



ENDING PERIOD POVERTY

A proposal for a Bill to ensure free access to sanitary products,
including in schools, colleges and universities.

Consultation by

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FOREWORD

Menstruation is a natural bodily function of women and young girls, yet it continues to be a taboo subject.

Across the world, millions of women and girls are ostracised during their monthly periods and some are banished to sleep alone in huts, to miss school and made to feel dirty and inferior. Menstrual bleeding isn't dangerous or shameful. It's completely normal. What *is* dangerous and shameful is the failure of governments around the world to challenge this prevailing gendered inequality, especially when it risks lives.

Here in Scotland, we are fortunate that these extreme attitudes and customs are alien to us. Nonetheless, it is to our shame that menstruation is still discussed in hushed voices and that menstrual healthcare and hygiene is not embedded in our health and education systems.

Having a period is something which the vast majority of women and girls of reproductive age experience nearly every month. Access to sanitary products to absorb the flow of menstrual blood is essential for health, hygiene and full participation in daily life. Periods are unique to each individual and vary in terms of flow, duration and frequency. Some people will require to use fewer products than others but it is important that sanitary products are used safely and not used for longer than recommended.

Despite the importance of sanitary products to maintaining health, their availability and affordability is variable, and menstruation can cause financial and practical challenges.

Women and girls, at different times in their lives, may find it difficult to access or afford the sanitary products they need for a variety of reasons. They may have no money or income of their own and even when they do, many young people have told us sanitary products are not always easy to obtain within educational premises. In some schools, pupils who need sanitary products are required to ask a member of staff to provide them.

In general, low wages or a restriction of income, including through welfare sanctions, can make it very difficult to manage menstruation. Poverty inevitably leads to 'period poverty.' The indignity of period poverty was recently dramatized in the BAFTA award-winning film *I, Daniel Blake* in which, in a desperate scene, a young mother is seen shoplifting essential sanitary products. The choice between feeding your children or yourself and keeping yourself clean and healthy during menstruation is one which no woman should face. The solution is a political one.

Other circumstances which make menstruation a difficult experience include homelessness, coercive, controlling and violent relationships and health conditions such as endometriosis (affecting 1 in 10 women) which can cause extremely painful and heavy periods in some cases. Some trans people may also experience difficulties in accessing sanitary products.

I believe that Scotland can lead the way in tackling what we have come to recognise in our own communities as period poverty, and that's why I intend to introduce a legislative duty on Scottish Ministers to develop a universal system in Scotland which will provide free sanitary products for anyone who needs them.

My proposal also includes a statutory duty on schools, colleges and universities to provide free sanitary products on their campuses for their students.

In doing so, Scotland can end the silence and stigma that surrounds menstruation and will remove gendered barriers. This is a big step towards creating a fairer and more equal society.

I look forward to hearing your responses and views on these proposals.

Monica Lennon

Monica Lennon MSP
August 2017



HOW THE CONSULTATION PROCESS WORKS

This consultation relates to a draft proposal I have lodged as the first stage in the process of introducing a Member's Bill in the Scottish Parliament. The process is governed by Chapter 9, Rule 9.14, of the Parliament's Standing Orders which can be found on the Parliament's website at:

<http://www.scottish.parliament.uk/parliamentarybusiness/17797.aspx>

At the end of the consultation period, all the responses will be analysed. I then expect to lodge a final proposal in the Parliament, along with a summary of those responses. If that final proposal secures the support of at least 18 other MSPs from at least half the political parties or groups represented in the Parliamentary Bureau, and the Scottish Government does not indicate that it intends to legislate in the area in question, I will then have the right to introduce a Member's Bill.

A number of months may be required to finalise the Bill and related documentation. Once introduced, a Member's Bill follows a three-stage scrutiny process, during which it may be amended or rejected outright. If it is passed at the end of the process it becomes an Act.

At this stage, therefore, there is no Bill, only a draft proposal for legislation.

The purpose of this consultation is to provide a range of views on the subject matter of the proposed Bill, highlighting potential problems, suggesting improvements, and generally refining and developing the policy. Consultation, when done well, can play an important part in ensuring that legislation is fit for purpose.

The consultation process is being supported by the Scottish Parliament's Non-Government Bills Unit (NGBU) and will therefore comply with the Unit's good practice criteria. NGBU will also analyse and provide an impartial summary of the responses received.

Details on how to respond to this consultation are provided at the end of the document.

Additional copies of this paper can be requested by contacting me at Monica Lennon MSP, M1.19, Scottish Parliament, Edinburgh, EH99 1SP. My office can also be contacted by telephone on 0131 348 6484 or by email at monica.lennon.msp@parliament.scot

Enquiries about obtaining the consultation document in any language other than English or in alternative formats should also be sent to me.

An online copy is available on the Scottish Parliament's website (www.parliament.scot) under [Parliamentary Business / Bills / Proposals for Members' Bills.](#)

AIM OF THE PROPOSED BILL

The aim of this proposed Bill is to ensure that all those who menstruate, including women, girls and trans people who have periods, are able to access sanitary products during menstruation, at no cost, as and when they are required. This will help to prevent people experiencing period poverty. In order to achieve this, the proposed Bill will include a series of measures to improve the accessibility of sanitary products in Scotland.

BACKGROUND

Menstruation in Scotland – facts and statistics

Menstruation, or periods, usually start around the age of 13¹ and the average age of menopause is 50 years old². The number of girls and women in Scotland within this age-range (using data from mid-2015) is estimated to be around 1,302,000³.

The average length of a menstrual cycle is 26.8 days⁴ meaning that the average menstruating female experiences 13.6 menstrual cycles each year. Since the average length of a period is five days⁵, the average menstruating female has 68 menstruating days each year. Therefore, the total annual number of menstruating days in Scotland is approximately 89 million.

While menstruation is predominately experienced by women and girls, it is also experienced by some trans people. Access to sanitary products should be made available to all those who menstruate, regardless of gender identity, and all approaches taken to improving access to sanitary products should be trans inclusive.

Types of sanitary products

Just like periods themselves, the types of sanitary products which women use and prefer vary, depending on the individual. There are a variety of types of sanitary pads and tampons that can be purchased, in a range of sizes and shapes to fit individual need. Some women may prefer to use reusable pads, which are considered to be more environmentally friendly, and some also use menstrual cups which can be reused over a much longer period of time.

It's generally recommended that products should be changed every three to five hours, so an average individual can be expected to regularly use up to four or five tampons or towels per day.

