

## CENSUS (AMENDMENT) (SCOTLAND) BILL

### Equality Impact Assessment (EQIA) – and incorporating Children’s Rights and Wellbeing Impact Assessment (CRWIA)

#### EQUALITY IMPACT ASSESSMENT - RESULTS

<b>Title of Policy</b>	Census (Amendment) (Scotland) Bill
<b>Summary of aims and desired outcomes of Policy</b>	The principal purpose of the Bill is to make answering census questions about prescribed aspects of gender identity, and about sexual orientation, voluntary. The Bill will allow these questions to be placed on a voluntary basis by amending the penalty provisions of the Census Act 1920 (“the 1920 Act”).
<b>Directorate: Division: team</b>	National Records of Scotland: Statistical and Registration Services: Scotland’s Census 2021 programme

#### Executive summary

As a Non-Ministerial Public Body, the public sector equality duty requires National Records of Scotland (NRS) to assess the impact of applying a proposed new or revised policy or practice. Equality legislation covers the protected characteristics of: age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion and belief, sex, and sexual orientation.

The Equality Act 2010 harmonised existing equality legislation and the public sector equality duty requires public authorities to pay due regard to the need to:

- Eliminate discrimination, harassment, victimisation or any other prohibited conduct;

- Advance equality of opportunity; and
- Foster good relations between different groups - by tackling prejudice and promoting understanding

The purpose of the Census (Amendment) (Scotland) Bill is to make answering census questions about prescribed aspects of gender identity, and about sexual orientation, voluntary. The prescribed aspects of gender identity being considered for inclusion in the census is transgender status/history. Therefore, the Bill has a direct impact on equality related matters. The Bill provisions create the conditions to enable the inclusion of voluntary census questions on sexual orientation and transgender status/history, which will affect future decisions around the exact questions to be recommended for inclusion in the census. Subordinate legislation (the Census Order and Census Regulations) will reflect those decisions. This Equality Impact Assessment (EQIA) has considered the potential impacts of asking census questions on these topics both in general and on each of the protected characteristics. This is summarised under the Key Findings for each equality strand. This EQIA considers issues surrounding and arising from the Bill. It does not cover broader issues around Scotland's Census 2021. An initial full EQIA will be published to support the secondary legislation process.

Inclusion of such questions in the census is anticipated to have a positive effect on inclusivity, by affording all individuals the opportunity to identify and express themselves in a way which accurately represents how they feel. The EQIA has not identified any provisions that would adversely impact on any protected groups. Indeed the voluntary nature of the questions should help to mitigate any concerns. The evidence gathered and data analysed indicate that overall the provisions will have a positive impact on equality issues. It is not considered that any changes to the provisions should be made as a result of the assessment. However, the EQIA has identified a range of matters which will be considered as part of the process of making the secondary legislation and other arrangements for Census 2021.

## **Background to the Census in Scotland**

For over 200 years, Scotland has relied on the ten yearly census to underpin national and local decision making through the production and publication of socio-demographic statistical outputs about Scotland's population. The 1920 Act enshrined it as a function of the Registrar General (RG) for Scotland (NRS Chief Executive), underpinned by the Census Order and Regulations.

Scotland's Census, which last took place in 2011, provides outputs of anonymous census estimates which offer an accurate picture of the number of people and their characteristics (such as age, health, where and how people live). National and local government, the education and academic communities, the third sector, commercial business and others require reliable information if they are to plan and conduct many of their activities effectively. The census provides this information and these outputs are particularly important when there is no other reliable source or when the ability to cross-reference or compare characteristics is necessary. It is an extremely valuable source of information on equality groups and is the only source in many cases. For example, only the census can provide detailed local area statistics on the minority ethnic population.

Whilst many aims and elements of the 2021 Census will be similar to previous censuses, there are some notable differences in the design of the 2021 programme. Arguably the largest difference relates to the intended use and impact of technology and changes in how it will be used. Around 20 per cent of households responded online during the 2011 Census. For 2021, NRS anticipates census responses will be received predominantly online although there will be full provision of other means of completion, such as paper questionnaire or via the telephone.

