



The Scottish Parliament
Pàrlamaid na h-Alba

Education, Children and Young People Committee

David Hamilton
Scottish Information Commissioner

13 March 2025

Personal data sharing - GDPR legislation.

The Committee is currently undertaking a short inquiry into widening access to further education and took evidence from the Minister for Higher and Further Education; and Minister for Veterans at its meeting on 5 March 2025. The Official Report of that meeting is published on the Parliament's website.

During evidence, the Committee explored the potential need for the Scottish Government to legislate to enable data to be shared more effectively between local authorities and institutions. The evidence sessions focused on two areas of data sharing: Free School Meals (FSM) and the potential establishment of a unique learner number (ULN) to track individuals' learning journeys from school onwards.

The Committee heard about a pilot scheme in the North East of Scotland looking at using FSM data in addition to SIMD as a means of identifying students eligible for widening access measures. Witnesses stated that the pilot scheme was not scalable in its current form due to the need for universities to have bespoke data-sharing agreements with multiple local authorities. The Committee also heard that information on FSM status of students is shared with UCAS in England and in Wales, and that legislation may be needed in Scotland to bring about a similar arrangement.

The Committee also heard of data sharing barriers in relation to the establishment of a ULN for students. It was suggested that the model of the National Health Service number could be replicated.

The Committee has asked the Minister for further information about sharing FSM data, the establishment of a ULN, and the current barriers that exist. In addition, the Committee wrote to the Cabinet Secretary for Education and Skills requesting further information on personal data sharing more widely within the education sector and what is permissible under GDPR legislation.

Contact: Education, Children and Young People Committee, The Scottish Parliament, Edinburgh, EH99 1SP. Email ecyp.committee@parliament.scot. We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

The Committee has also agreed to write to you to seek your views on the Scottish Government's ability to share personal data under GDPR legislation.

The Committee would be grateful for information on:

- Whether the barriers in relation to FMS data sharing could be overcome by introducing legislation in Scotland, as has been done elsewhere in the UK.
- The potential for establishing a ULN and how this ambition might be realised.

The Committee would also be grateful if you could confirm how the ICO can work with the Scottish Government to assist with the development and implementation of these measures.

We would be grateful if you could respond by 28 March 2025.

Yours sincerely

DOUGLAS ROSS MSP
CONVENER