¹ Source: <http://biobank.ctsu.ox.ac.uk/crystal/field.cgi?id=2714>

² Source: <http://biobank.ctsu.ox.ac.uk/crystal/field.cgi?id=3581>

³ Source: <https://www.nrscotland.gov.uk/files/statistics/population-estimates/mid-15-cor-12-13-14/15mype-cahb-tab1.xlsx>. For these purposes, half the 13-year olds and half the 50-year olds have been included.

⁴ Source: <http://biobank.ctsu.ox.ac.uk/crystal/field.cgi?id=3710>

⁵ Source: [NHS Choices](https://www.nhs.uk/choices)

Period stigma – what’s the big deal?

Despite the fact that there are approximately 1.3 million people in Scotland who collectively experience almost 90 million days of menstrual bleeding every year, periods remain a taboo subject. Bleeding and cramps apparently aren’t topics for polite conversation – so, more often than not, discussing periods happens in a hushed tone or not at all. Understanding this underlying cultural attitude about periods is crucial to understanding why access to menstrual sanitary products remains an issue in Scotland in 2017.

Recent media stories about the stigma of menstruation in parts of the world such as Nepal have sparked controversy due to the reported deaths⁶ of several women over the past two years because of the practice of removing women from society during their period. The practice of “Chhaupadi” involves thousands of women and girls moving to makeshift huts, removed from their society, for the duration of their period because of beliefs about the so-called ‘impurity’ of menstrual blood.

While such extreme behaviour might not exist in Scotland, a 2016 survey by ActionAid⁷ revealed that a third of British women are embarrassed about their periods. And recent research to mark 2017 World Menstrual Hygiene Day also revealed that one in four women in the UK, aged between 16 and 39, don’t understand their menstrual cycle⁸. Even if you do have a good insight into your own cycle, the onset of menstruation can still happen unexpectedly.

The squeamishness which can accompany discussion of women’s bodies is an undeniable part of why menstruation and period poverty has never before been such a widely discussed issue at decision-making level.

Prior to my member’s business debate on this topic in September 2016, the only other mention of ‘tampons’ in the Scottish Parliament chamber, according to the *Official Report*, was a 2004 debate in which they were part of a list of sewage-related debris found on beaches.

Why has such an important a subject, which affects such a significant proportion of the Scottish population, received only one mention in 17 years of our Parliament’s debating history? Without doubt, the silence and stigma around menstrual bleeding and women’s bodies remains a significant cultural barrier to successfully addressing what happens when people cannot access these vital products. For as long as national policy and debate remains ignorant or silent on the issues affecting women and girls, then government outcomes will continue to fall well short in meeting their needs.

⁶ <http://www.independent.co.uk/news/world/asia/nepalese-teenager-dies-banished-menstruation-hut-shed-period-cycle-tulasi-shahi-a7833056.html>

⁷ http://www.huffingtonpost.co.uk/entry/british-woman-too-embarrassed-to-talk-about-periods-action-aid_uk_5747ff03e4b03e9b9ed5a43b

⁸ <https://www.actionaid.org.uk/blog/news/2017/05/24/1-in-4-uk-women-dont-understand-their-menstrual-cycle>

Periods and education

In partnership with the Scottish Youth Parliament, consultation with 15 MSYPs and their constituents revealed that young people believe a lack of information and education in the current curriculum around menstruation is a key factor in the taboo status of periods. Former Equalities Committee Deputy Convener and current Vice Chair Suki Wan MSYP said: “Many feel embarrassed to speak up on the topic and as such don’t feel comfortable voicing their concerns about pricing and provision. I believe that if this taboo status is broken down there will be much more productive discussion on the matter, and much more done to aid those in need.” (December, 2016).

A significant finding of the YouGov research, commissioned by ActionAid last year, was that more than 3.5 million girls and women in the UK had missed school or work because of their period, yet only 27 per cent were honest about the cause of absence, with the majority (65 per cent) reluctant to state that menstruation was the reason.

Further anecdotal evidence about absenteeism caused by periods caused a media stir in March 2017, when schoolgirls in Leeds were revealed to be missing school days because they couldn’t afford sanitary protection. They were having to resort to using toilet paper and even socks as replacements for sanitary products⁹. One girl admitted she had to tape toilet roll to her underwear as a replacement for sanitary products, and misses school every month when she has her period. The organisation *Freedom4Girls* raised concerns after being contacted by a school in Leeds which was worried about teenage girls’ attendance. The group, originally set up to collect sanitary products for women in Kenya, is now doing the same for women and girls in West Yorkshire.

The potential impact of young people missing school, or facing difficulty managing their menstruation while they are in education, has worrying implications for the long-term impact on attendance rates, educational outcomes and their physical health, as PE tends to be a subject skipped by schoolgirls when they are menstruating – a problem which can continue into adulthood with women avoiding sporting activities¹⁰

Official Scottish Government statistics on the attendance record of pupils show that boys and girls have an almost identical record of attendance until around S2, around the average age most girls will begin menstruating. At this point, the attendance rate of girls drops slightly compared to their male peers. Thereafter, the gap remains throughout the rest of secondary school until S6.¹¹ Although this is a correlation along gender lines, more research will need to be conducted in Scotland before it can be established whether this slightly poorer attendance rates in girls is related to menstruation.

The problem of girls missing out on education due to inadequate access to sanitary products is more commonly associated with developing countries. There is a wealth

⁹ <http://www.bbc.co.uk/news/uk-39266056>

¹⁰ <https://bettyforschools.co.uk/news/period-taboo-research>

¹¹ <http://www.gov.scot/Topics/Statistics/Browse/School-Education/AttendanceAbsenceDatasets/atttab2015> – see Table 1.3 and Chart 1.1.

of academic research into the gender gap in education around the world, with many studies specifically focusing on girls' experience of menstruation while at school. In

addition to issues arising because of lack of sanitation, issues of embarrassment and stigma were also found to be significant factors affecting girls' lack of involvement in school during their period – with lack of access to sanitary products being a significant point of anxiety in this.¹²

People should not face disadvantage because of menstruation anywhere in the world, and it is a scandal that this should be occurring in a developed, wealthy country like Scotland in 2017, where we have an advanced state school system and economic infrastructure. I believe through the grassroots and political campaigning already underway here, that Scotland can lead the way on this issue, particularly to ensure that those who menstruate will never have to miss out on their education because they can't access sanitary products.

