Dear Committee

I am responding in relation to the call for evidence regarding the above Bill.

The Bill is helpful in clarifying an approach to the law in this area.

The one area of concern that I have is the section:

*A child of twelve years or more is presumed to be of sufficient age and maturity to have such understanding. You must therefore ensure that you consider whether the child or young person has the capacity to make their own decisions in relation to information sharing.*

1. The difficulty when assessing capacity is ensuring that the child understands the implications of the request. I think it would be prudent to suggest that those aged 12-16 yrs, or perhaps up to 18 yrs, should be provided with appropriate information to help them come to a decision on whether or not they wish their information to be shared.

2. The person assessing capacity should be independent from the person who wishes to share the information, so that there is no suggestion that the person assessing capacity has a conflict of interest in relation to the matter.

3. Those aged 12-16 years, or perhaps up to 18 yrs, should be advised that if they are at all unsure as to whether or not they wish to have their information shared they should seek advice from a competent adult that they trust.

Yours faithfully,

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