



The Scottish Parliament
Pàrlamaid na h-Alba

Jeane Freeman

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Health and Sport Committee
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Dear Cabinet Secretary,

Use of digital apps in response to Covid-19

Thank you for your letter of 6 July 2020, in which you set out arrangements on the Scottish Government's use of digital in response to Covid-19.

During our Committee meeting of [1 September 2020](#), the Committee scrutinised the following subordinate legislation:

- Scotland Act 1998 (Agency Arrangements) (Specification) (Coronavirus) Order 2020 (SSI 2020/776)
- Scotland Act 1998 (Agency Arrangements) (Specification) (Coronavirus) (No 2) Order 2020 (SSI 2020/777)

While the Committee agreed to make no recommendation on the instruments, we are writing to seek clarification and further information on certain areas.

We understand these instruments put in place the formal arrangements to allow the potential for an app to be developed by the UK Government. It is intended this app would be used throughout the UK by enabling an agreement to be reached between the Scottish Government and UK ministers on the operation of such an app within Scotland by UK ministers.

Impact assessments

The Scottish Government explanatory note for the Scotland Act 1998 (Agency Arrangements) (Specification) (Coronavirus) Order 2020 (SSI 2020/776) states "A full impact assessment has not been produced for this instrument as no, or no significant,

impact on the private, voluntary or public sector is foreseen.” Can you clarify how the decision was made that the instrument would have no impact, without an impact assessment being undertaken? We would also appreciate clarification over whether there is no impact, or no significant impact? As well as what is defined as no significant impact.

We note the policy note for the Scotland Act 1998 (Agency Arrangements) (Specification) (Coronavirus) (No 2) Order 2020 (SSI 2020/777) states “an Impact Assessment has not been prepared for this instrument because the changes introduced by this Order will have no impact on business, or the private or voluntary sectors. The Order simply allows for future arrangements to be entered into.”

Fraudulent use

The Committee has heard reports the contact tracing app may be open to fraud and phishing scams where potential messages could be sent containing links to websites asking for their personal details. Scammers can then use the information to gain access to bank accounts and commit identity fraud. Can you outline what provisions will be in place to mitigate this risk? And if there have been any further considerations by the UK or Scottish Governments in this regard?

Scotland proximity tracing app

The policy note for the Scotland Act 1998 (Agency Arrangements) (Specification) (Coronavirus) Order 2020 (SSI 2020/776) states “The app is intended to further extend the speed and reach of contact tracing in England and, should Scottish Ministers so choose, within Scotland as part of NHS Test and Protect.”

We are aware the Scottish Government is working towards having a separate proximity tracing app available to support NHS Scotland’s Test and Protect system. Can you provide the following:

- Information on how this app will relate to the proposed Scotland app.
- An update on the progress of the Scotland app.

It would be helpful to have this information by Friday 18 September 2020.

Yours sincerely

Lewis Macdonald
Convener, Health and Sport Committee