Period poverty

Poverty in Scotland is a growing problem, increasing by two per cent overall last year, according to official Scottish Government statistics. It means that after housing costs are taken into account, there are 1.05 million people in Scotland, including more than one in four children (260,000) living in poverty. Child poverty rose by four per cent in 2015-16 and 64 per cent of adults in poverty also live in a working household¹³.

Figures from the Trussell Trust show that food bank use in Scotland has increased by nine per cent in the last year and is now at a record high,¹⁴ while additional anecdotal evidence on the increasing problem of poverty in Scotland is also found in a recent report from the Educational Institute of Scotland (EIS) which revealed rising levels of poverty and inequality in Scottish schools. It stated that more than half of teachers have had to use their own money to provide food and other basic essentials for pupils¹⁵.

As the cost of living continues to rise and wages stagnate, it's unsurprising that families on low incomes are struggling to afford the basic necessities – which includes the cost of sanitary products as well as food and heating.

As mentioned in the foreword, the specific issue of period poverty was featured in the hard-hitting 2016 film *I, Daniel Blake* by Ken Loach. It explores the devastating financial impact of benefit sanctions currently operated by the UK Government. The film features a female character, with two young children, who is forced into a desperate financial situation after her benefit payments are reduced. On screen, we

¹² Sommer, Marni, et al. "A time for global action: addressing girls' menstrual hygiene management needs in schools." *PLoS medicine* 13.2 (2016): e1001962.

Mason, Linda, et al. "'We Keep It Secret So No One Should Know'—A Qualitative Study to Explore Young Schoolgirls Attitudes and Experiences with Menstruation in Rural Western Kenya." *PLoS one* 8.11 (2013): e79132.

¹³ Source: <http://www.gov.scot/Publications/2017/03/2213/0>

¹⁴ Source: <http://www.bbc.co.uk/news/uk-scotland-39697481>

¹⁵ <http://www.bbc.co.uk/news/uk-scotland-40524112>

see her go without food and sanitary products and in an act of desperation she steals sanitary products from a shop.

Far from being just a dramatization in a film, the choice between food and other essential items has become an agonising reality for far too many women in Scotland, as the Trussell Trust and other charities have confirmed. Despite the fact that a pack of sanitary pads can be found in most supermarkets for a couple of pounds and might not seem like a huge expense – when you have no or very little income, it can be insurmountable.

This was well illustrated recently in the *Daily Record*, in coverage of the story of Shauna – a mum from Dundee who struggled to afford the cost of sanitary products to cope with post-natal bleeding after the birth of her son when her tax credits payment was delayed and her husband's pay wasn't due until the end of the month¹⁶.

No-one should have to rely on the kindness of strangers to be able to access essential items. Giving people the ability to access sanitary products for free could help to ease the pressure on household budgets for families on low incomes.

Action to end period poverty – in Scotland and around the world

The campaign to improve access to sanitary products is not just confined to Scotland or the Scottish Parliament – in fact, there is a movement of activists and grassroots campaigning across the country and around the world.

New York City Council voted unanimously last year in favour of a series of measures to provide sanitary products free of charge in public schools, prisons and homeless shelters. Council member Julissa Ferreras-Copeland introduced the Bill to ensure that free menstrual products were made available to 300,000 girls and 23,000 women in shelters, and amended the existing law to ensure prisons made products immediately available on request – the change was signed into law in June 2016.

The US movement for menstrual equity has also made its way to the US Congress thanks to Congresswomen Grace Meng, who has introduced the 'Menstrual Equity for All Act 2017'. Feminist activist Jennifer Weiss-Wolf, who was instrumental in getting the New York City Council legislation passed, will also be publishing a book in 2017 exploring the politics behind periods and the recent swell of activism for menstrual equity across the United States.

Here in Scotland, there's also precedent for actions to improve access to sanitary products.

Following my work in raising this issue in the Scottish Parliament, South Lanarkshire College in East Kilbride took the decision to provide free sanitary products on its campus to students and staff via the student union and newly installed dispensers in toilets.

¹⁶ <http://www.dailyrecord.co.uk/news/health/period-poverty-scandal-new-mum-10785833>

The college chose to do so as part of its focus on the health and wellbeing of its staff and students, and the belief that providing access to sanitary products will mean a greater focus on teaching and learning, remove some anxiety and stress and tackle embarrassment and stigma around periods. The college has said: “We genuinely believe that having access to these basic hygiene products will have a significant impact on the health and wellbeing of students and staff” – and it expects it to have a “positive effect on attendance and attainment.”

In April 2017, the Scottish Trades Union Congress (STUC) passed a motion put forward by the Chartered Society of Physiotherapy which welcomed my cross-party member’s business debate from September 2016, and the ‘The Homeless Period’ organisation, which works with volunteers to ensure tampons and towels are made available through homeless shelters by organising donation drives.

The STUC also resolved to call on the Scottish Government to undertake a review of the affordability of hygiene products in Scotland and to introduce measures to address the inequality of access to products. It noted the view of the Scottish Government that ‘feminine hygiene is not a health issue’ and adopted the belief that “access to feminine hygiene products *is* a health issue. To remain healthy and safe during menstruation, women and girls need adequate access to sanitary towels and related products. Health complications, including risk of infection and toxic shock can result from lack of access to feminine hygiene products”. It is extremely welcome that this issue is on the radar of trades unions across Scotland, and that the grassroots work being achieved by campaigns like ‘The Homeless Period’ is being recognised.

Work to address period poverty and access to sanitary products has also been welcomed by the EIS. At its AGM in June 2017, EIS members agreed a motion calling on the Council of the EIS to investigate the cost of providing sanitary products in all schools and colleges as well as promoting the work of South Lanarkshire College and best practice¹⁷.

There is already a range of exciting and innovative grassroots activism on this issue. I recently hosted a roundtable event in the Scottish Parliament on the topic of period poverty with a number of key stakeholders and individuals who had been in touch over the course of the campaign to raise awareness of this issue in the Parliament.

Representatives from the Homeless Period campaign¹⁸ were in attendance, as were volunteers from project ‘The Monthlies’,¹⁹ which is an initiative to collect sanitary products for homeless and people of low-income in and around the Edinburgh area.

Another organisation represented at the event was Kalitasha,²⁰ which creates sanitary products and educational material for girls who are just starting to menstruate. It focuses on the needs of girls in Namibia, where its founder Liita Cairney was born, and does so through the creation of an online fictional character, a 12-year-old girl called Koree, who has just experienced her first period. The

¹⁷ <http://www.eis.org.uk/AGM2017/EqMotions.htm>

¹⁸ <http://thehomelessperiod.com/>

¹⁹ <https://projectnaked.org/the-monthlies/>

²⁰ <http://www.firstperiod.org/kalitasha/>

website provides factual information about the menstrual cycle and is aimed at young teenagers.

