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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision in consequence of the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”).

Parts 1 and 2 of the 2007 Act make provision for the keeping of lists of those barred from regulated work relating to children and to protected adults; the replacement of enhanced criminal record certificates with new disclosure records for those working with vulnerable groups; and the establishment of a scheme for such workers membership of which enables the ongoing collection of vetting information and assessment for unsuitability to work with the relevant group.

Article 2 of the Order amends the Safeguarding Vulnerable Groups Act 2006, inserting a provision enabling the Independent Safeguarding Authority to provide the Scottish Ministers with information relevant to their functions under Parts 1 and 2 of the 2007 Act.

Article 3 amends the Data Protection Act 1998 to make it an offence for an employer to require an individual to supply them with information obtained by the individual from the Scottish Ministers under section 7 of that Act and which relates to the Scottish Ministers’ functions under Parts 1 and 2 of the 2007 Act.

The impact on the public, private and voluntary sectors of this instrument is not expected to be significant. The amendment made by article 2 has no impact on these sectors. The amendments made by article 3 are consequential on the new scheme of disclosure records established by the 2007 Act. A regulatory impact assessment has been prepared by the Scottish Government in respect of various aspects of the 2007 Act scheme, including those relating to fees for disclosures and scheme membership. The regulatory impact assessment is available at <http://www.scotland.gov.uk/Publications/2010/04/RIA2010>.