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Rural Economy and Connectivity Committee Comataidh Eaconomaidh Dùthchail is Co- cheangailteachd

Subordinate Legislation considered by the Rural Economy and Connectivity Committee on 20 June 2018



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Rural Economy and Connectivity Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Economy and Connectivity.



<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/rural-committee.aspx>



Rec.committee@parliament.scot



0131 348 5244

Committee Membership



Convener
Edward Mountain
Scottish Conservative
and Unionist Party



Deputy Convener
Gail Ross
Scottish National Party



Peter Chapman
Scottish Conservative
and Unionist Party



John Finnie
Scottish Green Party



Kate Forbes
Scottish National Party



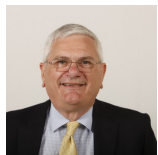
Jamie Greene
Scottish Conservative
and Unionist Party



Richard Lyle
Scottish National Party



John Mason
Scottish National Party



Mike Rumbles
Scottish Liberal
Democrats



Colin Smyth
Scottish Labour



Stewart Stevenson
Scottish National Party

Executive Summary

1. This report details the Rural Economy and Connectivity Committee's consideration of the Digital Government (Scottish Bodies) Regulations 2018.

The Committee agreed to recommend to the Parliament that it approves the draft instrument.

The Digital Government (Scottish Bodies) Regulations 2018

The Committee reports to the Parliament as follows —

2. On 17 May 2018, the Digital Government (Scottish Bodies) Regulations 2018 were laid before the Parliament and was subject to the affirmative resolution procedure.

Purpose of the instrument

3. The aim of the Digital Government (Scottish Bodies) Regulations 2018 is to enable certain Scottish public bodies (or persons providing services to Scottish public bodies) to be able to disclose personal data under new powers in Part 5 of the Digital Economy Act 2017 (“the Act”), to improve Public Service Delivery, subject to restrictions set out in the Act. This will enable specified public bodies to share data for specific reasons and in certain conditions.
4. Draft UK regulations, currently before Westminster – the Digital Government (Disclosure of Information) Regulations 2018 –set out the specific objectives for which personal information can be disclosed. Relevant objectives for Scotland include – multiple disadvantage, fuel poverty and television retuning.
5. Taken together, the Scottish and UK Regulations will if approved, list:
 - the Scottish Government, local authorities in Scotland and Skills Development Scotland in relation to the multiple disadvantage objective
 - the Scottish Government and local authorities in Scotland in relation to the fuel poverty objective
 - local authorities in Scotland in relation to the television retuning objective
 - persons providing services to these Scottish public bodies to be listed in schedule 4, in connection with any objective to which that public body is listed.
6. As a result of these regulations data could also be shared between UK and Scottish bodies.

Delegated Powers and Law Reform Committee consideration

7. The Delegated Powers and Law Reform (DPLR) Committee considered the instrument at its meeting on 5 June 2018 and agreed not to draw the Parliament's attention to the instrument on any grounds within its remit. The DPLR Committee's report can be found at the following link—

<https://sp-bpr-en-prod-cdnep.azureedge.net/published/DPLR/2018/6/5/Subordinate-legislation-considered-by-the-Delegated-Powers-and-Law-Reform-Committee-on-5-June-2018/DPLRS052018R30.pdf>

Rural Economy and Connectivity Committee consideration

8. At its 19th meeting, held on 20 June 2018, the Rural Economy and Connectivity Committee took evidence from Derek Mackay, the Cabinet Secretary for Finance and Constitution, and his officials.
9. The Committee asked the Cabinet Secretary for further information and clarity on the data sharing process, what types of data would be shared, and the consultation process.

The Committee noted that the Cabinet Secretary would respond in writing to provide further information on whether HM Revenue & Customs has a role in retuning TVs because it is aware of whether individuals have free TV licences.

10. The Cabinet Secretary subsequently moved the following motion in his name—

S5M-12602—That the Rural Economy and Connectivity Committee recommends that the Digital Government (Scottish Bodies) Regulations 2018 [draft] be approved.
11. The Committee agreed the motion without division.
12. The Official Report of the meeting is available at the following web page—

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11616&mode=pdf>

Recommendation

The Rural Economy and Connectivity Committee recommends to the Parliament that the Digital Government (Scottish Bodies) Regulations 2018 [draft] be approved.