South Lanarkshire College spoke about the progress of its free sanitary products programme, and representatives from the EIS, the Children and Young People's Commissioner and the Simon Community Scotland were also able to give helpful insights around the possible link between menstruation and attendance at school, and the importance of access to sanitary products for women and girls who are homeless.

Glasgow City College students were also represented, and they too have been working on proposals to address the issue of sanitary products at their campus. This is an issue which is very clearly on the radar of students – most recently, the National Union of Students (NUS) passed a motion at its 2017 conference aimed at tackling period poverty and providing sanitary products across all campuses.²¹

I was also fortunate enough to meet an inspiring group of medical students at the University of Glasgow last year, who are tackling the issue of access to sanitary products by joining together to create the GU 'Red Alert' society. They recently engaged in a washbag appeal for the Simon Community in Glasgow, to collect vital sanitary products for homeless individuals across the city.

Filmmaker Alison Piper has also created a video which explores the difficulty of access to sanitary products for pupils in school, when a teenager has her period unexpectedly and is faced with a broken dispenser in the school toilets which means she can't access the vital products that she needs.

All of these inspiring individuals and campaigners deserve to be celebrated. It's fantastic that so many women are already taking action to address the inequality of access to sanitary products, having recognised that period poverty is an issue that is causing the women to suffer.

However, it should not be left to the discretion of individual institutions or individual volunteers to collect or provide these services.

Current regulation on sanitary products – Scotland and the United Kingdom

There is currently no mechanism or statutory position which ensures the provision of sanitary products to anyone who needs them. Current UK legislation sets out requirements in the Workplace (Health, Safety & Welfare) Regulations 1992 that all female toilets should have the facilities to dispose of sanitary waste, and Scottish Building Standards has requirements for toilet construction generally such as minimum numbers of toilets in certain facilities, ventilation and lighting, but does not touch on the equipment which should be provided in toilets.

The only explicitly mandated provision of sanitary products in Scotland, in law, is for female prisoners. In the existing range of legislation and regulation, both reserved and devolved, which deals with toilets and personal hygiene for the majority of the

²¹ Motion 303: <http://www.nusconnect.org.uk/resources/resolutions-passed-national-conference-2017>

population, the mandated provision of sanitary products for menstruation is noticeable only by its absence.

Prisons

Rule 34(2) of the Prisons and Young Offenders Institutions (Scotland) Rules 2011 states that: “The Governor must provide suitable towels and toiletries as are necessary for the prisoner’s health and hygiene, including: (a) soap and shampoo; (b) shaving materials if required; and (c) in the case of female prisoners, sanitary protection.”²²

Information released to me under Freedom of Information legislation in March 2017 revealed that non-branded sanitary products are available to female prisoners and that the annual cost of providing sanitary products for free to the Scottish Prison Service is around £9,000.

Schools – Scotland

The School Premises (General Requirements and Standards) (Scotland) Regulations 1967 is the main underpinning for standards in school toilets in Scotland.²³ It sets out ratios of children to toilets and toilets to washbasins, requires locks on the toilet doors, and that there should be a place to dispose of sanitary towels from the stage of Primary 4 – but any provision of sanitary products themselves is absent.

The Children and Young People’s Commissioner for Scotland recently engaged in a campaign with young people called ‘Flushed with success?’²⁴. The Commissioner published ‘Toilets unblocked: a literature review of school toilets’²⁵ in 2013, as part of the campaign, which highlighted that the legislation was nearly 50-years-old, and argued that the standards and quality of school toilets for pupils needed to improve. Following a series of parliamentary questions I asked about this, the Scottish Government confirmed it will be setting up a working group to review school toilet guidelines and that it will ‘consider’ the provision of sanitary products in schools. The group is expected to report by the end of 2017.²⁶

Schools – England and Wales

In England, the School Premises (England) Regulations 2012 make provision for toilets in schools. There is no reference to either the disposal or provision of sanitary products.

In Wales, the Education (School Premises) Regulations 1999 specify the number of toilets that must be provided according to the size of the school population and the age of the children, and the separation of toilets depending on age and gender. The regulations do not include any reference to the disposal or provision of sanitary

²² <http://www.legislation.gov.uk/ssi/2011/331/article/34/made>

²³ http://www.legislation.gov.uk/uksi/1967/1199/pdfs/uksi_19671199_en.pdf

²⁴ <https://www.cypcs.org.uk/publications/flushed>

²⁵ <https://www.cypcs.org.uk/ufiles/Toilets-Literature-Review.pdf>

²⁶ <http://www.scottish.parliament.uk/parliamentarybusiness/28877.aspx?SearchType=Advance&ReferenceNumbers=S5W-09027&ResultsPerPage=10>

products. However, the Welsh Government published ‘*School Toilets: Good Practice for schools in Wales*’ in 2012²⁷. This guidance includes a section on female sanitary products and disposal. It includes the following:

- Sanitary machines are placed in all age appropriate girls’ toilets (aged 8 or over) where sanitary towels/tampons can be obtained unobtrusively without having to ask an adult.
- Secondary schools: each set of toilets (with two or more toilet cubicles) for girls has a sanitary dispenser.
- Primary schools: a minimum of one set of toilets for girls aged eight and over has a sanitary dispenser.
- All girls are regularly informed (including at the beginning of every school year) that sanitary products are available to obtain in a discreet manner (and from named females) in an emergency at all times.
- Disposal bags or toilet paper are available in cubicles for girls to wrap used sanitary products in.
- Sanitary disposal units are available in all age-appropriate female toilets within individual cubicles. Ordinary bins are not sufficient.
- Sanitary disposal units are emptied sufficiently often, by a registered company, to prevent them from becoming over-full or malodorous.

Tampon tax

VAT on sanitary products has also been a point of debate in recent years, particularly in the UK. Currently, VAT is reserved to the UK Parliament. Sanitary products are currently taxed at a rate of five per cent. Following sustained campaigning by feminist activists, the UK Government announced in 2016 that it would zero-rate sanitary products and thus end the ‘tampon tax’. This amendment is currently on hold until the end of Brexit negotiations, and the Government is currently using the proceeds from VAT on sanitary products (approximately £15 million per year) to support women’s charities.

