

## Guidance Notes

This guidance is for access to Scottish Government and National Records of Scotland data. Please submit the completed form via your research coordinator (if applicable) or by email to [statistics.enquiries@gov.scot](mailto:statistics.enquiries@gov.scot)

Before completing the SPBPP application form, please:

- Check our [official statistics](#) & open data platform [statistics.gov.scot](https://statistics.gov.scot). Data may be available here for you to use.
- Check out the [checklist](#) to ensure all project planning has been covered.
- Contact the appropriate [analytical division\(s\)](#) responsible for the data to discuss your project requirements
- Conduct a draft Data Protection Impact Assessment (DPIA)
- Complete a draft Data Sharing Agreement (DSA) with the appropriate analytical division responsible for the data
- Discuss lawful basis for processing the data requested & the legal terms and conditions with your organisations legal team

We recommend that you consult the appropriate [analytical division](#) responsible for the data you are requesting prior to completing this application as this will help you to understand what data is available, plan how it will answer your research question and tailor the application to your specific needs before applying to SPBPP.

The sections of the application form you are required to complete depends on whether your request is for access to:

- Non-identifiable data
- Identifiable (or potentially identifiable) data
- Data linkage projects

**Identifiable data:** data that can identify a person, either directly or indirectly (i.e. in combination with other data). Please note that pseudonymised data is identifiable data.

**Non-identifiable data:** data that cannot directly or indirectly identify an individual.

**Data linkage:** joining two or more datasets on the basis of individual level data.

*Please follow the guidance boxes in the form for your application type.  
✓ complete this section; ✗ do not complete this section.*

Your application should be typed and not handwritten.

### Submission Checklist

Before submitting your application, you should ensure that:

- All relevant sections of the application are complete
- All relevant supporting evidence is attached such as a draft DPIA, draft DSA, ethics approval letters, training confirmation, etc. Please consult the [guidance checklist](#) which details all documentation required
- Individuals named in the form have read and approved its submission
- Consistent information is contained throughout all submitted documentation

Failure to provide all the relevant information and checks will result in your application being returned to you unprocessed.

Please note:

Submitted applications may be circulated to panel members, who are made up of administrative colleagues, SG data protection colleagues, SG statisticians, NRS information governance colleagues, NRS statisticians and non-SG colleagues, in the course of the processing.

You must make us aware of any confidential or sensitive information contained in your application, which you consider inappropriate for circulation in this manner.

Your application is subject to disclosure or partial disclosure under the Freedom of Information (Scotland) Act (2002).

## Table of Contents

Section 1	People.....	3
Section 2	Organisations and Bodies .....	4
Section 3	Project Details .....	6
Section 4	Data and Data Subjects .....	9
Section 5	Methodology and Data Processing .....	10
Section 6	Supporting information.....	12
Section 7	Glossary.....	13
Section 8	Appendices .....	15

## Section 1 People

### 1.1 Lead Researcher

The applicant is the person completing the form and the principle contact for the application. Typically this will be the person with operational responsibility for the proposal.

You should not complete the form on behalf of another applicant.

Details of the approved safe researcher training is available in [Appendix A](#). Please attach training certificates or email confirmation of training course passes as an annex. Please note that datasets may have specific training requirements, this is also detailed in Appendix A.

### 1.2 Data linkage Sponsor (if different from 1.1 Lead Researcher)

Please provide details of the data linkage sponsor, if applicable. The Data Linkage sponsor is a senior colleague who will play a key role in the project and can support the data linkage proposed. Details of the approved safe researcher training is available in [Appendix A](#). Please attach training certificates or email confirmation of training course passes as an annex. Please note that datasets may have specific training requirements, this is also detailed in Appendix A.

### 1.3 Information/ Data Custodian (if different from 1.1 Lead Researcher)

The information/ data custodian is the person with responsibility for safeguarding the confidentiality of the data throughout the proposed project. An information custodian is a senior colleague with a key role in the proposal. This is a requirement for all applications for identifiable personal data or data linkage.

Details of the approved safe researcher training is available in [Appendix A](#). Please attach training certificates or email confirmation of training course passes as an annex. Please note that datasets may have specific training requirements, this is also detailed in Appendix A.

### 1.4 Others with access to identifiable or potentially identifiable data

Please provide details of all additional people (if any) who will have access to the identifiable or potentially identifiable data. This will include those who are processing such data on your behalf (for example in research safe havens or linkage agents).

