



## A consultation on devolved secondary legislation relating to powers in the Digital Economy Act 2017 to share data in connection with public sector debt and fraud

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://beta.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

#### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No

## A consultation on devolved secondary legislation relating to powers in the Digital Economy Act 2017 to share data in connection with public sector debt and fraud

### Sharing of Personal Data to reduce Debt Owed to the Public Sector:

The Digital Economy Act 2017, Part 5, Chapter 3 sets out powers for public authorities to share data for the purpose of taking action in connection with debt owed to a public authority or to the Crown. "Taking action" includes identifying and collecting debt, bringing civil proceedings and taking administrative action as a result of that debt. Fairness Principles are set out in the Code of Practice (see paragraph 3.4) to help ensure a common approach to fairness when sharing data under the debt powers.

To be able to share data under these powers, whether disclosing or receiving, public authorities must be listed in Schedule 7 of the Act. There are conditions in the Act which public authorities must satisfy before they can be listed in relation to the debt powers.

Annex A lists the Scottish Bodies being considered for addition to Schedule 7.

1. Should the Scottish Bodies listed in Annex A be added to Schedule 7 of the Act?

- Yes - all the Scottish Bodies listed should be added
- Yes - but only some of the Scottish Bodies listed should be added
- No - none of the Scottish Bodies listed should be added

If you think one or more of the Scottish Bodies should not be added, please explain why.

2. Are there any other Scottish Bodies that should be considered for inclusion in Schedule 7?

Yes  No

If your answer is yes, please explain which Scottish Body and explain why you think it should be included.

Ideally all Scottish public sector bodies should be included to allow them to share data and enable them to take appropriate action in connection with debt owed to a public authority or to the Crown.

Universities, housing associations, arm's-length organisations and other organisations which Scottish Ministers have an interest in, such as Ferguson Marine, BiFab and Prestwick Airport, should ideally also be included as they receive significant levels of public funding either directly or indirectly (such as through the Scottish Government, the Scottish Funding Council or councils).

### Sharing of Personal Data to address Fraud Against the Public Sector:

The Digital Economy Act 2017, Part 5, Chapter 4 sets out powers for public authorities to share data for the purpose of taking action to address fraud against a public authority. "Taking action" includes preventing, detecting, investigating and prosecuting fraud, bringing civil proceedings and taking administrative action as a result of fraud.

To be able to share data under these powers, whether disclosing or receiving, public authorities must be listed in Schedule 8 of the Act. There are conditions in the Act which public authorities must satisfy before they can be listed in relation to the fraud powers.

Annex A lists the Scottish Bodies being considered for addition to Schedule 8.

3. Should the Scottish Bodies listed in Annex A be added to Schedule 8 of the Act?

- Yes - all the Scottish Bodies listed should be added
- Yes - but only some of the Scottish Bodies listed should be added
- No - none of the Scottish Bodies listed should be added

If you think one or more of the Scottish Bodies should not be added, please explain why.

4. Are there any other Scottish Bodies that should be considered for inclusion in Schedule 8?

Yes  No

If your answer is yes, please explain which Scottish Body and why you think it should be included.

Ideally all Scottish public sector bodies should be included to allow them to share data and enable them to take appropriate action in connection with preventing, detecting and investigating fraud.

Universities, housing associations, arm's-length organisations and other organisations which Scottish Ministers have an interest in, such as Ferguson Marine, BiFab and Prestwick Airport, should ideally also be included as they receive significant levels of public funding either directly or indirectly (such as through the Scottish Government, the Scottish Funding Council or councils).