Scottish Parliament/Government action to date

Following a parliamentary question that I asked the Scottish Government last year, I received an answer²⁸ in August 2016 which stated it had thus far carried out no work to assess the impact of the affordability and accessibility of sanitary products on women’s health. Instead, the answer given was that menstruation was not a health issue, and that it was the understanding of the Scottish Government that foodbanks could provide hygiene products to women who need them.

There are numerous problems with that approach. Firstly, there is no guarantee that a foodbank will have the appropriate products because they rely on donations. Secondly, there are barriers to access – someone would, in most cases, first need to get a referral to a food bank from a social worker, GP or other professional. After they do this, they then face the indignity of having to ask for products which are essential to their health – products that, as set out above, they are not even

²⁷ http://dera.ioe.ac.uk/13643/7/120124schooltoiletsen_Redacted.pdf

²⁸ <http://www.scottish.parliament.uk/parliamentarybusiness/28877.aspx?SearchType=Advance&ReferenceNumbers=S5W-01459&ResultsPerPage=10>

guaranteed to receive. Following this response from the Scottish Government, the issue of access to sanitary products in Scotland began to receive national press coverage²⁹.

I subsequently led a cross-party debate on the issue in the Parliament in September 2016³⁰ and I have also raised the issue twice in the chamber with the public health

minister, Aileen Campbell MSP, during General Questions. Following this, the minister met with representatives from the Trussell Trust, who agreed to carry out a questionnaire survey of the foodbank users that they come into contact with, to extract some data on the issue of period poverty. I also raised the issue with Nicola Sturgeon at First Minister's Questions on May 3 2017, where she agreed with me that access to these products is a necessity and not a luxury³¹.

Angela Constance MSP, the Cabinet Secretary for Communities, Social Security and Equalities, subsequently announced on July 11, 2017 that the Scottish Government would launch a six-month pilot scheme in Aberdeen for women and girls on low incomes to receive free sanitary products³². I welcome this move as a positive step in the right direction towards addressing the issue of access to sanitary products in Scotland, but believe there is more we can do.

Why legislate?

I believe that access to sanitary products during menstruation is a basic human right. Therefore, providing sanitary products for free as a collective good to society is necessary to ensure that the rights and needs of those who menstruate are being met. Given the glaring absence in current legislation when it comes to mandating the provision of menstrual sanitary products, I believe that legislation is required to rectify this omission.

The majority of women and girls face an undue financial burden throughout the course of their lives, dealing with something which they cannot control. No-one chooses to menstruate, and those who are struggling financially should not have to face a cost for looking after their essential health. They should never be forced into a situation where they need to make a choice between sanitary provision and other basic needs.

²⁹http://www.heraldscotland.com/news/14684160.SNP_facing_calls_to_explore_merits_of_offering_free_tampons_in_Scotland/

³⁰<http://www.scottishparliament.tv/Archive/Index/fa49d8f0-b878-4be2-b90a-2db81cebbdb0?Area=&categoryId=7c73db9f-2429-48aa-a999-bb851e6304ac&parentCategoryClicked=False&pageNumber=1&orderByField=ScheduledStart&queryOrder=DESC>

³¹<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10924&i=99906&c=0&s=sanitary%2520products>

³²<https://news.gov.scot/news/providing-free-sanitary-products>

DETAIL OF THE PROPOSED BILL

The principle which underlies my proposed Member's Bill is to ensure that everyone in Scotland who is menstruating should have the ability to access sanitary products for free.

In order to achieve this, my proposed Bill will create a universal right of access to free sanitary products for everyone in Scotland, in addition to specifically introducing a duty on schools, colleges and universities to provide these products in their toilets.

What the Bill will do

My proposed Bill will introduce:

- A duty on Scottish Ministers to introduce a universal system of free provision of sanitary products.
- A duty on all schools to provide free sanitary products in school toilets.
- A duty on all colleges and universities to provide free sanitary products in campus toilets.
- Measures to allow Scottish Ministers to extend these duties to other bodies in future, following a period of review, if deemed appropriate or necessary.

Universal right to access free sanitary products

The proposed Bill places a requirement on Scottish Ministers to establish a universal system which would give free access to sanitary products on request. This would mean the provision of a system in which everyone in Scotland who menstruates would have the right to access sanitary products without charge, regardless of their income and without having to give proof of their identity.

Scottish Ministers may wish to consider modelling this system on the 'C-card' scheme which is currently in place in some health board areas in Scotland for the provision of free condoms, delivered with partnership agencies³³. Set up of the scheme varies across health board areas but no registration or personal information is required to obtain a C-card or access free condoms – only a date of birth and the first part of a postcode is provided to the C-card worker at the designated distribution point.

Using a similar scheme for menstrual sanitary products would mean that anyone who requires it would be able to obtain sanitary products, for free, at any participating service such as community centres, youth centres, pharmacies, GP surgeries or health clinics. Each individual would be able to choose the sanitary product which best suits their needs, including tampons, towels or menstrual cups, in the same way that the C-card system allows choice between different types of condom.

The different types of product, including the range of types and branding, would be a matter for the health boards and/or partnership agencies to procure. I do not

³³ Source: <http://www.sexualhealthscotland.co.uk/contraception/condoms/male-condoms>

anticipate that there should be an age-limit on who should have access to this system. It would be beneficial to obtain different views during the consultation process on the type and number of products which should be made available, including thoughts on preferred locations for access points.

I obtained information from seven health boards who currently operate a 'C-Card' scheme for providing free condoms – NHS Lothian, NHS Lanarkshire³⁴, NHS Borders, NHS Dumfries and Galloway, NHS Ayrshire and Arran, NHS Tayside and NHS Highland³⁵. From the information provided, a total of 52,464 cards have been issued by these health boards in the last five years. While not directly comparable with a system which will provide free sanitary products, it nonetheless provides a useful basis for comparison.

According to Office for National Statistics data, the combined population for the health boards for which I obtained C-card numbers is approximately 2,252,000. Assuming the male-female population distribution across these health boards areas is the same as the national distribution (49 per cent), the number of males in these areas is approximately 1,104,000. This means there is a five per cent take-up of the C-card scheme among the total male population in these areas.

The actual number in the target group of men in these health board areas who are sexually active³⁶ and use condoms³⁷ (i.e. males of sexually active-age range between 16-69) is approximately 284,000. The approximate take-up of the C-card scheme among this target group of men is therefore 19 per cent³⁸. C-Cards are available to men and women, and our proposed system of universal access will also be available for all genders

Free sanitary products in schools, colleges and universities

Schools

All schools in Scotland would be required to provide sanitary products, for free, in female and gender-neutral school toilets. Young people, up to the age of 16, are legally required to be in education, and the vast majority attend schools. They may be missing out on periods of education if they cannot leave home due to not having the products they need to manage their menstruation.

