



# Scottish Elections (Reduction of Voting Age) Act 2015

2015 asp 7

## *Protection of information*

### **13 Protection of information about persons aged under 16**

- (1) A registration officer must not publish, supply or otherwise disclose a young person's information, except in accordance with—
- section 14, or
  - regulations under section 15.
- (2) In this section and sections 14 and 15—
- “a young person's information” means any entry in—
    - the register of local government electors, or
    - an absent voters record or list,relating to a person who, at the time of the publication, supply or other disclosure, is under the age of 16, and “young person” is to be construed accordingly,
  - references to the register of local government electors include references to any notice of an alteration in the register under section 13A(2), 13AB(2) or 13B(3), (3B) or (3D) of the 1983 Act,
  - “absent voters record or list” means the following, so far as relating to local government elections—
    - a record kept under paragraph 3(4) or 7(6) of Schedule 4 to the Representation of the People Act 2000 (absent voting),
    - a list kept under paragraph 5 or 7(8) of that Schedule, and
  - “registration officer” includes—
    - a deputy of a registration officer,
    - a person appointed to assist a registration officer in the carrying out of the registration officer's functions, and
    - a person, in the course of the person's employment, assisting a registration officer in the carrying out of those functions.

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*Changes to legislation:* There are currently no known outstanding effects for the Scottish Elections (Reduction of Voting Age) Act 2015, Cross Heading: Protection of information. (See end of Document for details)

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## 14 Exceptions from prohibition on disclosure

- (1) A young person's information may be disclosed to any person so far as necessary for the purpose of the carrying out by that person of functions in connection with—
  - (a) the registration of electors,<sup>F1</sup> ...
  - (b) the conduct of an election<sup>F2</sup>, or
  - (c) the conduct of a referendum in accordance with the Referendums (Scotland) Act 2020.]
- (2) A young person's information may be disclosed in accordance with regulation <sup>F3</sup>32ZBD(9) and (9A)] of the 2001 Regulations (pre-population of the canvass form).
- (3) A young person's information (other than any information by which the person's date of birth may be ascertained) may be disclosed in a version or copy of the register of local government electors or an absent voters record or list supplied in accordance with a relevant supply enactment, but only so far as it is necessary to do so for the purposes of or in connection with an election <sup>F4</sup>or referendum] at which the young person will be entitled to vote.
- (4) In subsection (3), “relevant supply enactment” means—
  - (a) regulation 97A of the 2001 Regulations (supply for the purposes of National Park authority elections),
  - (b) regulation 99 of the 2001 Regulations (supply to the Electoral Commission),
  - (c) regulation 103 of the 2001 Regulations (supply to holders of relevant elective offices and candidates) so far as applying to candidates at local government elections,
  - (d) regulation 107 of the 2001 Regulations (supply to candidates), so far as applying to candidates at local government elections,
  - (e) regulation 101 of the 2001 Regulations (general provision) so far as relating to regulations 103 and 107,
  - (f) any enactment making provision equivalent to that in regulation 61 of the 2001 Regulations (absent voters records and lists) in relation to elections for membership of the Scottish Parliament or local government elections,
  - (g) any enactment making provision equivalent to that in regulation 97(3) of the 2001 Regulations in relation to elections for membership of the Scottish Parliament or local government elections,
  - (h) any enactment making provision equivalent to that in regulations 103 and 107 (and regulation 101 so far as relating to those regulations) of the 2001 Regulations (as those regulations apply to candidates at local government elections) in relation to elections for membership of the Scottish Parliament,
  - <sup>F5</sup>(i) the Referendums (Scotland) Act 2020.]
- (5) A young person's information may be disclosed to any person so far as necessary for the purposes of a criminal investigation or criminal proceedings relating to an offence (or alleged offence) under any enactment relating to—
  - (a) the registration of electors,<sup>F6</sup> ...
  - (b) the conduct of elections<sup>F7</sup>, or
  - (c) the conduct of a referendum in accordance with the Referendums (Scotland) Act 2020.]
- (6) A young person's information may be disclosed to the young person to whom it relates.

