

# **Scotland's Census: Custom microdata – Privacy Notice**

**Version 0.3  
28 June 2023**

## 1. Custom Microdata Projects

Scotland's census is the official count of every person and household in the country. The answers people give to census questions help build up a picture of the population. Government and other service providers rely on census data to make important decisions. Census data may also be accessed by approved researchers for projects with demonstrable public benefit.

Microdata are small samples of census data for whole households and individuals. Custom Microdata enables researchers to see combinations of information that would not normally be possible from standard published census tables.

The [Administrative Data Research Centre \(Scotland\)](#) (ADRC-S) coordinates and supports researchers' applications for Custom Microdata projects. You can [contact the Data Access team within the National Records of Scotland directly](#) if you wish to apply for access to census records in this way.

The people who receive access to Custom Microdata are generally researchers from academic institutions and the public sector within the UK who analyse the data to answer specific research questions.

## 2. Safeguards

Researchers can only access custom microdata for research when all of the following apply:

- The data will only be used for research purposes, will not contain direct identifiers and may not be used for automated decision-making.
- The project has been approved by a research ethics panel.
- The project has been approved by an independent Statistics and Public Benefit Privacy Panel.
- All researchers have completed the Office of National Statistics (ONS) Safe Researcher Training course.
- All researchers have to sign and agree to the terms and conditions within the Census Confidentiality Undertaking document. This is to confirm that they understand the legal obligations of receiving census data and are aware of the penalties for unlawful disclosure or unlawful use of the information, or failure to keep it safe.
- The research institution and National Records of Scotland (NRS) have signed a Data Sharing Agreement (which includes an obligation on the researchers not to attempt reidentification of individuals during data processing. The project has a completed a Data Protection Impact Assessment.

- A controller- processor agreement is in place between the research institution and Public Health Scotland (PHS)
- The researchers can only access the data inside an ADRC-S Safe Setting or through a secure remote working environment.

NRS will only agree to supply census data to an approved research project when the project has adequate protection against disclosure of personal information, and that we are not providing more data or detail than is required to address the research question.

The results of any data analysis can only be taken out of the secure research environment once NRS has checked that they cannot be used to identify individual people or households.

### 3. Current Projects

NRS has carried out a Data Protection Impact Assessment for the sharing and processing of Census data as part of data linkage projects via the Administrative Data Research Network (Scotland) at the National Safe Haven, which can be found here: [Data Protection Impact Assessment \(DPIA\): Census data for data linkage projects at the eDRIS National Safe Haven.](#)

Each of the projects has been subject to a Data Protection Impact Assessment, produced and maintained by the relevant research institution.

Projects currently using Custom Census Microdata can be found in Annex A.

### 4. Who are National Records of Scotland (NRS)

National Records of Scotland (NRS) is a Non-Ministerial Department of the Scottish Government. NRS performs the registration and statistical functions of the Registrar General for Scotland and the archival functions of the Keeper of the Records of Scotland. The data controller for census data is the Registrar General for Scotland. They can be contacted via our Data Protection Officer, whose address is at the end of this notice.

**What is our Lawful basis for processing your data for Custom Census Microdata projects?** NRS's lawful basis for processing is UK GDPR Article 6(1)(e) "processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller."

Our conditions for processing sensitive information about you, are as follows:

UK GDPR Article 9(2)(j) - the processing is necessary for archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes in accordance with Article 89(1), supported by Schedule 1, Part 1, Condition 4 of the Data Protection Act 2018.

Each data controller will have their own lawful basis to process your data. For more information on their lawful basis to process your data please refer to the websites of the respective organisations to view their respective Privacy Notices.

#### **4.1 Legal Gateway**

NRS is allowed to share personal census data with researchers for research because of [section 4\(2\) of the Census Act \(1920\)](#), which enables the Registrar General for Scotland to authorise the analysis of census data.

#### **4.2 Joint Data Controller**

For each project, NRS and the research institution have signed a Data Sharing Agreement making them Joint Data Controllers of the dataset for that project. This means that NRS and the researcher's institution make joint decisions about how the data can be processed. Either party can end the agreement at any time, and if so the Custom Census Microdata must be destroyed.

For information on the data controller at the lead researcher's institution please refer to that institution's Privacy Notice.

