UK GDPR) Article 9 – special category data or Article 10 – criminal convictions data	Article 9 2(g) processing is necessary for reasons of substantial public interest, on the basis of [domestic law] which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable

	official authority vested in the controller.	Include condition from Schedule 1 or 2 of the Data Protection Act 2018	and specific measures to safeguard the fundamental rights and the interests of the data subject.
Law Enforcement – if any law enforcement processing will take place – lawful basis for processing under Part 3 of the Data Protection Act 2018	N/A	N/A	N/A

4. Consultation

	Questions	Comments
4.1	<p>Have you consulted with the ICO using the Article 36(4) form? (please provide a link to it)</p> <p>If the ICO has provided feedback, please include this.</p>	<p>We have consulted with ICO using the Article 36(4) form. This is included at Annex A.</p> <p>The ICO suggested a meeting about the Bill may be useful and made some observations to assist in the drafting of the full impact assessment.</p> <p>The full DPIA was provided to the ICO who was content, with a couple of minor comments which have been addressed. No meeting was required.</p>
4.2	<p>Do you need to hold a public consultation and if so has this taken place? What was the result?</p>	<p>The Bill was drafted on the basis of the extensive consultation undertaken by Professor Muir in support of his report: 'Putting Learners at the Centre' published in March 2022. There was also a targeted stakeholder engagement exercise which took place in March 2023.</p> <p>A public and stakeholder consultation to inform the development of the Bill took</p>

	Questions	Comments
		<p>place between 7 November and 18 December 2023. The purpose of the consultation was to seek further views on the provisions in the Bill to create a new qualifications body, and the approaches to enhance the role inspection plays in improving education in Scotland, including potentially through legislation. The consultation paper provided further opportunity to engage on the detail of the proposals, building on the previous substantial engagement and consultation undertaken as part of the OECD report and Professor Muir's report.</p>
4.3	<p>Were there any Comments/feedback from the public consultation about privacy, information or data protection?</p>	<p>In total, 386 consultation responses were received and analysed. This consisted of 234 individuals and 152 responses submitted on behalf of organisations. A higher number of people contributed overall as several organisations had conducted wider consultation to develop their response. In addition, nine online consultation events were held which were attended by just under 1,000 people.</p> <p>The consultation responses were analysed by an external contractor, Wellside Ltd. The findings did not support any changes to the current draft Bill in respect of imposing additional data processing requirements on the new qualification body or HM Chief Inspector.</p>

5. Further assessment and risk identification

	Question	Comments
5.1	Will the proposal require the creation of new identifiers, or require the use of existing ones?	The expectation is that the new qualifications body and independent inspectorate will manage/handle the same type of data as is currently done by the SQA and Education Scotland in respect of its inspection functions. The work of the Digital Pathfinder thematic of the education reform programme includes analysis of the data collected at present by the SQA and Education Scotland. The outcome of this may suggest additional data is collected by the new bodies or shared to enhance the learner and end user experience. There is no policy intention to enforce any changes via legislation. Should the outcome of this work require the creation of any new identifiers this will be taken forward through the education reform programme in supporting the establishment of the new bodies.
5.2	Will the proposal require regulation of: <ul style="list-style-type: none"> • technology relating to processing • behaviour of individuals using technology • technology suppliers • technology infrastructure • information security 	No
5.3	Will the proposal require establishing or change to operation of an established public register (e.g. Accountancy in Bankruptcy, Land Register etc.) or other online service/s?	No
5.4	Please provide details of whether the proposal will involve the collection or storage of data to be used as evidence or use of investigatory powers (e.g.in relation to fraud, identify theft, misuse of public funds, any	No

