

# Response to the Children and Young People (Scotland) Bill



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This is the response provided by the Scottish Information Commissioner to the Education and Culture Committee on 16 July 2013

Thank you for inviting my views about the children's rights provisions (Part 1) and the named person duties (Part 4) in the Children and Young People (Scotland) Bill.

The Bill contains several references to the publication of new information by the bodies concerned:

In Part 1:

- S1(3) will require Scottish Ministers to publish information about the steps they have undertaken to secure better, or further, effect in Scotland of the ENCRC requirements and to promote public (including children's) awareness of the rights of the child.
- S2(1) will require all bodies subject to the new legislation to publish a similar report every three years.

In Part 3:

- S10(8)(b) will require authorities to produce and publish children's services plans.

In Part 4:

- S24 will require relevant authorities to publish information about the named person who will counsel and advocate for individual children.

In each case, the Bill leaves it to the authority to decide the manner in which the information should be made available. The Committee will doubtless be reassured to note that all of the bodies listed in Schedule 1 of the Bill are also subject to the Freedom of Information (Scotland) Act 2002 (FOISA) and therefore have an obligation to produce and maintain a publication scheme which has my approval. This will ensure that the required information in the new Bill will be made proactively available in a form and format accessible to the public and that any applicable charges will be marginal and pre-advertised. My guidance to authorities includes an extensive list of the information I would expect them to publish – this will be updated to reflect the new requirements of the Bill, if passed.

There are other information provisions in the Bill which relate to data sharing (s26) and disclosure of information (s27). These matters are outwith my jurisdiction and I would therefore suggest that these could be referred to the (UK) Information Commissioner's Office which has responsibility for enforcement of the Data Protection Act 1998 and other related privacy legislation. The contact details for the ICO office in Scotland are as follows:

Information Commissioner's Office  
45 Melville Street  
Edinburgh  
EH3 7HL  
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