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Open consultation

# Public consultation questions for Digital Economy Act 2017: Scottish Early Learning and Childcare

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As part of the consultation process, we are seeking views from organisations and individuals on the proposed public service delivery objective to enable data sharing to improve take-up of early learning and childcare (ELC) in Scotland.

## 1. Background

The Central, Digital and Data Office within the Cabinet Office has policy responsibility for data sharing undertaken using the Digital Economy Act 2017 and for introducing objectives to improve public service delivery set out in part 5, chapter 1 of the Digital Economy Act 2017.

The public service delivery power enables new objectives to be set in regulations. A proposed objective must meet three conditions to be able to use the Digital Economy Act 2017 to facilitate their data shares. The three conditions are as follows:

(9) The first condition has as its purpose -

1. the improvement or targeting of a public service provided to individuals or households, or
2. the facilitation of the provision of a benefit (whether or not financial) to individuals or households

(10) The second condition is that the objective has as its purpose the improvement of the well-being of individuals and households

(12) The third condition is that the objective has as its purpose the supporting of:

1. the delivery of a specified person's functions, or
2. the administration, monitoring or enforcement of a specified person's functions

Further information can be found in the consultation publication. We would like to consult widely on the objective proposal and would encourage you to respond to our key consultation questions. However, it is not mandatory to use the questions below, we welcome all responses and opinions you may contribute.

Only a small number of specified Cabinet Office (CO) and Scottish Government analysts and members of the Data Sharing Legislation team will have access to the individual level data collected in the survey. Collective responses will be analysed and we will publish a government response. Your responses may be published in a summary of the consultation, but only if you opt-in to this.

Finally, we would like to thank you in advance for your support of this important work. Please be as open and frank as you wish. We need your help to get this right.

## **2. The Early Learning and Childcare objective in relation to the three conditions of the Digital Economy Act 2017**

Introduction

Are you responding on behalf of an organisation or as an individual?

If you are responding on behalf of an organisation, please specify which organisation.

Question 1

To what extent do you agree that the proposed new objective meets the first condition set out in s35 (9) of the [Digital Economy Act 2017](#)?

The first condition set out in s35 (9) has as its purpose:

- The improvement or targeting of a public service provided to individuals or households, or
- The facilitation of the provision of a benefit (whether or not financial) to individuals or households

Please choose one of the following options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree

Please provide the reason for your response.

### Question 2

To what extent do you agree that the proposed new objective meets the second condition set out in s35 (10) of the [Digital Economy Act 2017](#)?

The second condition set out in s35 (10) is that the objective has as its purpose the improvement of the well-being of individuals or households.

Please choose one of the following options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree

Please provide the reason for your response.

### Question 3

To what extent do you agree that the proposed new objective meets the third condition set out in s35 (12) of the [Digital Economy Act 2017](#)?

The third condition set out in s35 (12) is that the objective has as its purpose the supporting of:

- The delivery of a specified person's functions, or
- The administration, monitoring or enforcement of a specified person's functions

Please choose one of the following options:

- Strongly agree

- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree

Please provide the reason for your response.

### **3. Early Learning and Childcare objective in relation to the provisions of the Digital Economy Act 2017**

#### Question 4

To what extent do you agree that the data to be shared as outlined under this proposed objective is consistent with the delivery of the objective?

Please choose one of the following options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree

Please provide the reason for your response.

#### Question 5

To what extent do you consider that the proposed new objective supports the delivery of the described benefits to the specified individuals and/or households?

Please choose one of the following options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree

Please provide the reason for your response.

## 4. Views on equality issues

### Question 6

To what extent do you consider the delivery of the proposed new objective will lead to any individual and/or household incurring a loss of benefit/s?

Please choose one of the following options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree

Please provide the reason for your response

### Question 7

To what extent do you consider the delivery of the proposed new objective will lead to any individual and/or household incurring a loss of access to services?

Please choose one of the following options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree

Please provide the reason for your response.

### Question 8

Do you think the objective proposal raises any equality questions?

- Yes
- No
- Don't know

If yes, please provide the reasons for your response.

### Question 9

Do you have further comments on the suitability of this proposed objective?

## 5. Data Protection

### Question 10

Please indicate whether you are happy for the relevant points and comments you have made to be published in the consultation summary report:

- I am happy for my responses to be published alongside my name and organisation
- I am happy for my responses to be published alongside my organisation
- I am happy for my responses to be published anonymously
- I do not want any of my responses published

## 6. Privacy notice for the public consultation for the Scottish Early Learning and Childcare objective

This notice sets out how we will use your personal data, and your rights. It is made under Articles 13 and/or 14 of the UK General Data Protection Regulation (UK GDPR).

### 6.1 Your data

The purpose(s) for which we are processing your personal data is to conduct a public consultation which is a statutory requirement when introducing objectives under the Digital Economy Act 2017, the public service delivery power.

#### **The data**

We will process the following personal data:

- name
- email address
- organisation
- your opinions about the Scottish Early Learning and Childcare objective proposal.

We ask that you refrain from providing any personal information which may identify yourself or another individual.

#### **Legal basis of processing**

The legal basis for processing your personal data is:

1. Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller. In this case that is to conduct a public consultation which is a statutory requirement when introducing a new objective under the Digital Economy Act 2017, the public service delivery power.
2. Data subject consents (where your opinions are attributed to you in a government report)

As part of the consultation exercise, we will ask for your opinion. We request that you refrain from providing data which may identify yourself or another individual. Any personal and/or sensitive data that might link an individual to opinions expressed will be deleted and not used.

### **Recipients**

Your personal data will be shared by us with partner organisations who will help us analyse the data.

As your personal data will be stored on our IT infrastructure it will also be shared with our data processors who provide email, and document management and storage services. Personal data will be collected by a third party and extracted to be stored on our corporate IT infrastructure.

### **Retention**

We are intending to delete the data until at which time the legislation has successfully passed through Parliament and we perceive no risk of judicial review. However, we do not intend to retain the data beyond 7 years.

## **6.2 Your rights**

You have the right to request information about how your personal data are processed, and to request a copy of that personal data.

You have the right to request that any inaccuracies in your personal data are rectified without delay.

You have the right to request that any incomplete personal data are completed, including by means of a supplementary statement.

You have the right to request that your personal data are erased if there is no longer a justification for them to be processed.

You have the right in certain circumstances (for example, where accuracy is contested) to request that the processing of your personal data is restricted.

You have the right to object to the processing of your personal data where it is processed for direct marketing purposes.

You have the right to object to the processing of your personal data.

You have the right to withdraw consent to the processing of your personal data at any time.

## 6.3 International transfers

As your personal data is stored on our IT infrastructure, and shared with our data processors, it may be transferred and stored securely outside the UK. Where that is the case it will be subject to equivalent legal protection through an adequacy decision or reliance on Standard Contractual Clauses.

## 6.4 Complaints

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, or 0303 123 1113, or [icocasework@ico.org.uk](mailto:icocasework@ico.org.uk). Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

## 6.5 Contact details

The data controller for your personal data is the Cabinet Office. The contact details for the data controller are: Cabinet Office, 70 Whitehall, London, SW1A 2AS, or 0207 276 1234, or [publiccorrespondence@cabinetoffice.gov.uk](mailto:publiccorrespondence@cabinetoffice.gov.uk).

The contact details for the data controller's Data Protection Officer are: [dpo@cabinetoffice.gov.uk](mailto:dpo@cabinetoffice.gov.uk).

The Data Protection Officer provides independent advice and monitoring of Cabinet Office's use of personal information.

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