	Question	Comments
	possible criminal activity, witness information, victim information or other monitoring of online behaviour)	
5.5	Would the proposal have an impact on a specific group of persons e.g. children, vulnerable individuals, disabled persons, persons with health issues, persons with financial difficulties, elderly people? (Please specify) In what way?	Yes. The functions of the new qualifications body and those to be discharged by the Chief Inspector will require the handling of personal data as is currently undertaken by the SQA and Education Scotland, impacting on children and young people, vulnerable individuals, disabled persons and adult learners.
5.6	<p>Is there anything potentially controversial or of significant public interest in the policy proposal as it relates to processing of data? For example, is the public likely to view the measures as intrusive or onerous?</p> <p>Are there any potential unintended consequences with regards to the provisions e.g. would the provisions result in unintended surveillance or profiling.</p> <p>Have you considered whether the intended processing will have appropriate safeguards in place? If so briefly explain the nature of those safeguards and how any safeguards ensure the balance of any competing interests in relation to the processing.</p>	<p>No</p> <p>No</p> <p>No</p> <p>N/A</p>
5.7	Are there consequential changes in other legislation that need to be considered as a result of the proposal or the need to make further subordinate legislation to achieve the aim?	Consequential changes to other legislation will be required to replace any reference to the SQA with the name of the new qualifications body, and any reference to HM Inspectors of schools with a reference to HM Chief Inspector of Education in Scotland (where such legislation relates to a function of the HM Chief Inspector). Amendments to legislation in other jurisdictions in the UK will be required, and this is intended to be made by way

	Question	Comments
		of an order under section 104 of the Scotland Act 1998.
5.8	Will this proposal necessitate an associated code of conduct? If so, what will be the status of the code of conduct (statutory, voluntary etc.)?	No
5.9	Have you considered whether the intended processing will have appropriate safeguards in place, for example in relation to data security, limitation of storage time, anonymisation? If so, briefly explain the nature of those safeguards Please indicate how any safeguards ensure the balance of any competing interests in relation to the processing.	This will be taken forward through the Digital pathfinder thematic in conjunction with the new bodies.
5.10	Will the processing of personal data as a result of the proposal have an impact on decisions made about individuals, groups or categories of persons? If so, please explain the potential or actual impact. This may include, for example, a denial of an individual's rights or use of social profiling to inform policy making.	The Bill will result in the transfer of the functions currently undertaken by the SQA to a new qualifications body. This consists of handling the personal data of those taking qualifications. The delivery of qualifications functions of the new body will be the same as those currently carried out by the SQA. The decisions made about individuals or groups in the processing of personal data will be the responsibility of the new qualifications body.
5.11	Will the proposal include automated decision making/profiling of individuals using their personal data?	No
5.12	Will the proposal require the transfer of personal data to a 'third country'? (Under UK GDPR this is defined as country outside the UK.)	Yes. It is anticipated that the new Qualifications body will undertake the same processes that are currently undertaken by the SQA. In order to certificate candidates and charge the centres for entries, including for commercial contracts, the SQA transfer candidates' personal data to whichever country they are in. Essentially a

	Question	Comments
		<p>reverse transfer where the personal data is returning to the country that it originated from, although it does use contractual clauses in centre operating agreements to cover this.</p> <p>It also uses some suppliers that operate outwith the UK, including Ireland where examination scripts are processed within SQA's e-marking system, the US where the transactional email service it uses is based and the tenancy it has with Microsoft which has some processing within the EU (Ireland and Germany) mostly for Outlook.</p> <p>The SQA has a ROPA which it makes available as part of its privacy statement.</p> <p>The new body will need to be resourced sufficiently and have in place arrangements to follow guidance on international transfers and ensure that appropriate controls are in place for such processing.</p>