³⁴ NHS Lanarkshire operates a C-Card system, and provided details of the cost, but does not collect data on the number of cards distributed. The population of NHS Lanarkshire and number of cards are therefore not used in the calculation.

³⁵ NHS Highland do not operate a C-Card system, but under FOI legislation released data to me about the cost and number of cards issued under a C-Card Pilot Scheme operated in Argyll and Bute since June 2016. The 650 cards issued as part of that pilot are included in the total 53,464 figure used here to calculate the total issued over the last 5 years.

³⁶ 86% of men aged 16-69 had one sexual partner in the last year. Source: (table 5.5)
<http://webarchive.nationalarchives.gov.uk/20151014031114/http://www.ons.gov.uk/ons/rel/lifestyles/contraception-and-sexual-health/2008-09/index.html>

³⁷ 46% of sexually active men had also used a condom during the year. Source: (table 5.6)
<http://webarchive.nationalarchives.gov.uk/20151014031114/http://www.ons.gov.uk/ons/rel/lifestyles/contraception-and-sexual-health/2008-09/index.html>

³⁸ Number of C-Cards issued/Target Male Population (1,104,000 x 86% x 46%) x 100

So why is there is a need to introduce an additional duty on educational institutions if we are also establishing a universal scheme that can be accessed by all?

During the course of the school day, there is much less flexibility for young people to independently go to a shop and purchase the products they need if they unexpectedly begin to menstruate. The same would be true even if a universally accessible free system is created by Scottish Ministers, as travel to the access point during the school day may not always be feasible. Students in education who menstruate are, either because of their age or simply because they are not in full-time employment, less likely to have access to their own income, and do not have the same ability to either pay for, or get access to, sanitary products during the course of their school, college or university day. Starting their period unexpectedly during class is a stressful and potentially distressing event for a student if they are unable to access vital sanitary products as and when they are required.

Changing the law to require schools to provide these products, free of charge, in their buildings has the potential to improve the health and wellbeing of the students and staff. It could help reduce anxiety among students about the affordability of sanitary products, and ease the pressure of worrying whether they will be able to access the products as and when they need them.

It is for that reason that the proposed Bill includes the additional and specific duty on schools. Additionally, the proposed Bill will require products to be available via dispensers in toilets, and not just available at a central location in the school such as an office or reception desk, in order to grant the greatest possible access and to preserve students' dignity and privacy.

Colleges and universities

All colleges and universities in Scotland would be required to provide sanitary products, for free, in female and gender-neutral campus toilets.

Students at college and university may not be legally required to attend these institutions in the way that school pupils are but, due to the fact that they are not in full-time employment and are expected to attend classes, they face similar restrictions as pupils at school in terms of being able to afford and access sanitary products as and when they need them.

Potential impacts of the Bill

- Access to sanitary products for all without having to ask or depend on the goodwill of others.
- Potential for increased attendance and therefore educational attainment in schools, colleges and universities, subsequently leading to better prospects and the opportunity to get out of poverty.
- Women having to take less time off work because they can't afford sanitary products and the subsequent benefit to the economy through fewer lost working days.

Health implications and potential savings

Between 2006-07 and 2015-16, 67 women in Scotland have been admitted to hospital with toxic shock syndrome. While it cannot be definitively stated from the data whether all these cases are related to tampon use, using a tampon for too long can be one of the causes of this life-threatening condition.

Ensuring that all those who need products during menstruation are able to access them when they need to will reduce the number of health complications and infections which can arise when there is a lack of access to sanitary products. In addition to the benefits of this to the individual, it will also have cost-saving benefits to the NHS by reducing hospital admissions, other medical appointments or prescriptions to treat infections related to poor access to sanitary products.

Financial implications

The provision of free sanitary products will clearly have financial implications in terms of the procurement of the products; potential staffing required for the distribution of products via a universally accessible system and potential transitional costs, such as the cost of installing free dispensers in toilets.

It is expected these costs will fall on the Scottish Government, via allocation to local authorities, health boards and participating partners for procurement of the products. However, I feel that any additional costs should not be considered in isolation but must also be considered against the improved quality of life for those who need vital sanitary products but are unable to afford or access them.

Using average prices of the cost of sanitary products, considering the average number of days of menstruation in Scotland per year, and the average number of products used per year, it is possible to estimate the cost of providing sanitary products for free. However, it should be noted that products would likely be able to be sourced for lower and varying prices when organisations are purchasing them in bulk or choosing non-branded items. Modelling provided by researchers from the Scottish Parliament Information Centre (SPICe) has been used in the following estimates.

The cheapest box of 10 sanitary pads can be purchased for 66p, while the cheapest box of 20 tampons can be bought for 95p from UK supermarkets³⁹. If we assume that a pack of 20 sanitary products can be sourced for £1, with a unit price of £0.05, it is possible to calculate estimated costs. It should be noted that these are only approximate costs, based on best estimates of assumed take up and procurement costs.

Universal System

Assuming that the average person will require around 4–5 products per menstruating day and has 68 menstruating days a year, each person will use 272-340 products, or 13.6 to 17 packs a year, which will cost around £13.60 to £17. At the higher end of the scale where a pack of 20 sanitary products costs £2, or £0.10 per product, the cost would be between £27.20 and £34 per year.

As this scheme would be a universal opt-in for women who choose to use it, rather than the products automatically being issued, it is not expected that take-up will be 100 per cent. Based on the approximate take-up figures for the C-card scheme in Scotland for free condoms (which is the same universal opt-in type of system being proposed here) take-up amongst the whole male population is five per cent and among the target group of sexually active men it is 19 per cent.

Using these figures as comparison, a five per cent take-up rate of the sanitary products scheme – i.e. five per cent of the menstruating population (1,302,000) using the scheme – and assuming a pack of 20 costs £1 - would cost approximately £890,000 to £1,110,000 each year⁴⁰. A 10 per cent take-up rate would cost £1,770,000 to £2,210,000 and a 20 per cent take-up rate⁴¹ would cost between £3,540,000 to £4,430,000⁴².

Schools

Based on pupil census data collected by the Scottish Government, modelling from SPICe estimates that the number of secondary school pupils of menstruating age is around 99,000 and the number of primary school pupils of menstruating age is around 1500. The approximate number of menstruating pupils in Scotland is therefore estimated to be 100,500.