Please note NHS eDRIS and NRS indexing staff are pre-approved trusted third parties and as such you are not required to detail these individuals.

Details of the approved safe researcher training is available in [Appendix A](#). Please attach training certificates or email confirmation of training course passes as an annex. Please note that datasets may have specific training requirements, this is also detailed in Appendix A.

## 1.5 Others

Please provide details of others, who will not have access to identifiable or potentially identifiable data, but will have a significant involvement in proposal design, content or outcomes. This might include colleagues who will be accessing aggregated tables, interpreting study findings, or providing strategic direction.

## Section 2 Organisations and Bodies

### 2.1 Organisation or Body Leading Proposal

Please provide details of the organisation or body putting forward the proposal. The applicant detailed in Section 1.1 is acting on behalf of this organisation.

If multiple organisations are collaborating to produce the proposal, this should be the organisation which has a lead in the operational delivery of the proposal and will therefore be taking responsibility for matters relating to the access and processing of data.

Please indicate if the organisation is commercial in nature. Where in doubt, please answer 'Yes', and qualify this answer at the following question.

If the organisation is commercial, please provide details of any commercial aspects of the organisation's work. This should include details of industry sector, the organisations activities within this sector, and also any previous experience of working with Scottish Government data. Please attach any relevant supporting information you wish to provide.

### 2.2 Providers of funding

#### Complete this question for linkage projects only

Please provide details of how the proposal will be funded.

Please indicate whether any Scottish Government resources will be used, such as indexing, linkage services, or hosting on a secure platform.

Please indicate the source of funding for the data linkage. If there are multiple sources of funding, please include an explanatory note.

<b>SG</b>	Scottish Government
<b>ADRC</b>	Administrative Data Research Centre
<b>UBDC</b>	Urban Big Data Centre
<b>HDR UK</b>	Health Data Research UK
<b>Other</b>	Please provide details

2.3 Who will be carrying out the analysis? If separate from those named in this application form.

#### Complete this question for linkage projects only

Please provide details of the organisation or body that will carry out the analysis if this is different from the organisation or body leading the proposal. If multiple organisations will carry out the analysis, please answer these questions for each organisation.

Please indicate if the organisation is a commercial organisation or body. Where in doubt, please answer 'Yes', and qualify this answer at the following question.

If the organisation is commercial, please provide details of any commercial aspects of the organisations work. This should include details of industry sector, the organisations activities within this sector, and also any previous experience of working with Scottish Government data. Please attach any relevant supporting information you wish to provide.

## 2.4 Other Relevant Organisations or Bodies

### **Complete this question for linkage projects only**

Please details any other organisations or bodies which have a significant involvement or interest in proposal design, content or outcomes.

## Section 3 Project Details

### 3.1 Project details

The information supplied within the free text spaces in this section should be kept concise.

Please provide details of the project title.

If the application is an extension, renewal or related to a previous application, please provide details and include the original application reference number.

Please include an abstract of the proposal. This should be a concise summary geared towards a layperson.

Please specify the research question or questions that the proposal aims to answer.

Please detail the substantive purpose of the project (select all that apply).

Please detail whether personal and/or special category personal data is required. If the data requested is not personal or special category personal, leave these boxes blank. See [Section 7](#) for definitions.

Please detail the level of detail data is required at. For aggregate data specify the level of geography required, e.g. postcode level, Data Zone level.

Please provide full details of the proposal background, the intended benefits of the study and the study design including details of the planned statistical methodology. For more complex proposals please consider providing a flow diagram of the proposed movement of data.

Please detail whether there is any commercial aspect to the project. Where in doubt, please answer 'Yes', and provide explanatory details.

Please provide clear and concise details of the way in which the Scottish Government or National Records of Scotland data will be used to benefit the wider public.

Please explain whether the proposal has implications for, or targets, vulnerable populations. Vulnerable populations are considered to be those who may be at a higher risk of harm, for example, children, people with disabilities, homeless people and people in the justice system. Where in doubt, please answer 'Yes' and provide explanatory details.

Please explain whether the proposal seeks access to highly sensitive data. Highly sensitive data includes special category personal data, data relating to vulnerable populations and data of a sensitive commercial or political nature. Where in doubt, please answer 'Yes' and provide explanatory details.