6. Risk Assessment

Risk	Solution or mitigation	Likelihood (Low/Med/High)	Severity (Red/Amber Green)	Result
<p>6.1.1 Risk to individual rights</p> <ul style="list-style-type: none"> • right to be informed • right of access • right to rectification • right to erasure • right to restrict processing • right to data portability • right to object • rights in relation to automated decision making and profiling <p>Will this initiative result in any detriment if individuals do not want their personal data to be processed? This is particularly relevant if special category data is being processed</p>	<p>The Bill does not create new impacts on individual's rights. The current data controllers make reference to rights within their privacy policies and this is expected to continue for the new qualifications body and through the delivery of the independent inspectorate by the non-Ministerial office holder (HM Chief Inspector of Education)</p>	<p>Low</p>		<p>No new impact</p>
<p>6.2.1 Privacy risks</p> <p>Purpose limitation</p>	<p>It is not intended that the purposes of the data processing will be changed by the Bill. Data will continue to be collected and processed by the controllers for the same purposes as currently.</p>	<p>Low</p>		<p>No new impact</p>

Risk	Solution or mitigation	Likelihood (Low/Med/High)	Severity (Red/Amber Green)	Result
<p>6.2.2 Privacy risks</p> <p>Transparency – data subjects may not be informed about the purposes and lawful basis for the processing, and their rights</p>	<p>The Bill does not impact on the way data subjects are informed.</p>	<p>Low</p>		<p>No new impact</p>
<p>6.2.3 Privacy risks</p> <p>Minimisation and necessity</p>	<p>The Bill will not impose any requirements to collect new or additional data. The data will continue to be collected as necessary for the purposes/functions undertaken by the controller.</p> <p>Education Scotland will work closely with the new controller, HM Chief Inspector in the handover period.</p>	<p>Low</p>		<p>No new impact</p>
<p>6.2.4 Privacy risks</p> <p>Accuracy of personal data</p>	<p>Data controllers will continue to be responsible for ensuring that the information they hold about subjects is accurate and up to date. This is not affected by the Bill.</p>	<p>Low</p>		<p>No new impact</p>
<p>6.3.1 Security risks</p> <p>Keeping data securely</p> <p>Retention</p>	<p>The Bill and Scottish Ministers do not have any impact on the way in which data controllers store or retain data.</p>	<p>Low</p>		<p>No new impact</p>

Risk	Solution or mitigation	Likelihood (Low/Med/High)	Severity (Red/Amber Green)	Result
<p>6.3.2 Security risks</p> <p>Transfer – data may be lost in transit</p>	<p>Risks surrounding loss of data and information transfers occur at an operational level and therefore are not subject to this risk assessment.</p> <p>In respect of the new qualifications body, whilst there will be a legal transfer of data controller and of data ‘ownership’ there will not be any transfer at a practical level. No data will be merged, it will not be transferred to a new system, and systems will not be integrated. The data will remain where it is, in the same systems and, other than where SQA appropriately/necessarily disposes of data, it will all transfer as it will be needed to carry on providing all of the functions of the organisation. The purposes and lawful basis for processing will all remain the same.</p> <p>In respect of the creation of the office of HM Chief Inspector of Education in Scotland. The data to be transferred is currently held in the Scottish Government electronic filing system and these will be transferred to the new Information Asset</p>	Low		No new impact

Risk	Solution or mitigation	Likelihood (Low/Med/ High)	Severity (Red/Amber Green)	Result
	Owner who will have access and be using the same system as at present through shared service arrangements.			
6.3.3 Security risks	Data controllers are responsible for data security and their own risk assessments. The Bill does not directly impact data security or introduce any new security risks.			

Data Protection Officer (DPO)

The DPO may give additional advice, please indicate how this has been actioned.

Advice from DPO	Action
The DPO assisted through the provision of advice during the development of the DPIA.	Advice was addressed through adjustments to the contents.

I confirm that the Education (Scotland) Bill has been sufficiently assessed in compliance with the requirements of the UKGDPR and Data Protection Act 2018

Name and job title of an IAO or equivalent	Date each version authorised
Lisa Bird, Deputy Director, Education Reform Division	17/4/2024