#### **4.3 Responsibilities**

We have agreed with researchers that the Data Protection Officer for NRS will take responsibility for reporting to the Information Commissioner's Office any problems or incidents which might put the confidentiality of personal information at risk.

#### **4.4 Data Processors**

Public Health Scotland (PHS) acts as a data processor for the research institutions by providing the National Safe Haven service and managing the secure transfer, linkage and storage of the data. Each research institution holds a legally binding Controller – Processor contract with PHS,

Public Health Scotland (PHS) also acts as a data processor for NRS and we also hold a legally binding Controller – Processor contract with PHS.

Edinburgh Parallel Computer Centre does not have direct access to your personal data however their infrastructure is used to host this information on the National Safe Haven.

#### **4.5 Retention**

Each project has a set end date for data access for analysis, and then a period of secure archival retention. The time periods for these are reviewed and agreed by the independent Statistics and Public Benefit Privacy Panel. On this end date for access

for analysis no-one will be able to access the Custom Microdata and all requests for access for the purposes of analysis via the National Safe Haven will be denied. At the end of the archive retention period, typically 5 years, the Custom Microdata will be securely and confidentially destroyed.

#### **4.6 What are your rights as a data subject?**

The UK GDPR grants individual data subjects certain rights:

Rights that Apply to Custom Census Microdata we process

- ✓ the right to be informed
- ✓ the right to lodge a complaint with the Information Commissioner's Office

However, the following rights do not apply to the use of personal data for scientific or historical research purposes or statistical purposes, where responding to these rights would prevent the research or statistical purpose from being achieved.

- X Right to access your personal data
- X Right to rectify incorrect data
- X Right to have your data erased
- X Right to restrict what can be done with your data
- X Right to data portability
- X Right to object to the use of your data
- X Rights in relation to automated decision making (no automated decision making occurs)

Personal census information is exempt from Freedom of Information requests under the Freedom of Information (Scotland) Act 2002, and from Environmental Information requests, under the Environmental Information (Scotland) Regulations 2004. This applies for 100 years after the data was collected. We are not able to confirm whether or not your data is included in any particular Census dataset, as this could put other people's personal information at risk.

#### **4.7 Exercising your rights as a data subject**

For information on how to request your personal information please refer to [Requesting Information | National Records of Scotland \(nrs.scot.nhs.uk\)](https://nrs.scot.nhs.uk/nrs/requesting-information)

The NRS Data Protection Officer is your point of contact for any concerns or questions about the confidentiality of or to exercise your rights as described above on your personal census data.

**NRS Data Protection Officer**

Email Address: [dataprotection@nrscotland.gov.uk](mailto:dataprotection@nrscotland.gov.uk)

Address:

Data Protection Officer,  
National Records of Scotland,  
HM General Register House,  
2 Princes Street,  
Edinburgh,  
EH1 3YY

Email: [dataprotection@nrscotland.gov.uk](mailto:dataprotection@nrscotland.gov.uk)

#### **4.8 Contacting the ICO**

You also have the right to report your concerns or make a complaint to the [Information Commissioner's Office \(ICO\)](#).

For more information refer to the ICO website: <https://ico.org.uk/>

ICO Address:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
ICO Phone number: 0303 123 1113

#### **4.9 Where is my data stored?**

Your data, collected from the Scottish Censuses, is stored securely within the UK. This data is stored indefinitely for the purposes explained in section 4.2 above.

Custom Microdata is also stored within a secure environment within the UK called the Scottish National Safe Haven. At the end of each project all access to the Custom Microdata is withdrawn so no-one has the ability to access the data. The Microdata will be archived for a period of 5 years within the Safe Haven, after which the data will be securely and confidentially destroyed.

#### **4.10 Changes to this privacy Notice**

We keep our privacy notices under regular review. This privacy notice was last updated on 28th July 2023 to update current projects and to provide more detail around NRS Lawful basis and retention information.

