

Parliamentary Bureau - Legislative Consent Memorandum

Data Protection and Digital Information Bill (UK legislation)

Introduction

1. Under Rule 9B.3.5, the Parliamentary Bureau is required to refer any legislative consent memorandum (LCM) that has been lodged with the Parliament to the committee within whose remit the subject matter of the relevant provision falls.

Data Protection and Digital Information Bill

2. This Bill was introduced in the House of Commons on 8 March 2023.
3. An LCM was previously lodged on the 15 May 2023, under Rule 9B.3.1(a) and a supplementary LCM on the 14 September 2023, under Rule 9B.3.1(c) by the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy supported by the Minister for Small Business, Innovation, Tourism and Trade in relation to other discrete data protection provisions within the Bill relating to devolved matters. A further supplementary LCM was lodged by Shirley-Anne Somerville MSP, Cabinet Secretary for Social Justice on 17 April 2024.
4. The Bill covers a wide range of policy areas, including data protection, smart data, digital verification, and law enforcement data sharing. The Bill was amended by the UK Government in late 2023 to include a power to require information for social security purposes. These provisions were informed by the 2022 publication 'Fighting Fraud in the Welfare System'. Clause 128 and Schedule 11 of the Bill will allow the UK Government to issue information notices requiring third parties such as banks to provide information relating to all accounts they hold linked to those in receipt of welfare benefits. Schedule 11 also contains provisions in relation to the publication and revision of a Code of Practice in relation to information notices, penalties for noncompliance, appeals and amendments to the Proceeds of Crime Act 2002.
5. The LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to the relevant provision in this Bill.

Designation of lead committee

6. The original and first supplementary LCMs were considered by the Economy and Fair Work Committee. However, the relevant provision in the Bill that this LCM falls within the remit of the Social Justice and Social Security Committee. The committee's remit is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice excluding matters relating to housing and tenants' rights. The Cabinet Secretary is responsible (amongst other things) for the development and delivery of Scottish Government benefits.

7. The LCM will also be considered by the Delegated Powers and Law Reform Committee in relation to any provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.

Recommendation

8. The Bureau is invited to refer, under Rule 9B.3.5, the LCM to the Social Justice and Social Security Committee as lead committee.

Parliamentary Business Team
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