### **Objectives of Scotland's Census 2021 Programme**

The programme was established by the RG with the following objectives, which were approved by the Scotland's Census Programme Board:-

- to produce high quality census results
- to generate outputs that meet the needs of users
- to maximise online response
- to produce timely outputs to maximise benefits
- to protect, and be seen to protect, confidential information
- to do so in a cost effective way
- to make recommendations for the approach to future censuses in Scotland

Completion of the census questionnaire is mandatory (although some of the questions included will be asked on a voluntary basis) and there are penalties in place for non-completion. On the whole, the public participate proactively but NRS will undertake a range of activities to

raise awareness and explain the benefits of the census to maximise participation. This will include providing information to the public regarding the safeguards which are in place to help ensure that the data collected is protected and treated in strict confidence. All individual census returns are closed to public access for 100 years.

Scotland's Census 2021 will involve the processing of data about individuals, including the collection and analysis of that data; the production and dissemination of statistics; and a variety of quality assurance and validation procedures.

All work undertaken by the Scotland's Census 2021 programme is governed by various statutory requirements and ethical considerations, including the 1920 Act, the Data Protection Act 1998, the EU General Data Protection Regulation and the Code of Practice for Official Statistics. The success of the census depends upon the support and participation of individuals and as a result the maintenance and preservation of their privacy underpins everything that NRS does.

### **Evidence for inclusion of questions on sexual orientation and transgender status/history**

Census information is especially important where there is no other reliable source of the information, where the ability to cross-reference different characteristics of people or households is crucial, or where it is the only source of information about small areas and sub-groups of the population.

Changes to questions are regularly made between censuses to produce more relevant, reliable and accurate data. Society can change significantly in the 10 years between censuses and the questions have to keep pace. For example, for the last census in 2011 five new questions were introduced, including for national identity and long term health condition, and five were removed, including for bath/ shower and toilet access and religion of upbringing. Revisions were also made to some questions including on ethnic group, marital status, and to include same sex civil partnership options. Special attention was also given to the topic of ethnicity for 2011, to identify the best question not only for the census but also for use in other government surveys. A question on sexual orientation was considered for inclusion in the 2011 census. However, the level of public acceptance of the question was not considered sufficient to merit its inclusion in that census.

Extensive research and consultation has been carried out since 2011 which has clearly identified a user need for data on sexual orientation and transgender status/history. The start of this was when NRS invited views in the Scotland's Census 2021 Topic Consultation between 8 October 2015 and 15 January 2016. The consultation was a key step towards understanding what information users need from the census in 2021, and helped to build strong cases to justify the inclusion of topics. The focus of the consultation was on information required at topic-level, not the detail of the questions that should be asked on the questionnaire.

There continues to be an iterative and comprehensive process of user consultation, evaluation and prioritisation of user requirements and qualitative and quantitative question testing to inform decisions on the exact questions to be recommended for inclusion in the 2021 Census. The evidence which is outlined in the sections below – and any further evidence from future testing - will help inform these questions.

The main requirement for the inclusion of the sexual orientation and transgender status/history questions is in connection with the public sector equality duty in terms of the Equality Act 2010 (the elimination of unlawful discrimination, the advancement of equality of opportunity and the fostering of good relations) and for use in informing policies and practices. In addition, the information would be widely used by service providers. For example, information on the size and geographic spread of the transgender population is essential for the planning of gender dysphoria services.

The principal purpose of the Bill is to permit NRS to ask voluntary questions on sexual orientation and transgender status/history in the 2021 Census and future censuses. The Bill will allow these questions to be placed on a voluntary basis by amending the penalty provisions of the 1920 Act.

Whilst a strong need has been identified for the inclusion of these questions in the census, the testing and consultation work which has been carried out highlighted the sensitive nature of these questions and the fact that some people would not wish to answer these questions either about themselves or others. Therefore it is proposed that the questions will be asked on a voluntary basis.

Some stakeholders have noted that making sexual orientation and transgender status questions voluntary could imply that these topics do not have the same importance as compulsory questions, something

which may result in a negative perception of the 2021 Census with the LGBTI community. NRS have been working closely with the Equality Network and the Scottish Trans Alliance in relation to both of these topics and there is broad acceptance of the need to make these questions voluntary.

A further potential concern is around the quality of the data which a voluntary question would provide. It is possible that there would be a higher level of non-response to the question that would be the case for a mandatory question. However this is not necessarily the case; the non-response rate for the religion question (which was a voluntary question in the 2001 and 2011 censuses) was no higher than many other questions. NRS cannot say for certain whether that would read across to the transgender status/history and sexual orientation questions.

Further details on all of the considerations around these questions can be found in the [topic reports](#).

