

Jeremy Balfour MSP  
Scottish Parliament (*via email*)

3 April 2025

Dear Mr Balfour,

Thank you for your letter of 27 February 2025.

We are pleased that the Scottish Government has now published the Health and Wellbeing Census Scotland: Background Report<sup>1</sup>. We consider that this document provides valuable information to users and demonstrates that the Scottish Government has reviewed its approach to developing questions for the Health and Wellbeing Census as the OSR requested in its letter of 27 July 2022<sup>2</sup>.

As you set out, a thorough review of the legal and ethical status of the survey lies more so within the remit of the Information Commissioner's Office (ICO) to decide on and undertake. From our discussions with ICO, we understand that they presently have no plans for a further review, beyond their engagement and action to date. It is also worth clarifying that because ICO could only act in relation to compliance with data protection law, some of the issues you have raised, such as the ethical use of opt-outs, are outside the regulatory remit of both ICO and OSR.

However, if they judge that a joint review is necessary, we are willing to help. I am grateful that your scrutiny of the Health and Wellbeing Census has encouraged closer working links between OSR and ICO.

The concerns that you and your constituents raised have clearly been justified by the lessons learned by all parties in this case. If the Scottish Government or other statistics producers decide to run another survey of this nature, we will work closely with ICO to ensure that it is done to the highest standards.

Yours sincerely,



**Sir Robert Chote**  
Chair

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<sup>1</sup> [Health and Wellbeing Census Scotland: Background Report](#)

<sup>2</sup> [Ed Humpherson to Alastair McAlpine: Health and Wellbeing Census in Scotland](#), Office for Statistics Regulation