

## **Policy on treatment of written evidence by subject and mandatory committees**

This information lets you know how committees of the Scottish Parliament will deal with any information sent in response to calls for evidence and any subsequent correspondence.

Most people who submit evidence want it to be put in the public domain. In addition, the committees of the Scottish Parliament are committed to being open in their dealings in accordance with the Scottish Parliament's founding principles.

Our normal practice is to publish relevant evidence that is sent to us on our website and we may also include it in the hard copy of any committee report. **Therefore, if you wish your evidence to be treated as confidential, or for your evidence to be published anonymously, please contact the Clerk to the Committee before you submit your evidence.**

You should be aware that it is for the relevant Committee to decide whether the evidence can be accepted on the basis that it will be seen in full by the committee but will not be published, or will be published in edited form or anonymously. See the section on "Freedom of Information (Scotland) Act 2002" below.

There are a few situations where we do not publish all the evidence sent to us. This may be for practical reasons or for legal reasons. Examples of practical reasons are where the number of submissions we receive does not make this possible or where we receive a large number of submissions in very similar terms. In that case, we would normally publish only a list of the names of people who have submitted evidence.

In addition, there may be a few situations where we may not choose to publish your evidence or have to edit it before publication for legal reasons.

### **Data Protection Act 1998**

The Parliament must comply with the Data Protection Act 1998. This affects what information about living people we can make public.

When we publish your evidence, we will not publish your signature or your personal contact information (like your home telephone number or your home address).

We may also have to edit information which can identify another living person who has not specifically given their consent to have information about them made public.

In these situations, committee members will have access to the full text of your evidence, even if it has not been published in full.

**If you consider that evidence that you plan to submit may raise issues concerning the Data Protection Act, please contact the Clerk to the Committee before you submit your evidence.**

### **Potentially defamatory material**

Typically, the Parliament will not publish defamatory statements or material. If we think your submission contains potentially defamatory material, typically, we will return it to you with an invitation to substantiate the comments or remove them. In these circumstances, if the evidence is returned to us and it still contains material which we consider may be defamatory, it may not be considered by the committee and it may have to be destroyed.

### **Freedom of Information (Scotland) Act 2002**

The Parliament is covered by the Freedom of Information (Scotland) Act 2002. This also affects the way that we deal with your evidence.

As stated above, if you wish your evidence to be treated as confidential, or for your evidence to be published anonymously, please contact the Clerk to the Committee before you submit your evidence.

In particular, you should be aware that if we receive a request for information under the Freedom of Information (Scotland) Act 2002, we may be legally required to release the information to the person who has made the request – even where the Committee has agreed to treat all or part of the information in confidence.

So, in the circumstances outlined above, while we can assure you that your document/name will not be circulated to the general public in the context of the Committee's current work, we are unable to give you a guarantee that the document will never be released.