### **Testing carried out around these sensitive question topics.**

In order to understand views on the acceptability of asking questions on the census on these topic, NRS commissioned work with the other UK Census Offices to carry out public acceptability testing between January to March 2017. The research explored whether respondents would answer a question on sexual orientation and gender identity if included and whether respondents might wish to request an individual form or stop completing the census form entirely.

The survey questionnaire also explored:

- whether respondents would be willing to answer on behalf of any other household members; and
- whether respondents would be willing for any other household members aged 16 and over to answer such a question on their behalf.

For respondents who indicated that they would not answer the sexual orientation or gender identity questions in the census form, reasons for not answering were explored. The general findings across the population are described below.

## **Sexual orientation**

For sexual orientation, the public acceptability testing identified that while the majority (63 per cent) of the general public in Scotland considered it acceptable for a sexual orientation question to be asked in the next census, a notable minority said that it was not acceptable (15 per cent). Nonetheless, 78 per cent of respondents said they would answer the question accurately if it was included in the 2021 Census.

Overall, 14 per cent of the public said they would not answer a sexual orientation question if it was included in the 2021 Census. The majority of these (13 per cent of the population) said they would skip the question and continue completing the rest of the form. Only a very small proportion of participants said that they would request an individual form (less than 1 per cent) or stop completing the census altogether.

The findings suggest that clarification on why information regarding sexual orientation is required and additional reassurances of information security could go some way to addressing reluctance to answer the question. When asked to reflect on how they would feel if another member of their household was providing an answer on their behalf, the proportion of the population who regarded the question on sexual orientation as not acceptable increased by four percentage points (to 19 per cent). Furthermore, in the context of completing the census on behalf of another household member, the proportion who found the question not acceptable increased to 20 per cent. Similarly, just over one in five people (21 per cent) indicated that they were not comfortable with providing this information on behalf of others.

## **Gender identity<sup>1</sup>**

For gender identity, the public acceptability testing identified that the majority (77 per cent) of the general public in Scotland considered it acceptable for recommended questions on gender identity to be asked on the next census, with less than one in ten (8 per cent) saying that it is unacceptable. The vast majority (84 per cent) would answer the question on gender identity accurately if it was included in the 2021 Census; suggesting that some of those who found the question unacceptable would nonetheless provide an answer if asked.

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<sup>1</sup> The testing which was carried out related to gender identity in general. Subsequent testing has led to this question being specifically around transgender status/history. The term gender identity is used here as that is the term used during the testing.

Overall, 7 per cent said they would not answer a gender identity question if it was included in the 2021 Census. The majority of these (6 per cent) said they would skip the question and continue completing the rest of the form. Only a very small proportion of respondents said that they would request an individual form (less than 1 per cent) or stop completing the census altogether (1 per cent). Testing also highlighted that clarification on why information regarding gender identity was required and additional reassurances of information security could go some way to addressing respondent's reluctance to answer the question.

## **Key Findings by equality characteristic**

### *Approach*

The Bill provisions create the conditions to enable the inclusion of voluntary census questions on sexual orientation and transgender status/history, which will affect future decisions around the exact questions to be recommended for inclusion in the census. The census questions and the arrangements for taking the census will be set out in the Census Order and the Census Regulations. Both these pieces of secondary legislation will be subject to parliamentary consideration and EQIAs will be carried out in respect of them.

Whilst the Bill only amends the enabling powers in the 1920 Act and does not itself set the questions in the census, NRS and the SG currently propose the questions on sexual orientation and transgender status/history will be included in Census 2021. This EQIA considers the impact of the Bill in this broader sense and touches on issues that will be considered more fully in the EQIAs that will accompany the Census Order and Census Regulations.

### *Age:*

The public acceptability testing presented above showed that views on asking these questions differ based on age.

The acceptability of including a sexual orientation question on the census by age decreases as age increases: question testing found that in Scotland 81 per cent of 25-34 year olds felt the inclusion of a question on sexual orientation in Scotland's Census 2021 was acceptable or very acceptable, compared with 70 per cent of 35-44 year olds, 62 per cent of

45-54 year olds; 58 per cent of 55-64 year olds; 53 per cent of 65-74 year olds, with 44 per cent of those aged 75 and over.

Age was similarly a key factor influencing how people respond to the idea of including the question on gender identity in the next census: older people were less likely than younger people to find the concept acceptable and to answer the question if it were included in the 2021 Census.