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- (7) A registration officer must supply a young person's information to the young person to whom it relates if the young person requests the information for the purpose of verifying that the young person is a permissible donor within the meaning of section 54(2)(a) of the Political Parties, Elections and Referendums Act 2000.
- (8) A young person's information may be disclosed to a person appointed as proxy to vote for the young person to whom the information relates.
- (9) A person to whom a young person's information is disclosed under subsection (1) or (5) must not disclose the information to another person, except as mentioned in that subsection.
- (10) A person who contravenes subsection (9) commits an offence.
- (11) A person who commits an offence under subsection (10) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### Textual Amendments

- F1** Word in s. 14(1) omitted (30.1.2020) by virtue of Referendums (Scotland) Act 2020 (asp 2), ss. 33(2)(a), 41
- F2** S. 14(1)(c) and word inserted (30.1.2020) by Referendums (Scotland) Act 2020 (asp 2), ss. 33(2)(b), 41
- F3** Words in s. 14(2) substituted (27.4.2020) by The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/113), regs. 1(1), 16
- F4** Words in s. 14(3) inserted (30.1.2020) by Referendums (Scotland) Act 2020 (asp 2), ss. 33(3), 41
- F5** S. 14(4)(i) inserted (30.1.2020) by Referendums (Scotland) Act 2020 (asp 2), ss. 33(4), 41
- F6** Word in s. 14(5) omitted (30.1.2020) by virtue of Referendums (Scotland) Act 2020 (asp 2), ss. 33(5)(a), 41
- F7** S. 14(5)(c) and word inserted (30.1.2020) by Referendums (Scotland) Act 2020 (asp 2), ss. 33(5)(b), 41

## 15 Further provision for exceptions

- (1) The Scottish Ministers may by regulations make provision for or about the disclosure of a young person's information.
- (2) Regulations under subsection (1) may, in particular, include provision—
  - (a) authorising or requiring registration officers to supply or otherwise disclose any young person's information to such persons as may be specified in the regulations,
  - (b) specifying, in relation to any description of persons specified in the regulations in pursuance of paragraph (a), the purposes for which any young person's information supplied or otherwise disclosed may be used,
  - (c) imposing prohibitions or restrictions relating to the extent (if any) to which persons to whom any young person's information is supplied or otherwise disclosed (whether in accordance with the regulations or otherwise) may—
    - (i) supply or otherwise disclose the information to other persons,
    - (ii) make use of the information otherwise than for any purposes specified in the regulations or for which the information has been supplied or otherwise disclosed in accordance with the regulations,

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- (d) imposing prohibitions or restrictions corresponding to those which may be imposed by virtue of paragraph (c) in relation to—
    - (i) persons to whom any young person's information has been supplied or otherwise disclosed in accordance with regulations made in pursuance of paragraph (c) or this paragraph, or
    - (ii) persons who otherwise have access to any young person's information,
  - (e) imposing, in relation to persons involved in the preparation of the full register of local government electors, prohibitions with respect to supplying copies of the full register and disclosing any young person's information contained in it.
- (3) Regulations under subsection (1) may—
- (a) make different provision for different purposes,
  - (b) modify section 14,
  - (c) make provision by reference to other enactments relating to the supply or disclosure of the register of local government electors, or copies of it or entries in it,
  - (d) provide for the creation of criminal offences punishable on summary conviction by a fine not exceeding level 5 on the standard scale.
- (4) Regulations under subsection (1) may make incidental, supplemental, consequential, transitional, transitory or saving provision.
- (5) Before making regulations under subsection (1), the Scottish Ministers must consult—
- (a) the Electoral Commission,
  - (b) such other persons as the Scottish Ministers consider appropriate.
- (6) Regulations under subsection (1) are subject to the affirmative procedure.

**Changes to legislation:**

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