The total number of menstruating days per year for pupils while they are at school is around 3.5 million⁴³. Using the assumed cost of £1 per pack of 20 sanitary products, and assuming a take-up rate of 50 per cent (i.e. half of schoolgirls using free products from the school for all their needs on each menstruating school day, the other half not using free school products at all), then the approximate annual cost for

³⁹ Source: www.mysupermarket.co.uk on 28 July 2017

⁴⁰ Calculation: Number of menstruating individuals x number products used per year x £0.05

⁴¹ This may be a realistic take-up rate, given that around 20% of the population lives in (relative) poverty. Source: <http://www.gov.scot/Resource/0051/00515392.pdf> (Chart 1A)

⁴² Rounded to the nearest 10,000

⁴³ Each girl has an average of 68 menstruating days/year, but is at school for only 190 days each year.

providing free products in all schools would be between £360,000 to £450,000 a year.

Colleges and universities

According to figures obtained from SPICe, in academic year 2015-16 there were 142, 738 female students in further education and 136, 545 in higher education. In total this is 279, 283 female students in the college and university sector in Scotland⁴⁴.

Assuming that 50 per cent of students took up the offer of free products provided by colleges and university, using four to five products each for a five-day period, the approximate cost would be between £610,000 and £760,000. This assumes that students would be taking up the free scheme for all of the products they need, on every day of their period while they are at university or college. If students only use the free dispensers once or twice a day while they are at class, or don't have a need to use it consistently, costs will vary accordingly.

It should be noted that South Lanarkshire College is already delivering a system of free product dispensers from its existing budget.

Equalities

Gender

I believe that the omission of providing sanitary products for free during menstruation is discriminatory towards the female population, which is disadvantaged by the cost of sanitary products. Managing menstruation safely requires the use of appropriate products, and no-one chooses to menstruate – yet products cannot be accessed without cost. The proposed Bill would reduce this inequality by ensuring a universal system is set up which would allow women and girls to obtain these products for free and by placing a duty on schools, colleges and universities to provide free sanitary products. The proposed Bill will also apply to trans people who still experience menstruation.

Age

Young women who are at school are unlikely to have access to their own income, similarly students at college and university are likely to be living on a low income. They are therefore at a disadvantage under the current arrangements. By making provision specifically relating to schools and universities the proposal can help reduce this inequality.

Disability

It may be that women or girls unable to work and on benefits related to disability will be further financially disadvantaged by having to currently buy sanitary products. Again, the proposed provisions may help reduce this inequality.

⁴⁴ Universities and Colleges can be used all year round, but term-time typically is contained to shorter semesters or trimesters. Assuming that students would be in university and college for 6 months of the year (120 days not including weekends) we can make an estimate of costs.

Sustainable Development

The consultation provides examples of girls and women not attending school, college or university due to not having access to sanitary products. The proposed Bill could potentially increase attendance, improve attainment and I believe it will have a positive impact on individuals' lives.

If, by the same logic, women are taking sick days off work due to not being able to having sanitary products, the proposed Bill could help by allowing them to attend work. This will improve their lives (particular those on zero hour contracts who won't get paid if they don't work) and it could also have a positive effect on the economy.

QUESTIONS

ABOUT YOU

1. Are you responding as:

- an individual – in which case go to Q2A
 on behalf of an organisation? – in which case go to Q2B

2A. Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose “Member of the public”.)

- Politician (MSP/MP/Peer/MEP/Councillor)
 Professional with experience in a relevant subject
 Academic with expertise in a relevant subject
 Student (at school, college or university)
 Other member of the public

2B. Please select the category which best describes your organisation:

- Public sector body (Scottish/UK Government or agency, local authority, NDPB)
 School, college or university
 Commercial organisation (company, business)
 Representative organisation (trade union, professional association)
 Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)
 Other (e.g. clubs, local groups, groups of individuals, etc.)

3. Please choose one of the following:

- I am content for this response to be attributed to me or my organisation
Please provide your name or the name of your organisation as you wish it to be published:

Name:

- I would like this response to be anonymous (the response may be published, but no name)
 I would like this response to be confidential (no part of the response to be published)

4. Please provide details of a way in which we can contact you if there are queries regarding your response. (Email is preferred but you can also provide a postal address or phone number. We will not publish these details.)

Contact details:

YOUR VIEWS ON THE PROPOSAL

Aim and approach

1. **Which of the following best expresses your view of the proposed Bill?**

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

Universal provision of sanitary products

2. **Do you think a universal, card-based system (modelled on the C-card system for free condoms) would be an effective means of providing sanitary products for free to those who need them?**

- Yes
- Unsure
- No

Please explain the reasons for your response.

3. **Which of the following best expresses your view in relation to a card-based system?**

- The card should be available to anyone; card-holders should have unlimited access to free sanitary products
- The card should be available to anyone; its use should be restricted (e.g. by limiting the number of products that may be claimed each month)
- The card should be available only to those on low incomes or in receipt of benefits; card-holders should have unlimited access to free sanitary products
- The card should be available only to those on low incomes or in receipt of benefits; its use should be restricted (e.g. by limiting the number of products that may be claimed each month)
- There is no need for a card scheme
- Other (please specify)

Please explain the reasons for your response.

4. **Do you have a view on which locations would be most suitable for dispensing free sanitary products (e.g. GP surgeries, pharmacies, community centres, health clinics)?**

Schools, colleges and universities

5. Do you agree that there should be specific obligations on schools, colleges and universities to make sanitary products available for free (via dispensers in toilets)?

- Yes
 Unsure
 No

Please explain the reasons for your response.

Personal experience (questions 6 and 7 are for individual respondents only)

6. Have you ever struggled to access or afford sanitary products during menstruation? (e.g. financial barriers, unexpected circumstances, health issues)

- Yes, frequently
 Yes, occasionally
 No
 Not applicable: I do not need or use sanitary products
 I prefer not to say

Please explain or give an example of your experience if you feel able to do so.

7. If sanitary products were available for free, which of the following would apply to you?

- I would expect to claim free products regularly
 I would expect to claim free products occasionally
 I would not expect to claim free products
 Not applicable: I do not need or use sanitary products
 I prefer not to say

Please explain the reasons for your response.

Financial implications

8. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

(a) Government and the public sector (e.g. local authorities, the NHS)

- Significant increase in cost
 Some increase in cost
 Broadly cost-neutral
 Some reduction in cost
 Significant reduction in cost
 Unsure

(b) Colleges and universities

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

(c) Businesses (including suppliers/retailers of sanitary products)

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

(d) Individuals (including consumers of sanitary products)

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

Please explain the reasons for your response.