Age was a factor in relation to providing proxy responses on behalf of others in the household. The proportion of the public who regarded the question on gender identity as not acceptable remained stable when asked to reflect on how they would feel if another household member was to provide an answer on their behalf (7 per cent), or if they were to provide an answer on behalf of another member of their household aged 16 and over (9 per cent). However, in the context of providing an answer on behalf of another household member aged 15 or under, the proportion who found the question unacceptable increased to 16 per cent.

General household testing of the transgender question was carried out in Scotland but used a 'prefer not to say' option rather than being voluntary. Results showed the distribution of responses by age largely follows the age profile of the sample. Too few participants answered 'yes' or 'prefer not to answer' to pick up any significant patterns by age. However five of the six participants who identified as transgender were under 55. The small number of people who stated that they would 'prefer not to answer' fell across all age groups.

Question development work seeks to ensure that the language used in questions and guidance is inclusive, acceptable and aids people of different ages in answering questions confidently and correctly. This includes guidance for those who are at school, young adults, or retired. All potential questions, and specifically questions on sexual orientation and transgender status/history, are being reviewed to ensure that they are asked of the appropriate age groups. Testing is continuing to take place with communities of interest, and the general population, to understand the implications of posing these questions to all individuals, or targeting to relevant age groups.

### *Disability:*

There is no evidence to indicate that the proposals will have any significant impact specifically on people with disabilities. However, there

may be a positive impact around, for example, the enhanced ability to cross-tabulate data about the prevalence of certain health conditions with accurate and reliable data about sexual orientation and/or transgender status/history.

### *Sex and gender reassignment:*

It is widely recognised that there is limited evidence on the experiences of transgender people in Scotland which has led to the proposal for asking a transgender question in the 2021 Census.

In addition, feedback from the 2011 Census, and stakeholder engagement, identified there was both a respondent need for a non-binary sex question in addition to a user need for data about the transgender population. Testing on the specific questions to be asked is still ongoing. This section considers these characteristics together.

A person seeking to undergo, in the process of undergoing or having already undergone 'transition' may be described as a transgender man (female to male) or a transgender woman (male to female). In the UK, driving licences and passports may be re-issued according to the individual's post-transition gender status. The Registrar General for Scotland maintains a Gender Recognition Register in which the birth of a transgender person whose acquired gender has been legally recognised is registered showing any new name(s) and the acquired gender. This enables the transgender person to apply to the Registrar General for Scotland for a new birth certificate showing the new name(s) and the acquired gender. The Gender Recognition Register is not open to public scrutiny.

Whilst the numbers of gender recognition certificates applied for and granted is published, not all people who identify as transgender have or will undergo gender reassignment thus there are no reliable national or sub national statistics on this population. In 2009 a Home Office-funded report estimated that, in 2007 on a UK level, the prevalence of people who had sought medical care for gender variance was 20 per 100,000, i.e. 10,000 people in the UK, of whom 6,000 had undergone 'transition'.

Gender reassignment is a protected characteristic as set out in the Equality Act 2010 and a range of organisations told us that data about those individuals was required in relation to fulfilling the duties specified for public bodies in that legislation. During the consultation stakeholders told us that a reliable data source on the size and locality of the transgender population in Scotland is required to justify policy

developments. These will reduce inequalities experienced by transgender people, and help design and enhance public services to meet specific needs, particularly in relation to the provision of health services. Because Scotland's transgender population is small and distributed widely across the country, the census was suggested as the only source which would be comprehensive enough to provide accurate information on that population.

Cognitive testing with communities of interest has been undertaken to understand more around asking a question on sex or gender identity, in conjunction with a transgender question. Evidence from this testing indicates a non-binary sex question and a transgender question are the more acceptable and understandable question pairing. Further quantitative testing of a non-binary sex question in Scotland showed all age groups responded to the question with approximately half of the participants responding "female" and half responding "male". The small numbers of invalid responses were distributed evenly across all age groups. The results of all of this testing can be found in the [topic report](#) and NRS are continuing to work on these questions.

NRS are actively engaging with stakeholders with expertise in LGBTI issues, including SG Equalities and Family Law teams, Scottish Trans Alliance, Equality Network, Stonewall and Public Assurance Panels. NRS staff have undergone transgender awareness training, and participated in Office for National Statistics (ONS) gender identity data requirements workshops.

NRS are also working with Scottish Government colleagues to ensure that other surveys and service provision align by utilising questions which will promote equality around gender reassignment.

