



Home Office

Rt Hon Chris Philp MP
Minister of State for Crime,
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Dear Mr McMillan,

Data Protection and Digital Information (No. 2) Bill

Thank you for your letter of 8 June 2023 to the Secretary of State for Science, Innovation and Technology Justice on behalf of the Delegated Powers and Law Reform Committee. Your letter was transferred to the Home Office on 12 June and I am replying as the Minister for Crime and Policing.

Clause 93 of the Data Protection and Digital Information Bill No.2 is a Home Office measure that creates a delegated power to make regulations to implement international agreements relating to the sharing of information for law enforcement purposes. This legislation will provide powers to implement operational and technical aspects of such international agreements via secondary legislation once the agreements have been negotiated.

Home Office officials have had extensive engagement with Scottish Government colleagues on the application of Clause 93 and the inclusion of concurrent powers in respect of matters that fall within the competence of Scottish Parliament.

Following Government amendments tabled and agreed during Commons Committee stage in May 2023, Clause 93 has now become Clause 99 and has been supplemented by Clause 100. An updated version of the Bill can be found at: [Data Protection and Digital Information \(No. 2\) Bill \(parliament.uk\)](#) The latter now creates a delegated power for the Secretary of State and, separately, a concurrent power for Scottish Ministers to make regulations within the legislative competence of the Scottish Parliament. I hope this provides clarity that devolved competence is therefore now reflected in the Bill.

Please be assured that Home Office officials will continue to engage with Scottish Government colleagues as the Clause moves through the legislative process.

Yours sincerely,

Rt Hon Chris Philp MP
Minister for State for Crime, Policing and Fire