- 9. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?**

Equalities

- 10. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation?**

- Positive
- Slightly positive
- Neutral (neither positive nor negative)
- Slightly negative
- Negative
- Unsure

Please explain the reasons for your response.

11. In what ways could any negative impact of the Bill on equality be minimised or avoided?

Sustainability

12. Do you consider that the proposed bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

- Yes
 No
 Unsure

Please explain the reasons for your response.

General

13. Do you have any other comments or suggestions on the proposal?

HOW TO RESPOND TO THIS CONSULTATION

You are invited to respond to this consultation by answering the questions in the consultation and by adding any other comments that you consider appropriate.

Format of responses

You are encouraged to submit your response via an online survey (Smart Survey) if possible, as this is quicker and more efficient both for you and the Parliament. However, if you do not have online access, or prefer not to use Smart Survey, you may also respond by e-mail or in hard copy.

Online survey

To respond via Smart Survey, please follow this link:

<http://www.smartsurvey.co.uk/s/EndingPeriodPoverty/>

The platform for the online survey is Smart Survey, a third party online survey system enabling the SPCB to collect responses to MSP consultations. Smart Survey is based in the UK and is subject to the requirements of the Data Protection Act 1998. Any information you send in response to this consultation (including personal data and sensitive personal data) will be seen by the MSP progressing the Bill and by specified staff in NGBU, and may be added manually to Smart Survey.

Further information on the handling of your data can be found in the Privacy Notice, which is available either via the Smart Survey link above, or directly from this link:

<https://www.smartsurvey.co.uk/privacy-policy>

Electronic or hard copy submissions

If possible, please submit your response electronically – preferably in MS Word document. Please keep formatting of this document to a minimum, and avoid including any personal data other than your name (or the name of the group or organisation on whose behalf you are responding).

Any additional personal data (e.g. contact details) should be provided in the covering e-mail (or a covering letter).

Please make clear whether you are responding as an individual (in a personal capacity) or on behalf of a group or organisation. If you are responding as an individual, you may wish to explain briefly what relevant expertise or experience you have. If you are responding on behalf of an organisation, you may wish to explain the role of that organisation and how the view expressed in the response was arrived at (for example, whether it reflects an established policy or was voted on by members).

Where to send responses

Responses prepared electronically should be sent by e-mail to:

monica.lennon.msp@scottish.parliament.uk.

Responses prepared in hard copy should be sent by post to:

Monica Lennon
M1.19
Scottish Parliament
Edinburgh EH99 1SP

You may also contact Monica Lennon's office by telephone on (0131) 348 6484.

Deadline for responses

All responses should be received no later than 8 December 2017.

How responses are handled

To help inform debate on the matters covered by this consultation and in the interests of openness, please be aware that I would normally expect to publish all responses received on my website www.periodpoverty.scot. As published, responses will normally include the name of the respondent, but other personal data (signatures, addresses and contact details) will not be included.

Copies of all responses will be provided to the Scottish Parliament's Non-Government Bills Unit (NGBU), so it can prepare a summary that I may then lodge with a final proposal (the next stage in the process of securing the right to introduce a Member's Bill). NGBU will treat responses in accordance with the Data Protection Act 1998. The summary may cite, or quote from, your response and may name you as a respondent to the consultation – unless your response is to be anonymous or confidential (see below).

I am also obliged to provide copies of all responses to the Scottish Parliament's Information Centre (SPICe). SPICe may make responses (other than confidential responses) available to MSPs or staff on request.

Requests for anonymity or confidentiality

If you wish your response, or any part of it, to be treated as **anonymous**, please state this clearly. You still need to supply your name, but any response treated as anonymous will be published without the name (attributed only to "Anonymous"), and only the anonymised version will be provided to SPICe. If you request anonymity, it is your responsibility to ensure that the content of your response does not allow you to be identified.

If you wish your response, or any part of it, to be treated as **confidential**, please state this clearly. If the response is treated as confidential (in whole or in part), it (or

the relevant part) will not be published. However, I would still be obliged to provide a complete copy of the response to NGBU, and a copy of any non-confidential parts (i.e. a redacted copy) to SPICe when lodging my final proposal. As the Scottish Parliament is subject to the Freedom of Information (Scotland) Act 2002 (FOISA), it is possible that requests may be made to see your response (or the confidential parts of it) and the Scottish Parliament may be legally obliged to release that information. Further details of the FOISA are provided below.

In summarising the results of this consultation, NGBU will aim to reflect the general content of any confidential response in that summary, but in such a way as to preserve the confidentiality involved. You should also note that members of the committee which considers the proposal and subsequent Bill may have access to the full text of your response even if it has not been published (or published only in part).

Other exceptions to publication

Where a large number of submissions is received, particularly if they are in very similar terms, it may not be practical or appropriate to publish them all individually. One option may be to publish the text only once, together with a list of the names of those making that response.

There may also be legal reasons for not publishing some or all of a response – for example, if it contains irrelevant, offensive or defamatory statements or material. If I think your response contains such material, it may be returned to you with an invitation to provide a justification for the comments or remove them. If the issue is not resolved to my satisfaction, I may then disregard the response and destroy it.

Data Protection Act 1998

As an MSP, I must comply with the requirements of the Data Protection Act 1998 which places certain obligations on me when I process personal data. As stated above, I will normally publish your response in full, together with your name, unless you request anonymity or confidentiality. I will not publish your signature or personal contact information, or any other information which could identify you and be defined as personal data.

I may also edit any part of your response which I think could identify a third party, unless that person has provided consent for me to publish it. If you specifically wish me to publish information involving third parties, you must obtain their consent first and this should be included in writing with your submission.

If you consider that your response may raise any other issues concerning the Data Protection Act and wish to discuss this further, please contact me before you submit your response.

Further information about the Data Protection Act can be found at: www.ico.gov.uk.

Freedom of Information (Scotland) Act 2002

As indicated above, once your response is received by NGBU or is placed in the Scottish Parliament Information Centre (SPICe) or is made available to committees, it is considered to be held by the Parliament and is subject to the requirements of the FOISA. So if the information you send me is requested by third parties the Scottish Parliament is obliged to consider the request and provide the information unless the information falls within one of the exemptions set out in the Act, potentially even if I have agreed to treat all or part of the information in confidence or to publish it anonymously. I cannot therefore guarantee that any other information you send me will not be made public should it be requested under FOI.

Further information about Freedom of Information can be found at:

www.itspublicknowledge.info.