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Convener
Rural Economy and Connectivity Committee
c/o Steve Farrell, Clerk to the Committee
The Scottish Parliament
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18 July 2018

Dear Edward,

DIGITAL GOVERNMENT (SCOTTISH BODIES) REGULATIONS 2018

Thank you for allowing me to give evidence to the Committee at its meeting on 20 June in relation to the Digital Government (Scottish Bodies) Regulations 2018.

In response to a question raised by Stewart Stevenson MSP on the role of HM Revenue and Customs (HMRC) in retuning TVs, I offered to write to clarify the matter. I am pleased to set out a response, which I trust Committee members will find helpful.

Part 5, Chapter 1 of the Digital Economy Act 2017 provides for the disclosure of personal information to improve public service delivery. Section 35 provides for the appropriate national authority to specify objectives – which must satisfy set conditions and be allocated to specified persons, detailed in Schedule 4 to the Act – via further Regulations.

The TV Retuning objective, and the specified persons allocated to it, is detailed in the UK Regulations¹ that were recently approved by both Houses of Parliament at Westminster and which now await Ministerial signature prior to coming into force. The aim of the objective is to enable the disclosure of information in order to identify individuals and households and offer support under a retuning scheme to those affected by any future planned changes to the current TV broadcasting spectrum, the governance of which is reserved.

HMRC is not amongst the specified persons paired to the TV Retuning objective in these UK Regulations and as such cannot share personal information in relation to it using the powers in the Act.

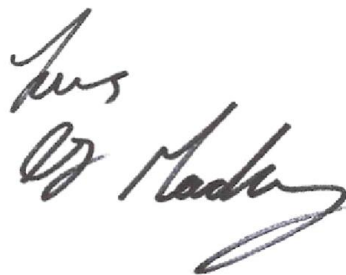
¹ The Digital Government (Disclosure of Information) Regulations 2018, set out in the Policy Note to the Regulations considered by the Committee: <https://www.legislation.gov.uk/ukdsi/2018/9780111169445/contents>



Scottish local authorities will be added to Schedule 4 of the Act via the Regulations considered by the Committee, and allocated to the objective via the cited UK Regulations, so that they may share relevant data with the Department for Work and Pensions and the Ministry of Defence.

Any information sharing under the objectives set out in the UK Regulations must be processed in line with the requirements of data protection legislation and any person using or disclosing information under these powers must have regard to the Information Sharing Code of Practice: Public Service Delivery, Debt and Fraud, laid alongside the cited UK Regulations.

Thank you once again for providing me with the opportunity to give evidence to the Committee, for members' interest in our Regulations and their agreement to the motion recommending that they be approved.

A handwritten signature in black ink, appearing to read 'Derek Mackay', written in a cursive style.

DEREK MACKAY