



The Scottish Parliament  
Pàrlamaid na h-Alba

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Dear Mr O'Dowd,

### **Response to the Standing Committee on Petitions**

Thank you for your letter of 17 December 2020 inviting the Scottish Parliament to provide a written submission to the House of Representatives Standing Committee on Petitions' inquiry into aspects of the House of Representatives petitioning system relating to security and accessibility.

Your invitation has been received at a time when the Scottish Parliament is making significant improvements to its online accessibility. This includes the development of a new website which will be easier to navigate and more user focused.

As part of the new website, a new online petitions system is currently being developed. Critical to its implementation will be to ensure it is safe, secure and accessible to anyone who wants to put matters of concern onto the agenda of the Parliament. I provide further detail on this work at page 4.

The ability to petition the Scottish Parliament supports the Parliament's founding principles as follows:

- Accountable - the Scottish Parliament is answerable to the people of Scotland. The Scottish Parliament should hold the Scottish Government to account.
- Open and Encourage Participation - the Scottish Parliament should be accessible and involve the people of Scotland in its decisions as much as possible.
- Power Sharing - power should be shared among the Scottish Government, the Scottish Parliament and the people of Scotland.
- Equal Opportunities - the Scottish Parliament should treat all people fairly.

## Admissibility of petitions

The Scottish Parliament is formally committed, through its own Standing Orders, to consider all admissible petitions that are submitted. The Standing Orders establish a mandatory committee, the Public Petitions Committee, with a remit to consider petitions submitted to the Parliament and in particular:

- (a) decide in a case of dispute whether a petition is admissible;
- (b) decide what action should be taken upon an admissible public petition; and
- (c) keep under review the operation of the petitions system.

Rule 15.5 of Standing Orders sets out the admissibility of petitions as follows:

- **Rule 15.4.2** - A petition must clearly state: (a) the name of the petitioner; (b) an address of the petitioner to which all communications concerning the petition should be sent; and (c) the name and address of any person supporting the petition.
- **Rule 15.5.1** - A petition is admissible unless it: (a) does not comply with Rule 15.4.2 or is otherwise not in proper form; (aa) is frivolous; (ab) breaches any enactment or rule of law; (ac) refers to any matter in relation to which legal proceedings are active; (b) contains language which is offensive; (ba) fails to raise issues of national policy or practice; (c) requests the Parliament to do anything which the Parliament clearly has no power to do; or (d) is the same as, or in substantially similar terms to, a petition brought during the same session of the Parliament and which was closed less than a year earlier.

Rule 15.4 of Standing Orders states that a petition may be brought in any language by an individual person (other than an elected representative), a body corporate or an unincorporated association of persons.

The Scottish Parliament's public petitions process has no citizenship or residency requirements. Public petitions can be submitted by anyone in the world, regardless of their age, as long as it relates to a matter of Scottish policy or practice. While the Parliament will capture information about the residency of a petitioner, in line with Rule 15.4.2 of Standing Orders as abovementioned, this is for internal purposes only and enables the clerks to maintain an oversight of where petitions are being submitted from.

In addition to the Standing Orders Rules referred to above, the Committee has published a determination on the proper form of petitions under Rule 15.4.3 of Standing Orders. The determination is intended to be read in conjunction with Standing Orders Rules and lists a number of more specific requirements required for a petition to be admissible, agreed by the Public Petitions Committee. Please find this information enclosed as an **Annexe** to this submission.

## How petitions are processed and considered

A petition can be sent to the Scottish Parliament at any time when the office of the Clerk is open and the Parliament is not dissolved. Public petitions are received principally via the online petitions system however submissions can also be sent by e-mail or post.

All proposed petitions submitted to the Scottish Parliament are reviewed by the clerks to ensure they comply with the rules and standards for petitioning the Scottish Parliament. The clerks will then contact the petitioner with advice on their petition and suggest any amendments required to ensure the petition is admissible.

Where a petition does not comply with the rules and standards (for example, where an issue is reserved to the UK Parliament or fails to raise issues of national policy or practice) the clerks will communicate this clearly to the petitioner. In cases of dispute, the final decision on admissibility rests with the Committee.

The robust rules and standards in place are also used by the clerks to quickly identify any concerns they may have about any potentially fraudulent petitions received. I would wish to highlight however that fraudulent petitions are rarely submitted to the Scottish Parliament.

The petitioner can choose to collect signatures on their petition before it is considered by the Public Petitions Committee (however this is not a formal requirement of the petitioning process). It should be noted that the number of signatures collected in support of a petition gives no additional weight to how it is considered. The issues raised in petition are considered purely on their merits. This approach differs to the UK Parliament, where the number of signatures received determines the action taken on a petition<sup>1</sup>.

All admissible petitions are published on the Public Petitions website and considered by the Public Petitions Committee. During the consideration of a petition, there are a number of different actions the Committee can take including:

- requesting written information from the Scottish Government and other organisations
- taking oral evidence on the petition from the Scottish Government, public bodies or other organisations
- referring the petition to another committee of the Parliament
- making recommendations for action by the Scottish Government
- asking for time in the Chamber to allow the petition to be debated by the Parliament
- closing the petition.