Describe how you have engaged with the public on your proposal, and how the management of privacy risk has been included in the design of the project. Please provide your Data Protection Impact Assessment (DPIA). A DPIA is always required

for projects involving unit level data, data linkage and other high risk applications. For further advice please see the [ICO guidance](#).

### 3.2 Duration and Frequency

Please specify the intended end date of the proposal. This date should be reflective of the entire duration of the proposal including time for analysis, dissemination and to prepare for submission to journals.

If the data will be archived after the research end date, please provide details including duration or archive, archive location and persons with access to the data.

Please indicate whether this proposal will require regular updates of information. If yes, please provide details of frequency.

Please indicate if you are seeking approval for subsequent iterations of this proposal. If yes, please provide details of the frequency and nature of the iterations.

### 3.3 Data linkage

Please confirm whether you are seeking to link data, by matching and joining two or more datasets on an individual data level.

### 3.4 Safe Haven Environment

Please indicate if you plan to host and access the data requested in a safe haven environment, either in person or remotely.

### 3.5 Ethics

Please detail whether ethical approval has been sought for the proposal. If you answer yes, please provide details of the approval and provide supporting documents as annexes, if available.

If you answer no, please explain why ethical approval has not been sought.

If you have approached an ethics panel who have advised that ethical approval is not required, please provide details and supporting documents.

### 3.6 Lawful Basis

For all proposals requesting personal data, please detail the lawful basis for this processing under GDPR Article 6. See [Appendix B](#) for definitions of the lawful bases.

If the lawful basis is Public Task or Legal Obligation, please identify the legislation supporting the processing, such as an Act of Parliament. This is the legislation that allows the organisation leading the proposal to process the data and will be different to that which the data controllers use.

If the lawful basis is Legitimate Interests, please include an Ethical Approval letter with your proposal.

If the proposal includes a request for special category personal data (see [Section 7](#) for definition), please specify a lawful basis under GDPR Article 9 in addition to the lawful basis for data processing under GDPR Article 6. A full list of lawful bases for processing special category personal data is available in [Appendix B](#).

If the proposal includes a request for criminal record data please detail your compliance with the data protection legislation, in addition to the lawful basis for data processing under GDPR Article 6. Further detail is available in [Appendix B](#).

### 3.7 Statutory and Regulatory Content

#### **Complete this question for linkage projects only**

Please detail whether you have a statutory or regulatory justification for the proposal. If you have one, please provide details.

Please provide details of relevant DPIAs available to support your proposal. If they are available, please attach to the application form.

Please provide details of the Scottish Government policy initiative, National Outcome or other policy that the proposal will contribute to. This may include the exercise of a statutory power, or a regulatory requirement to carry out audit or monitoring. Please provide details of any statutory or regulatory basis to support the proposal. You may choose to refer to specific [Scottish Government policies](#) or [National Performance Framework](#) objectives.

Please provide details of any other approvals that have been received or are pending, e.g. Health PBPP.

Does the proposal have any regulatory approvals from outside Scotland pending or received, e.g. data access applications to UK Government departments such as HMRC or DWP. If yes, please provide details.



## Section 4 Data and Data Subjects

### 4.1 Datasets

Please provide details of all the datasets that will be requested as part of the proposal, along with SG or Census datasets with the name of the data controller of the datasets.

Please provide details of how individuals were originally told about how their data would be used. Please include privacy notices or consent forms if they are available, it is acceptable to provide links to online documents, but please ensure any links added actually work.

Please confirm whether you require NRS indexing to identify controls or a sampling framework for cohorts. If you do, please provide details on the work required, including the variables to be used.

The SPBPP will only be able to provide approval for datasets that currently exist as variables and sampling procedures on future collections are subject to change.

### 4.2 Variables

Please provide details of all the data variables included in the proposal, this should include any derived variables. Please also include the dataset or data source that contains the variable, the time period or range required, and the format that each variable is required in, e.g. 3 fold urban-rural classification, age in 5-year bands. If you are requesting any identifiable or potentially identifiable variables or special category, please include a justification for why this level of data is required.

Please make clear for each variable which research question it will answer.

Data requests for a large number of variables or large sample size should have detailed justification provided covering why this volume of data is required.

## Section 5 Methodology and Data Processing

### 5.1 Methodology

#### **Complete this question for linkage projects only**

Please provide a brief outline of the linkage intended between datasets listed in Sections 4.1 and 4.2, detailing which parties are data controllers, which parties are data processors and the flow of information.

