**PRE-LEGISLATIVE PUBLIC Consultation on Financial Redress for Historical Child Abuse in Care**

**Statement of APPROACH TO PUBLICATION OF CONSULTATION RESPONSES**

**1. Background**

1.1 The consultation paper (available at <https://consult.gov.scot/redress-survivor-relations/financial-redress-historical-child-abuse-in-care/>) stated at page 7 that:

*“Where respondents have given permission for their response to be made public, we will still check that the response does not contain any sensitive information of a personal nature, any potentially defamatory or offensive materials, or where publication would be contrary to copyright or data protection laws. Sensitive information will be redacted”*.

1.2 “Redaction” just means that certain words (where they fall within the categories described above) will be blanked out before a response is published.

1.3 **Please note that redaction concerns only the published version of responses. Every single response (whether it is to be published or not) will be considered in its entirety by the Scottish Government and the independent analysts carrying out the analysis of consultation responses.**

**2. Sensitive information of a personal nature**

2.1 Data protection legislation requires the fair and proper use of information about natural living persons including information capable of identifying such persons. Moreover, where the information concerns more sensitive information such as, for example, information concerning a person’s health or sex life, this information needs to be treated with greater care given the potential interference with a person’s fundamental rights.

2.2 We also need to be careful not to publish any material which is potentially defamatory (in other words, a statement which is “injurious and false”, affecting somebody’s character or reputation).

2.3 We are not in a position to verify whether a person who is identified in a consultation response is alive or not, or whether a statement made about them - if potentially defamatory – is true. Therefore, our general policy has been to redact names and any other information which would reveal a person’s identity.

2.4 However, we have chosen not to redact in individual cases where it is obvious from the context or from public knowledge that a person is no longer alive, or where they been convicted of child abuse and this is a matter of public record.

2.5 Additionally, there may be occasions where a family member, now deceased, has been named in a response as being a victim of abuse. Data Protection guidance does not provide detailed guidance on this matter as it is focused on living individuals. Given the sensitive, personal nature of any disclosure of abuse, we have redacted descriptors of the relationship (such as brother, mother, father) which might allow the deceased family member to be identified.

2.6 We have also chosen to redact sensitive, detailed descriptions of abuse.

**3. Bodies or institutions**

3.1 We have redacted the names of bodies and institutions where a specific allegation has been made (for example, that a crime has been committed), or where it would be reasonable to infer that such an allegation was being made.

**4. Offensive material**

4.1 We have redacted any text which constitutes a swear word. We have not redacted statements of opinion that express strong views.

**5. Weblinks in responses**

5.1 Some responses include weblinks. However, the Scottish Government has not reviewed, and cannot review, all of the material in links to websites not forming part of [www.gov.scot](http://www.gov.scot) and is not responsible for the content of such websites. By including such links in published responses, the Scottish Government does not endorse the content of such websites, or represent their content as accurate.

**Redress, Relations and Response Division**

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