



Delegated Powers and Law Reform Committee

Rt Hon Chloe Smith MP
Secretary for State for Science,
Innovation and Technology
By email

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8 June 2023

Dear Secretary of State,

Data Protection and Digital Information (No. 2) Bill

At the meeting of the Scottish Parliament's Delegated Powers and Law Reform Committee on 6 June, the Committee considered the delegated powers relevant to Scotland in the above Bill, as referred to in the [Legislative Consent Memorandum](#) ("the LCM") lodged by the Scottish Government with the Scottish Parliament on 15 May 2023.

To assist the Committee in considering the LCM, it agreed to request further information in relation to Clause 93 - Implementation of law enforcement information-sharing agreements.

The LCM states that the Scottish Government does not consider that consent should be given in respect of this clause. It notes that the implementation of international agreements within devolved competence is a devolved function. The Scottish Government states that consent may be given should amendments be made to the Bill for parallel powers to be granted to the Scottish Ministers or for implementation to be subject to consultation.

The Committee has agreed to ask:

- (a) why the UK Government considers it appropriate, in the particular policy context of the Bill, that the power in clause 93 has been conferred so that it is exercisable independently by the Secretary of State within devolved competence, and not by the Scottish Ministers; and

(b) why the UK Government considers it appropriate, in the particular policy context of the Bill, that when the power is exercised by the Secretary of State within devolved competence, there is no requirement to obtain the consent of the Scottish Ministers.

I request a response to these questions by **Wednesday, 21 June 2023**, so that this can be reflected in the Committee's final report.

Finally, I am also writing to the Scottish Ministers regarding this clause. In particular, I am asking how it is envisaged the Scottish Parliament will have a role in scrutinising the Scottish Ministers' decision-making in relation to any consultation or consent decisions, in the event that an amendment is agreed providing for consultation with or consent of Scottish Ministers' to the exercise of the delegated power insofar as it affects Scotland, as well as Ministers views on consultation or consent requirements.

Yours sincerely,

Stuart McMillan MSP

Convener of the Delegated Powers and Law Reform Committee