

HUMAN TRAFFICKING AND EXPLOITATION (SCOTLAND) ACT 2015

EXPLANATORY NOTES

THE STRUCTURE AND A SUMMARY OF THE ACT

Part 5 - Strategy and Reporting

Section 38: Duty to notify and provide information about victims

148. **Section 38** places a duty on specified Scottish public authorities to notify the chief constable of the Police Service of Scotland about a person who is, or appears to be, a victim of an offence under section 1 or section 4. This duty would not affect any other general right to report information relating to crime.
149. Subsection (2) requires that a notification relating to an adult is anonymised and does not include any information that identifies the adult or enables the adult to be identified, unless the adult consents to that data being provided.
150. Subsection (3) provides that the Scottish Ministers may by regulations specify the Scottish public authorities who are to be subject to this duty and may make provision about the information to be included in the notification. The regulations will be subject to the negative procedure.
151. Subsection (4) places a duty on Police Scotland to notify any other person specified in regulations made by Ministers about a potential victim of trafficking about whom a notification has been received under section 38(1). Subsection (5) provides that such a notification cannot contain personal data about an adult victim unless the adult consents and subsection (6) permits regulations to otherwise specify what such a notification should contain.