



CCBG  
SCOTTISH OFFICE  
WHITEHALL, LONDON SW1A 2AU

The Rt Hon Viscount Whitelaw PC CH MC DL  
Lord President of the Council  
Privy Council Office  
Whitehall  
LONDON  
SW1

7 November 1986

*Dear Lord President,*

*NBM*

ABOLITION OF DOMESTIC RATES ETC (SCOTLAND) BILL  
COMMUNITY CHARGE REGISTRATION: EXCHANGE OF INFORMATION

1. In paragraph 18.2 of E(LF)(86)<sup>att</sup>, discussed at E(LF) on 19 June, I undertook to bring forward detailed proposals on the availability and exchange of information for registration purposes. This letter sets out my proposals and seeks authority to include them in the Bill I am now preparing.

Information from local authorities in the registration area

2. It has always been envisaged that local authorities (in Scotland, the Registration Officer) should be able to check on people's use of local authority services as a source of information for registration purposes. This was touched on in the exchange of correspondence earlier this year, culminating in your letter of 23 August. I propose to give effect to this policy through inclusion of provisions in my Bill allowing the Registration Officer to require the regional or islands council or any district council in his registration area to supply him with such information as he reasonably requires in connection with his functions, being information which the local authority have in connection with any of their functions. The relevant councils will be required to comply with such a requirement. By restricting the information involved to that which the Registration Officer reasonably requires, I have avoided imposing a provision which might be argued to provide for wholesale pooling of information.

3. I also recognise, however, that there may be certain classes of information, such as information on social work department clients, on which local authorities might quite justifiably wish to maintain confidentiality and which would in any case be of little direct relevance for registration purposes. I therefore propose also to take a power to prescribe information which a local authority should not be required to supply to the Registration Officer. This information would be described by reference to classes of functions of a local authority or to classes of information.

#### Information from other local authorities

4. Paragraph 14 of the Report by Officials attached to E(LF)(86)1 envisaged that information might be sought from other local authorities (in Scotland, other Registration Officers) for example when a Registration Officer needs to check that a person who has asked for his name to be taken off the register has in fact been registered in a new area. The Scottish Assessors' Association have made strong representations that a provision for exchange of information along these lines will be necessary if the registration process is to be fully effective. I think that this would be a reasonable requirement: again, the information involved would only be such as the Registration Officer reasonably requires and would only be used, I envisage, for the checking of information rather than the eliciting of new information.

#### Data Protection Act implications

5. The implications of the exchanges of information noted above are that when local authorities, or Registration Officers collect information which may be used for registration purposes, these purposes will have to be declared when seeking registration as data users by the Data Protection Registrar. I do not envisage that this should be a significant new burden on local authority departments: Registration Officers should be able to agree with other local authority departments, and other Registration Officers, exactly what kind of information will be needed, thus restricting the amount which will have to be declared to the Registrar. I would expect to be able to take into account the views of local authorities and Registration Officers on this point before prescribing the categories of information not to be available for registration purposes.

#### Information from other sources

6. Paragraph 15 of the Report by Officials attached to E(LF)(86)1 raises the question of whether formal arrangements will be necessary for information to be made available from other sources. I have concluded that there should be no formal requirement on solicitors or others handling property transactions to provide information about changes in property ownership. The Scottish Assessors' Association has asked that such a requirement should be provided, but if information of this kind is required I consider that it can be provided informally, as is the case with information for the valuation roll now. I hope that it will be possible to reach agreement with the Law Society of Scotland that their members should provide information informally, so that there need be no question of imposing a statutory requirement: I will consult the Law Society on this matter once my Bill is published.

7. The question of information from other Central Government sources is not yet fully resolved. In particular, my officials are in touch with Norman Fowler's and Nicholas Ridley's about the availability of information from social security records. I hope that it will prove possible for this information to be made available to assist the registration process. There are no proposals that any health service or national taxation records should be made available in support of the registration process and I will make that clear if the matter is raised on publication of my Bill.

Conclusion

8. I would be grateful for the approval of E(LF) for these proposals. May I take it that I have this in the absence of comments by Wednesday 12 November.

9. I am copying this letter to the members of E(LF) and to Sir Robert Armstrong.

*L Gilchrist*

MALCOLM RIFKIND

(Approved by the Secretary of  
State and signed in his absence)