Please include a data flow diagram.

Please confirm if the NRS indexing service is being used to carry out the indexing, linkage and/or anonymisation. If no, please provide details of how this will be carried out.

Please identify which variables will be provided for linkage, if “Other” please give details.

### 5.2 Access

Please confirm and provide details if you plan to use a safe haven environment to access the data. Please note that when a Safe Haven Environment is used, SPBPP would generally expect that access to the Safe Haven is solely In Person, with no remote access granted. If remote access is required, sections 5.2 and 5.3 should be completed in full.

Covid-19 Note: Temporary remote access due to Covid-19 restrictions will be handled on an ad-hoc basis. Please complete the form as if there are no restrictions in place.

#### **Complete the remainder of this section if you are not using a Safe Haven, or if you are using a Safe Haven remotely for the duration of your project.**

If you are not using a Safe Haven, please provide details of how you plan to access the data, including any security arrangements and access rights. Please attach or provide links to supporting documents, specifying the relevant sections.

Please specify whether data will be accessed by staff working off-site at any time during the project; including working from home. If data will be accessed off-site, please detail the policies and procedures to facilitate, monitor, and audit this access.

Please include any other details of how the data will be protected from unauthorised access.

### 5.3 Storage and Use

#### **Complete the remainder of this section if you are not using a Safe Haven, or if you are using a Safe Haven remotely.**

If you are not using a Safe Haven, please provide details of storage conditions and any security arrangements around the stored data.

Please provide the address of where the data will be stored.

Please give details on what security policies and procedures govern access to the data. Please confirm whether the security policy: controls for the detection and prevention of malware; describes the controls in place to prohibit unauthorised copying of data describes site controls. Please attach any supporting documents.

#### 5.4 Transfer

Please provide details of data transfer, such as encryption and method of secure transfer. Please detail data transfer methods that will be used at all stages of the project.

Please provide details of any identifiable or potentially identifiable data that may be transferred outside your organisation.

#### 5.5 Dissemination

Please provide details of the outputs from the proposal such as publications, expected audience and the format of any publication, include any disclosure controls being put in place.

#### 5.6 Retention/Disposal

Please provide details of how long you intend to retain the data detailed in the proposal, along with information on where this information will be stored and who will retain the data

Please detail the purpose of retaining the data for this time period.

Please detail how the data will be disposed of and whether a certificate of destruction will be provide to Scottish Government.

## Section 6 Supporting information

Please provide details of the supporting documentation such as training certificates, data protection impact assessments DPIAs, data sharing agreements DSAs and controller/ processor contracts.

Please attach evidence of these documents to the application form in [Section 7](#).

### 6.1 Training Certificates

### 6.2 Data Protection Impact Assessment

An up-to-date data protection impact assessment DPIA is required if the proposal requires unit level data, or if the proposal requires data to be linked.

### 6.3 Data Sharing Agreement

A data sharing agreement DSA is required if the proposal requires unit level data, or if the proposal requires data to be linked. Standard terms and conditions to allow data to be shared should have been agreed between the organisation leading the proposal and the data controller.

### 6.4 Data Controller/Processor Contract

A data controller/processor contract is required if an external data controller or data processor will be processing the data on your behalf.

## Section 7 Glossary

**Personal data** Any data that can be used to identify a unique individual, either by itself or in conjunction with other datasets.

**Identifiable data** Personal data

**Special category personal data** Personal data relating to race, ethnic origin, politics, religion, trade union membership, genetics, biometrics (where used for ID purposes), health, sex life, or sexual orientation.

**Data Controller** Data Controllers are the individuals or organisations that have overall control of the data being processed and are ultimately responsible for the processing.

**Data Processor** Data Processors are the individuals or organisations that process personal data on behalf of a Data Controller. A data processor should only process data in line with a controller's instructions, unless it is required to do otherwise by law.

**Anonymisation** Modifying data so that it cannot be used to identify an individual, either by itself or in conjunction with other datasets. Anonymised data is not personal data.

**Pseudonymisation** Modifying data so that it cannot be used by itself to identify an individual, but retaining the identifying details separately with a mechanism for recombining.

As the non-identifying dataset and identifying details can be combined to identify individuals, pseudonymised data is treated as personal data by the data protection legislation. It is not anonymised.