Annex A

Article 36(4) Enquiry Form	
Title of proposal:	Education (Scotland) Bill
Your department:	Scottish Government, Education Reform Directorate
Contact email:	EducationReform@gov.scot
Is your proposal primary legislation, secondary legislation or a statutory measure?	Primary legislation
Name of primary legislation your measure is based on (if applicable)	
Provide a broad summary of which aspects of your proposal relate to personal data	<p>The Bill will make provision for the establishment of a successor NDPB for the Scottish Qualifications Authority, and its statutory functions will broadly mirror those of the SQA under the Education (Scotland) Act 1996. Like the current law, the Bill will enable the development and delivery of qualifications, which will involve the processing of a large number of candidates' personal data, but it will not prescribe what qualifications are offered, how they are assessed, and what other arrangements the new body is to make in exercising its functions.</p> <p>The Bill will also make provision for the establishment of a new education inspectorate, which will take on the functions of His Majesty's Inspectors of Education, which currently operate as part of Education Scotland, an executive agency of the Scottish Ministers. The inspectorate will be set up as a non-ministerial office. It will exercise inspection functions relating to schools and other educational establishments and services largely independently of government. That will involve the processing of personal data.</p>
What stage is your legislation or statutory measure at and what are your timelines?	This is a Programme for Government commitment to introduce an Education Reform (Scotland) Bill during this Parliamentary Term. The Bill is currently being instructed, and it is scheduled for introduction in Parliament in May (note that the bill timetable is confidential at this stage).

Question	Comments
What issue/public need is the proposal seeking to address?	The Bill will provide the legal underpinning for the governance structure and statutory functions for a new Qualifications body to replace the SQA, and the creation of an independent inspectorate body removing the inspection functions exercised by HM Inspectors from Education Scotland.
Does your proposal create a new power or obligation for the processing of personal data?	Both new bodies will exercise existing or restated functions which will involve the processing of personal data. These are the functions currently being exercised by the SQA and those currently being exercised by His Majesty's Inspectors based in Education Scotland (an executive agency of the Scottish Ministers).
Does your proposal relate to the collection of personal data?	Yes
If you've answered yes to the above question, what data items might this include?	<p>In respect of the new Qualifications Body information relating to candidates undertaking qualifications including names, addresses and contact information.</p> <p>The new Inspectorate will have access to personal data as part of its inspection activity.</p>
And is this information collected directly from the data subject or from elsewhere? Please provide further details.	Both new bodies will collect information from individuals, and schools, colleges and other education establishments. For example, the Qualifications Body will gather information from establishments around candidates sitting exams and directly from candidates in the operation of the electronic results process.
Would your proposal affect a specific group? E.g. children, vulnerable individuals, elderly?	The provisions within the Bill will affect children, young people, and adult learners along with the staff and employees of both organisations and those organisations with which the new bodies will interact, with schools and other educational establishments.
Does your proposal relate to the processing 'special categories' of personal data, or 'criminal convictions or offences data'? ¹	Yes, special category personal data is likely to be processed by both new bodies from time to time. For the new qualifications body this may relate to making

¹ To note: By 'special categories' we mean personal data revealing racial or ethnic origin, political

	<p>adjustments for learners with disabilities and other additional support needs in assessment and other arrangements for qualifications.</p> <p>The scope of the new education inspectorate's functions will include a range of educational establishments, including additional support needs schools. It appears likely that it will process some special category personal data.</p>
Does your proposal involve the sharing of personal data with another government department or third party that you were not previously sharing with?	No, though it should be noted that the inspection functions will no longer be carried out by an executive agency, so personal data may be shared between different types of public body than is the position now.
Is there anything potentially controversial or of significant public interest in your policy proposal?	The arrangements that are put in place to replace the SQA is likely to generate substantial interest from across the Education sector and those directly affected by the Bill measures.
Have you conducted a data protection impact assessment on your proposed legislation?	No. The two new independent data controllers will be responsible for operational DPIAs once established. The Scottish Government is working closely with the SQA and Education Scotland in respect of the establishment of the two new bodies including the development of the operational details to support the functions and activities of both. Support will be provided to both new bodies to put in place their own data control processes.

opinions, religious or philosophical beliefs, or trade union membership, and processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data about a person's sex life or sexual orientation.



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