Annex E: Consultation Questions

The consultation sets out a number of proposed amendments. Views are invited on the following:

1) Where data relating to a citizen is held it should be accurate.
Do you agree that the approach suggested at paragraphs 9-11 is an effective approach to achieving this?

Yes ☐ No ☒

If No, please describe the approach you feel should be taken.

On review of the consultation, my response is:
You are creating a national identity register linking the information we give to any public and private organisation, thereby creating a system where the state, public and private organisations can access all the data. This is not what you claim to be trying to achieve, but on reading the proposal, it is the only outcome I can see from this and I absolutely oppose it. I value my privacy. I object to the creation of unique identifiers that link me with all the organisations listed in Schedule 3. I am not a source of data. Public services are there to serve a function, not treat me as an information source. I do not agree with governments creating a national identity register, but if that is what you want to create, then you should have specific legislation for it and you should ensure that there is a full and public debate about it.

This proposal creates a database state where privacy is sacrificed for dubious claims of tracing missing school children (and by extension anyone on the database) and providing a register of Scottish tax payers, this proposal will not achieve that, but regardless, there are ethical, moral and legal reasons why this proposal should be stopped immediately.

The SNP campaigned in the referendum for a better Scotland, championing politics at a local level encouraging the engagement of everyone in the country. This proposal makes us no more than a number and source of data, and allows our data to be shared, with no discernable accountability or oversight to anyone who provides a public service. This is extremely disappointing, the SNP opposed the ID cards and register system that Labour wanted to impose via the Identity Card Act 2006, but now in power, the SNP want to create the same database, but without the decency to call it what it is and to have a proper debate and proper legislation.

The Scottish Government (SG) appears to want to bring in a National Identity Register/ID card system in by the back door. Where is the public debate about the linking of our information on a central database that is able to be accessed by local government and private companies? What is the process for doing this, where is the accountability, oversight and ministerial responsibility?

The purpose of the NHSCR is to allow the transfer of medical records, it is secure and trusted. It only holds 30% of the population, hence it is my opinion that the real purpose of the proposed change to legislation is to improve the quantity, not the quality of the data about individual citizens of Scotland, and be able to access this information from one database and this is extremely worrying. Medical records and data related to it are not for public use, to extend the use of the data risks losing the trust and respect of ensuring the privacy of medical data.

The necessity of a central database to assist the tracing of missing persons, such as children
and foreign nationals seems an obscure reason to link our data with every public and private organisation in my opinion. How this would be achieved is not adequately explained. Where is the evidence that the outcomes will be achieved? Where is the Privacy Impact Analysis (PIA) on this proposal (the PIA in the consultation refers to Myaccount, not the impact of the database)?

Online security is notoriously prone to hacking and centralising information is only going to increase the risk of losing information, or of that information being stolen. Security is best served by limiting the amount of information available in one place. Unique identifiers linked to data present a security risk.

The identification of Scottish taxpayers must already be on a database, so why does HMRC need access to the database linking medical identifiers? The reasons seem spurious and unjustifiable.

What is the nature of the real purpose of UCRN, when we already have NI numbers, medical numbers etc.? By linking the UCRN to a person’s data means that data trawling is possible by those who have access to the database. There is no explanation in the consultation on the reason for this. Further, there is no justification for this within the proposal. Linking information via the UCRN means that anyone with access has knowledge of the person, there is no anonymity, there is no privacy, and the reasons for this are not explained adequately in the proposal. Who can access the database? Where are the security measures to protect misuse? Will the public be specifically asked to be included? Will there be an automatic opt-out unless specific consent is given to be included?

Article 8 of the Human Rights convention provides for right to respect for private and family life. Where the protections for privacy in this consultation? The Data Protection Act allows organisations only to process data that is necessary for their functions, creating identifiers and linking data goes against this legislation. Sharing our data in the proposed change to the legislation violates our human rights. Where are the data protection and human rights issues addressed?

There is not enough information on what the actual purposes of the changes to the regulations are, the evidence for it and how it will achieve the objectives. It does not detail how the data will be kept secure, who accesses it, or who checks it is right. It does not detail how citizens can give or withhold consent for holding and sharing the information. Who owns the data about the person and who protects it from inadvertent use?

What are the administration costs involved in maintaining the data in the database? Where is the cost benefit analysis? Is the SG going to sell the data, such as they do with electoral register if you don’t opt out of the public register?

The section on data quality is extremely worrying: particularly the section on matching and checking. Exactly what is being matched and checked and for what reason? Where is the evidence that fraud is taking place on such a large scale that we need this system? Sounds like Big Brother surveillance to me. More information is required as to what exactly is involved, why and how it will be managed.

Some people for reasons of abuse or domestic violence for example might not want to be traced. Where are the protocols to protect those that want to maintain their privacy? What controls would be in place to protect against improper access for criminal reasons? There have been examples where the police and council workers have accessed databases to find people or their information illegally, what are the protections against misuse? Centralising people’s data leaves the data less secure and more susceptible to misuse.
What is the minimum amount of data that would be held and shared? The huge number of potential companies and organisations that would have access and share data that is directly linked to individual people means there will be no privacy from surveillance by government and companies. Where is the debate on how and why companies should be able to access and share information?

The prevalence of private organisations fulfilling local authority and government functions is not adequately managed within current legislation in my opinion. Freedom of Information legislation does not apply to private organisations even if they are carrying out work on behalf of the local authority, the ability for them to access data and not be accountable is untenable and is not addressed in the consultation.

The Consultation Questions within this Annex D are inadequate to address the issues raised within it.

As it stands the proposal is flawed, raises far more questions than it answers, and as it stands the proposal to change the National Health Service Central Register (Scotland) Regulations 2006 should be abandoned.

2) We propose to extend the current ability to trace persons a) who go missing whilst in education and b) who should pay for treatment provided by the NHS.
Do you agree with these proposal set out in paragraphs 12-13?

Yes ☐ No ☑ X

If No please explain why not?
See above

3) In order to allow citizens to make use myaccount for a wider group of services (beyond health and local government), as set out in paragraphs 14-16, we propose to provide access to the bodies named in draft Schedule 3 (Annex B).
Are there any additional service providers who you feel should be included?

None of the bodies named in draft Schedule 3 should be included. See above.

4) Do you consider that the proposals set out in paragraph 18 are an effective method to identify Scottish Tax payers?

Yes ☐ No ☑ X

If No please describe the approach you feel should be taken.

See above