Pseudonymisation is recommended as a good security practice by the ICO and is a way to minimise the amount of personal data processed.

**De-identified data** Personal data with the direct identifiers, e.g. name and address, removed.

If it is possible to identify a unique individual from the de-identified dataset, either by itself or in conjunction with other datasets, then de-identified data is still personal data.

**Aggregated data** Combining individual records in a dataset into summary statistics, e.g. combining individual pupil attainment into average attainment by school.

Aggregating data is a way to reduce privacy risk, however data aggregated over small geographic areas, from a small number of individuals or using certain characteristics may still be personal data. If it is possible to identify a unique individual in the aggregated data, then it is personal data.

**Disclosure Control** Disclosive data is data that can be used to identify a unique individual, in context this would include summary statistic tables where an individual can be identified. When undertaking statistics and research, disclosive data should not be publicly published.

Disclosure control is the process of ensuring that only non-disclosive data is published.

**Data linkage** Matching and joining two or more datasets

**Indexing** Part of data linkage. The process of creating a unique artificial reference for each individual across datasets and a corresponding key allowing the different sources to be joined. This process preserves data subject privacy.

## Section 8 Appendices

### Appendix A – Approved Information Governance Training

Valid training is required for the duration of the project. Statistics PBPP accepts training validity for three years from the pass date. If training is scheduled or will be renewed by a certain date, please provide details. If training certificates will expire before the project end date, please update SPBPP with renewed training details.

**Census data applications:** Researchers must complete either ADRN SURE training or ONS Safe Researcher Training. For Census applications, ONS Safe Researcher Training is valid for five years from the pass date.

Provider	Course
MRC	<a href="#">Research Data and Confidentiality online module</a>
NHS Embedding Informatics in Clinical Education	Introduction to Information Governance Assessment
<a href="#">NHS Scotland Information Governance eLearning:</a>	Safe Information Handling (Foundation Level) <b>AND</b> Information Handling in Practice (Intermediate Level)
Scottish Government	Responsible for Information General User <b>AND</b> Data Protection e-Learning
ADRN	SURE Training
ONS	Safe Researcher Training

## Appendix B – Data Protection Principles and Law

### Data Protection Principles

- Principle 1** Processed lawfully, fairly and in a transparent manner in relation to individuals.
- Principle 2** Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- Principle 3** Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Principle 4** Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
- Principle 5** Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.
- Principle 6** Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
- Principle 7** The controller shall be responsible for, and be able to demonstrate compliance.

NB The law specifically says that further processing by the data controller for the following purposes are considered to be compatible lawful processing operations:

- Archiving purposes in the public interest;
- Scientific research purposes; and
- Statistical purposes.



## Data Protection Law – lawful basis for processing personal data

All requests for personal data must identify a lawful basis for the processing (GDPR Article 6):

Public task	The processing is necessary for the data controller to perform a task in the public interest or for their official functions and the task or function has a clear basis in law.
Legal obligation	The processing is necessary for the data controller to comply with the law (not including contractual obligations).
Legitimate interests	The processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.
Consent	The individual has given clear consent for the data controller to process their personal data for a specific purpose.
Contract	The processing is necessary for a contract between the data controller and with the individual, or because they have asked the data controller to take specific steps before entering into a contract.
Vital interests	The processing is necessary to protect someone's life.

NB: Legitimate interests cannot apply if you are a public authority processing data to perform your official tasks.

If the lawful basis is Legal Obligation or Public Task, please also identify legislation supporting the processing, such as an Act of Parliament. This will be legislation that allows the lead organisation to process personal data and will not be the same legislation used by the data controller.

## Data Protection Law – condition for processing special category data

A request for special category personal data must identify an additional lawful basis (GDPR Article 9).

Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation **shall be prohibited** unless:

- (a) The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to above may not be lifted by the data subject.

- (b) Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.
- (c) Processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent.
- (d) Processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects.
- (e) Processing relates to personal data which are manifestly made public by the data subject.
- (f) Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.
- (g) Processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.
- (h) Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3.
- (i) Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy.
- (j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with GDPR Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data

protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

#### Data Protection Law – condition for processing criminal offence data

A request for criminal offence data must fulfil GDPR Article 10 in addition to identifying a lawful basis (GDPR Article 6).

This means that you either:

- Process the data in an official capacity; or
- Meet specific conditions in Schedule 1 of the Data Protection Act 2018