One aspect which has been raised throughout the consultation and testing work is the need to protect within household confidentiality in relation to responses regarding transgender status/history. In order to ensure that individual privacy can be assured, people who do not wish to reveal their personal details to other members of their household will be able, in confidence, to request an individual questionnaire online. The individual can then complete an individual return maintaining their privacy. Neither the householder nor any other member of the household will be aware others in their household have requested an individual questionnaire, so allowing individuals to provide their data in a confidential way. Individuals will also be able to complete the census on a range of devices, including by mobile phone, so that they will have the opportunity to complete an individual return in complete privacy.

Similar arrangements will be made for people in ‘communal establishments’ such as hotels and care homes, and for those who may have difficulty in completing a questionnaire unaided. This is especially important, given the sensitive nature of some questions in the census.

Of particular concern around asking questions on transgender status/history is the size of the population and therefore the risk of identification of individuals. Statistical Disclosure methodologies protect individuals who hold protected characteristics from being identified in census outputs. Engagement with stakeholders is ongoing to ensure there is clear awareness of the data that could potentially be collected, and the limitations on outputs from this, to ensure confidentiality. NRS are actively exploring relevant concerns through our discussions and engagement with communities of interest and they will form a key focus of our Data Protection Impact Assessment activities going forward.

In asking a question around transgender status/history, due care will be taken to ensure that guidance and publicity materials which support the questionnaire will provide clarity and education to the general public around terminologies, definitions, concepts and language - and individual privacy both in responding to the census, and in how the data is output for use.

#### *Race:*

There is no evidence to indicate that the proposals will have any significant impact specifically on race.

#### *Sexual orientation:*

There is currently limited data and evidence collected on the experiences of lesbian, gay and bisexual (LGB) people in Scotland, and the evidence available is not available at a geographic level sufficiently detailed to support service planning and delivery.

A question on sexual orientation was introduced to the Scottish Household Survey (SHS) in 2011 as one of the Scottish Government’s “core” questions. Developed by ONS, the question was designed to provide accurate statistics to underpin the equality monitoring responsibilities of public sector organisations and to assess the disadvantage or relative discrimination experienced by the lesbian, gay and bisexual population. It should be noted that estimates on self-

identified sexual orientation from the SHS are likely to under-represent the lesbian, gay and bisexual population. In 2016, the overall proportion of those identifying as LGB and Other was 1.6 per cent, which is the same as it was in 2012 and 2014. In 2016, 0.4 per cent of adults preferred not provide a response to the question, compared to 2.4 per cent in 2014.

According to a recent UK study by ONS, in 2016 Scotland had the largest proportion of the population identifying as LGB, with 2.2 per cent. This comprised of 1.2 per cent identifying as gay or lesbian, and 1.0 per cent as bisexual.

Considerable user demand was identified via the Topic Consultation for the collection of information on sexual orientation in 2021. The main requirement identified is in relation to the monitoring and reporting duties for public bodies in that respect. The information is also required to inform equality impact assessments, which in turn inform policies and practices. The Equality and Human Rights Commission require this information to use in a statutory review of equality and human rights, which is carried out every five years.

As part of the ongoing work to understand the user need for the questions, NRS are actively engaging with groups and organisations that represent the interests of people with a range of sexual orientations, including Equality Network, Scottish Trans Alliance, Stonewall and Public Assurance Panels.

At these meetings NRS sought feedback on the proposed sexual orientation question along with other questions about sex, gender identity and transgender status, to better understand issues around including these questions in the census. NRS networked to promote engagement with the census, specifically around the sexual orientation question.

Cognitive testing has been undertaken in Scotland with communities of interest and the wider population, to understand public acceptability, how individuals may respond, and concerns around privacy and confidentiality. Quantitative testing has been undertaken to understand data quality of a potential sexual orientation question. In conjunction NRS are working in collaboration with colleagues in ONS and the Northern Ireland Statistics and Research Agency.

NRS have participated in meetings with Scottish Government teams to ensure that other surveys align by utilising questions which will promote equality around sexual orientation.

As with asking questions around transgender status/history, one aspect which has been raised throughout the consultation and testing work is the need to protect within household confidentiality in relation to responses regarding sexual orientation. In order to ensure that individual privacy can be assured, people who do not wish to reveal their personal details to other members of their household will be able, in confidence, to request an individual questionnaire online. The individual can then complete an individual return maintaining their privacy. Neither the householder nor any other member of the household will be aware others in their household have requested an individual questionnaire, so allowing individuals to provide their data in a confidential way. Individuals will also be able to complete the census on a range of devices, including by mobile phone, so that they will have the opportunity to complete an individual return in complete privacy.