#### 4.11 Link to the NRS Privacy Notice

For the NRS Privacy notice please refer to [National Records of Scotland Privacy Notice - January 2022 \(nrscotland.gov.uk\)](https://nrs.scot.nhs.uk/privacy-notice)

## 5. Annex A: Table of Current Projects using Custom Census Microdata

Research Project	Description	Institution
COVID-19 Research Data Holding	We have deposited a subset of census data in the National Safe Haven, consisting of a range of demographic, household, economic and health variables. The purpose for this is to enable quick delivery of data for projects related to the Covid-19 health emergency.	Public Health Scotland, Scottish Government
EAVE II -Early Assessment of COVID-19 epidemiology and Vaccine/anti-viral Effectiveness	This study investigates the epidemiology, risks and outcomes of COVID-19, by various socio-economic factors, including ethnicity.	University of Glasgow
COVID Risk factors – Investigating Socioeconomic, household and environmental risk factors for COVID-19 in Scotland.	This study aims to identify the main socioeconomic, household and environmental risk factors for COVID19 for the general population in Scotland as well as subgroups, including vulnerable groups.	University of Glasgow
Health, death and cancers in people with learning disabilities and people with autism	This study investigates health and health-care inequalities for people with learning disabilities, and autism. Due to the COVID-19 health emergency this project has included COVID-19 risk factors of those with learning disabilities and autism.	University of Glasgow
Predictors of mental ill health in and its determinants in mothers caring for a son or daughter with intellectual disabilities	This study investigates the prevalence and determinants of mental ill health in mothers caring for a son or daughter with intellectual disabilities, particularly with respect to neighbourhood deprivation and the age of the care receiver.	University of Glasgow
Predictors of mental ill health in and its determinants in fathers caring for a son or daughter with intellectual disabilities	This study investigates the prevalence and determinants of mental ill health in fathers caring for a son or daughter with intellectual disabilities, particularly with respect to neighbourhood deprivation and the age of the care receiver.	University of Glasgow



Regeneration, health, and health inequalities: a longitudinal data linkage study	This study investigates the impact of urban regeneration projects on health and health inequalities.	NHS Health Scotland
Social and locality variations in dog bites and strikes in Scotland	This study explores a range of possible factors which may contribute to the social patterning of dog bites, considered at both the geographical and individual level.	University of Stirling
Does commuting affect health?	This study explores different aspects of commuting: distance, traffic conditions, travel modes, and their association with health. This research aims to help inform health, transport and environmental policies.	University of Edinburgh
Childhood cognitive function and use of long-term care across the life course: Linking the Scottish Mental Survey 1947 to healthcare and administrative data.	Childhood cognitive function and use of long-term care across the life course: Linking the Scottish Mental Survey 1947 to healthcare and administrative data.	University of Edinburgh
Equalities Protected Characteristics dataset	A collaborative project investigating the quality and quantity of data held by Scottish Government bodies on the Protected Characteristics defined by the Equality Act 2010.	Research Data Scotland, Public Health Scotland, Scottish Government
Air Pollution, housing and respiratory tract infections in Children: National birth Cohort study (PICNIC) – Scotland	A linked dataset project to investigate the association between environmental, clinical and socioeconomic risk factors for specific viruses causing RTIs including COVID19.	University College of London
Understanding Children's Lives and Outcomes Project 1: Exploring context, factors and approaches to educational exclusions and absences	A data linkage study exploring the context, factors and approaches to children's exclusions and absences from educational settings.	Heriot-Watt University
Suicide deaths in people with autism in Scotland: secondary data analysis and data linkage of administrative and health records	This project aims to investigate the prevalence of and risk factors for s Suicide in people with developmental disorders.	University of Glasgow

Investigating socioeconomic disparities as cause and consequence of progressive kidney diseases among people admitted to hospital with acute illness	This project aims to investigate whether social and economic factors are associated with acute illness, acute kidney injury and deteriorating kidney function.	University of Aberdeen
Older parent carers health and its reciprocal effect on their ageing offspring with intellectual disabilities: a record linkage study	A research project that aims to identify the extent that parent, household and offspring characteristics mitigate and compound the risk of poor health in older parent carers and their ageing offspring at baseline (2011) and over a five-year period (2016).	University of Glasgow
AD ARC (Administrative Data Agri-Research Collection): Linking Individual and Farm level data for agricultural research.	An extract of 2011 census records for all farmers and members of a farming household in Scotland plus a matched cohort of people living in similar rural geographical locations to be shared with approved researchers for a data linkage study on health, demographic, economic and environmental factors.	Welsh Government