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<sup>1</sup> If a petition reaches 10,000 signatures, the UK Government will publish a written response. If a petition receives more than 100,000 signatures, the UK Parliament Petitions Committee will consider whether it should be debated. Some petitions are considered for a debate before they reach 100,000 signatures, but this is rare.

## **New public petitions system**

As abovementioned, the remit of the Public Petitions Committee includes a responsibility to keep under review the operation of the petitions system. This is conducted on a regular basis to ensure that the system remains fit-for-purpose.

In this regard, the Scottish Parliament is developing a new system for the online submission and presentation of public petitions.

The new system will adhere to changes that have come into force since the previous system was implemented. For example, legislation with regard to how personal data is processed, as outlined in [The General Data Protection Regulation](#). While the regulation was introduced under EU law in 2018, in anticipation of Brexit, it was incorporated into UK data protection law as the UK GDPR on 31 January 2020.

In practice, this means that our new system will take advantage of modern technology to ensure the personal information we are required to gather is safe and secure. The new system will also remove the requirement for members of the public to create user accounts if they want to petition the Scottish Parliament. This will reduce the amount of personal data we are processing about petitioners, in line with the regulation.

Information Security is a key aspect of the work we are doing to develop our new system, and the confidentiality, integrity and availability of the information we collect and process has been a key consideration right from the initial procurement phase.

The new system is also being designed to improve the user experience and ensure the Scottish Parliament is inclusive and accessible to all. It will take cognisance of developments to accessibility standards, ensuring information is accessible on all devices and is compliant with the [Public Sector Bodies \(Websites and Mobile Applications\) \(No. 2\) Accessibility Regulations 2018](#) and [The Web Content Accessibility Guidelines \(WCAG\)](#).

In addition, the system will adhere to the Scottish Parliament's recently launched Content Strategy which aims to make the Parliament more open and transparent by presenting information that is accessible and uses common language.

## **Concluding remarks**

Public petitions are a fundamental aspect of the Scottish Parliament's engagement process. Public engagement via our e-petitions system continues to grow and this is demonstrated by the large number of petitions submitted to the Parliament and currently under consideration by the Public Petitions Committee.

I trust that this information will assist the Standing Committee on Petitions in gaining an understanding of the Scottish Parliament's approach to public petitions.

For further information, you may wish to [read our guidance](#), which is intended to inform members of the public what they can petition about, what needs to be included in a petition and provides some information about using the petitions system.

All petitions can be found at the following weblink:

<http://www.parliament.scot/gettinginvolved/petitions/index.aspx>

I would be happy to provide further information in relation to any aspect of this submission, should this be of assistance to the Committee.

Yours sincerely,

**DAVID McGILL**  
Clerk/Chief Executive

## Annexe

### **Public Petitions Committee - Determination on proper form of petitions**

To be read alongside the Parliament's rules on public petitions, the Public Petitions Committee has made the following determination under Rule 15.4.3 on proper form of petitions.

- Petitions should be submitted using the Scottish Parliament's online petitions site. All sections should be completed.
- If an individual has no access to or difficulty in using the online petitions site, or if the site is unavailable, a petition may be submitted in paper form using the word template.
- A petition may be brought in any language. Where a language other than English is used, the Parliament will provide a translation.
- Petitions should be brief and state clearly what action is being sought.
- No supplementary information (such as correspondence, legal information, photographs, or copies of Freedom of Information requests) will be accepted as part of a petition.
- Petitions must relate to national policy or practice as opposed to a local or individual matter.
- Petition titles should be a short factual description that explains what is sought but not a slogan or campaign name. For example, "changes to the law about fatal accident inquiries" would be an appropriate title. "Betty's Law" or "Justice for Betty" would not be.
- Previous action taken on a petition must include raising the issue with a relevant decision maker such as the Scottish Government (or other relevant public body) or an elected representative such as an MSP.
- A petition will not be considered by the Public Petitions Committee if the same (or substantially similar) petition, submitted by the same petitioner, has previously been considered by the Committee and closed at its first consideration on three consecutive occasions.
- Petitions should not:
  - Name individuals or otherwise contain information that could lead to the identification of any individual. This excludes elected representatives and senior managers of public bodies.
  - Contain any false statements. It is the responsibility of the petitioner to ensure that statements are accurate.
  - Refer to any matter that is the subject of continuing court proceedings.
  - Seek an adjudication or decision on an individual or commercial matter.
  - Seek to involve the Public Petitions Committee in a decision that is more properly the domain of another body (for example complaints, court appeals, planning appeals, local authority expenditure decisions etc.).

- Include language or wording that is defamatory, offensive, or inappropriate, for example swear words, insults, sarcasm or other language that could reasonably be considered offensive by a reader.