

CONTRACT REFERENCE Number: 17/01/54

SERVICES CONTRACT

-between-

**(1) THE REGISTRAR GENERAL OF BIRTHS, DEATHS AND MARRIAGES FOR SCOTLAND
(THE "AUTHORITY")**



-and-

(2) CACI LIMITED (THE "SERVICE PROVIDER")

CACI

-relating to the supply of-

SERVICES FOR

THE PROVISION OF AN ONLINE COLLECTION INSTRUMENT FOR SCOTLAND'S CENSUS 2021



SCHEDULE 8

CENSUS CONFIDENTIALITY DECLARATION

This and the eight (8) following pages comprise Schedule 8 referred to in the foregoing Services Contract between the Registrar General of Births Deaths and Marriages for Scotland and CACI Limited

1. INTRODUCTION

1.1 This Schedule sets out the Census Confidentiality Declaration which must be signed by the individual Authority Representative(s) and Service Provider Representative(s) working on the Contract and the completed declarations must be returned to the Authority Representative detailed at Clause 10.3.1 within 1 Working Day after the day on which that individual Authority Representative or Service Provider Representative commenced work on the Contract.

1.2 Annex 1 sets out the Census Confidentiality Declaration which must be signed by an individual Authority Representative and Service Provider Representative.

Census Personal Confidentiality Undertaking

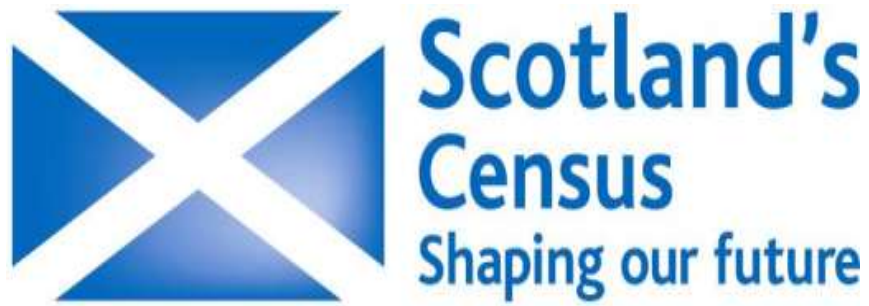


TABLE OF CONTENTS

1. Confidentiality of Personal Census Information
2. The Census Act 1920
3. The Census (Scotland) Regulations 2010
4. Personal Undertaking

1. Confidentiality of Personal Census Information

The success of the census depends on everyone in Scotland providing information about themselves. We cannot expect them to do that, if they fear that their details will be made public. So section 8 of the Census Act 1920 makes it **a criminal offence to disclose that 'personal census information'** without lawful authority. Everyone working on the census, whether they are employed by the Registrar General or work for a company providing services to the Registrar General in connection with the Census, is subject to the strict confidentiality provisions of the Census Act 1920 and the Census (Scotland) Regulations 2010.

Everyone working with (or who has access to) personal census information must sign a **Census Confidentiality Undertaking** to confirm that they understand these legal obligations and are aware of the penalties for unlawful disclosure or use of the information, or failure to keep it safe.

Please read the extracts provided below from the Census Act 1920 and the Census (Scotland) Regulations) 2010. When you have done so, you are required to sign the **Census Confidentiality Undertaking** which will be kept by the National Records of Scotland and may be used for criminal investigations into possible offences.



Registrar General of Births, Deaths and Marriages for Scotland

2. The Census Act 1920

Section 8 of the Census Act 1920, as amended by the Census (Confidentiality) Act 1991, states:

"8(1) **If any person -**

(a) refuses or neglects to comply with or acts in contravention of any of the provisions of this Act or any Order in Council or regulations made under this Act he shall for each offence be liable on summary conviction to a fine not exceeding level 3 on the standard scale [currently £1,000].

8(2) **If the Registrar General for Scotland or any person who is -**

(a) under the control of either of the Registrars; or

(b) a supplier of any services to either of them

discloses any personal Census information to another person, without lawful authority, he shall be guilty of an offence.

8(3) If any person discloses to another person any personal census information which he knows has been disclosed in contravention of this Act, he shall be guilty of an offence.

8(4) It shall be a defence for a person charged with an offence under subsection (2) or (3) to prove

(a) that at the time of the alleged offence he believed-

(i) that he was acting with lawful authority; or

(ii) that the information in question was not personal Census information;
and

(b) that he had no reasonable cause to believe otherwise.

8(5) A person guilty of an offence under subsection (2) or (3) shall be liable -

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum [currently £10,000] or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

8(6) For the purposes of this section -

(a) references to a Registrar include, where he is also the holder of a designated office, references to him in his capacity as the holder of that office;

(b) a person is to be treated as under the control of one of the Registrars if he is, or has been -

(i) employed by that Registrar (whether or not on a full-time basis); or

(ii) otherwise employed, or acting, (whether or not on a full-time basis) as part of that Registrar's staff for purposes of this Act;

(c) a person is to be treated as a supplier of services to a Registrar if he -

- (i) supplies, or has supplied, any services to that Registrar in connection with the discharge by that Registrar of any of his functions; or
- (ii) is, or has been, employed by such a supplier.

8(7) In this section -

"census information" means any information which is –

- (i) acquired by any person mentioned in subsection (2) above in the course of any work done by him in connection with the discharge of functions under section 2 or 4 of this Act;
- (ii) acquired by any such person in the course of working, for purposes of section 5 of this Act, with any information acquired as mentioned in subparagraph (i) above; or
- (iii) derived from any information so acquired.

"designated office", in relation to a Registrar, means any office for the time being designated by him in writing for the purposes of this section; and

"personal Census information" means any Census information which relates to an identifiable person or household.

3. The Census (Scotland) Regulations 2010

Regulations 18 and 19 of the Census (Scotland) Regulations 2010, state:

18. Any person having the custody, whether on that person's behalf or on behalf of any other person, of any forms of return or other documents (including electronic documents) containing personal census information must keep such forms and documents in such a manner as to prevent any unauthorised person having access to them.

19. A person to whom information is given pursuant to the Census Order and these Regulations must not, other than for the purposes of the Act -

- (a) make use of that information; or
- (b) publish it or communicate it to any other person.

4. Personal Undertaking

This is an important document. Please read it carefully and keep it in a safe place.

I have read section 8 of the Census Act 1920, as amended by the Census (Confidentiality) Act 1991, and regulations 18 and 19 of the Census (Scotland) Regulations 2010.

I understand and acknowledge the obligations of confidentiality and the conditions on which census information (including information on identifiable individuals and households) can be held, used and disclosed as set out in the Census legislation.

I understand that it is an offence under section 8(2) of the Census Act 1920 to disclose any personal census information to another person without lawful authority and that convictions for such an offence may result in a criminal record and fine and/or up to two years imprisonment. I also understand that it is an offence under section 8(1) of the Census Act 1920 to fail to comply with the provisions on safekeeping and use of information in regulations 18 and 19 of the Census (Scotland) Regulations 2010, and that the penalty for such an offence is a fine of up to £1,000.

I undertake to comply with this legislation.

I also undertake to report any concerns I have about the confidentiality of census information, whether arising from my own duties and actions or those of others, to the Census 2021 Programme Management Office at: censuspmo@nrscotland.gov.uk

Please sign the form below and then return it via the PCS Portal. Please retain the rest of this paper for your own reference

SCOTLAND'S CENSUS 2021

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Signed _____ **Date**_____

Full name_____ (Block letters)

Job Title _____

Company Name _____

Signature

Signature