Similar arrangements will be made for people in 'communal establishments' such as hotels and care homes, and for those who may have difficulty in completing a questionnaire unaided. This is especially important, given the sensitive nature of some questions in the census

Of particular concern around asking questions on sexual orientation is the size of the population and therefore the risk of identification of individuals. Statistical disclosure methodologies protect individuals who hold protected characteristics from being identified in census outputs. Engagement with stakeholders is ongoing to ensure there is clear awareness of the data that could potentially be collected, and the limitations on outputs from this, to ensure confidentiality.

NRS are actively exploring relevant concerns through our discussions and engagement with communities of interest and they will form a key focus of our Data Protection Impact Assessment activities going forward.

In asking a question around sexual orientation, due care will be taken to ensure that guidance and publicity materials which support the questionnaire will provide clarity and education to the general public around terminologies, definitions, concepts and language - and individual privacy both in responding to the census, and in how the data is output for use.

### *Religion and Belief:*

There is limited evidence to indicate that the proposals will have any significant impact specifically on religion and belief. On the basis of previous policy changes in this area, NRS anticipate the potential for

some opposition to the addition of these questions, in particular on human rights or religious grounds. The voluntary nature of these questions, as made possible by the Bill, is intended to mitigate concerns by ensuring that no one is compelled to answer

### **Children's Rights and Wellbeing Impact Assessment (CRWIA)**

Children's Rights and Wellbeing Impact Assessment is a process through which the programme's anticipated impact on children's human rights and wellbeing can be identified, researched, analysed and recorded.

The scope of CRWIA includes children and young people up to the age of 18.

The Bill provisions will enable Scotland's Census 2021 to ask voluntary questions on sexual orientation and transgender status/history.

The legal requirement for completion of Scotland's Census falls to the householder. It is not expected that this responsibility would fall to a young person. The questions that are asked are asked of all of individuals and for young people and children the householder can respond on their behalf by proxy (that is to say, complete the questions on their behalf). Young people under 16 years are only asked questions relevant to them – for example, they are routed past labour market questions.

For the sensitive questions, considerations of which age groups to ask these questions of are on-going, and will be informed by relevant legislation.

In terms of young respondents, there may be an impact on the ability to respond honestly to sensitive questions as the younger group are more likely to be living with parents or guardians. They are also more likely to have other adults responding on their behalf. For these young people who may want to respond on their own behalf, whether or not the householder has responded by proxy, consideration is being given to the facility to request and complete an individual form, and to answer honestly, in private without other household members being aware. While this facility will be available to all individuals, it may be a priority for younger people as they may be more likely to have others respond on their behalf.

There is no available evidence to know how many young people will potentially take up this option, but discussions with stakeholders such as the Equality Network indicated young people may be more likely to need privacy in order to respond honestly. NRS has not tested potential questions with those under 16 so there is no available evidence. NRS are giving careful consideration to which age groups questions will apply to.

While most census outputs take the form of statistical counts, there is a risk that information about an individual person could be deduced from census outputs. The census form gives respondents an assurance that their information will be treated as confidential, and statistical disclosure control methodologies are employed to ensure that the risk of inadvertent disclosure in statistical outputs is minimised.

The programme is giving careful consideration to the practical and operational implications of ensuring that the respondent options outlined above are available, and which age groups they are available to. Further stakeholder engagement will inform this thinking and NRS are carefully exploring options for engaging directly with young people to gather further evidence and views to help develop and inform appropriate strategies and messaging. NRS believe that the proposal to offer young people of 18 years and under the opportunity to privately answer these questions for the first time in the 2021 Census will have a significant positive impact, with particular regard to the rights enshrined in Article 13 ('Freedom of expression') and Article 16 ('Right to privacy') of the UN Convention for the Rights of the Child (UNCRC).

The impact assessment process will continue as the programme develops.

## **Recommendations and Conclusion**

The evidence collected indicates that, in itself, the Census (Amendment) (Scotland) Bill is not likely to have adverse impacts on those with protected characteristics. However, the EQIA has identified and summarised equality issues affecting communities and individuals which will need further consideration as final questions and processes are developed.

It will be necessary to revisit this EQIA to take account of any changes to Bill provisions resulting from the parliamentary scrutiny process. As a consequence the EQIA will become a living document requiring regular review and updating.

NRS will ensure that the development of further legislation and policy is accompanied by appropriate assessment of the potential impacts.