



To:
Jackie Irvine
Chief Executive
Care Inspectorate
Compass House
11 Riverside Drive
Dundee, DD1 4NY

29 April 2024

Dear Sir/Madam

Variation of Data Processing Agreement between the Scottish Ministers (Scottish Government) and the Care Inspectorate

The Scottish Ministers wish to record the following variation to the Data Processing Agreement (the “Variation”) between the Scottish Ministers (acting through the Scottish Government – the “SG”) and Social Care and Social Work Improvement Scotland, commonly known as the Care Inspectorate (the “CI” – whom together with the SG are the “Parties”), dated 30 May 2019 (the “Agreement”) principally to extend the term the Agreement, beyond its original termination date of 30 May 2024, to 30 May 2025.

The Agreement is hereby varied as follows:

1. all references to the “GDPR” are replaced by “UKGDPR”.
2. The text defining “GDPR” (which, for the avoidance of doubt, is changed by this Variation to “UKGDPR”) in the relevant row of the “Interpretation” column of Clause 1, at page 3, is replaced by the following text:

“means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (United Kingdom General Data Protection Regulation), as it forms part of the law of England and Wales, Scotland and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018.”
3. In Clause 2.2, “Clause 7” is replaced by “Clause 6”. For the avoidance of doubt this variation corrects a typographical error in the Agreement.
4. In Clause 6.1, “five years” is replaced by “six years”. For the avoidance of doubt this extends the term of the Agreement from 30 May 2024, five years from the date at which the Agreement was originally entered into, by one year to 30 May 2025.
5. This Variation has effect from the last date of execution hereof.

- 6. Except in so far as hereby varied, the terms and conditions of the Agreement remain in full force and effect and continue to apply to the Parties.
- 7. This Variation may be executed in several counterparts, each of which shall be deemed an original and all of which constitutes one and the same instrument and shall become effective when counterparts have been signed by both Parties and delivered to the other Party, it being understood that both Parties need not sign the same counterparts.
- 8. The exchange of signed copies of this Variation together with signature pages by facsimile transmission (whether directly from one facsimile device to another by means of a dial-up connection or whether mediated by the worldwide web), by electronic mail in "portable document format" (".pdf") form, or by any other electronic means intended to preserve the original graphic and pictorial appearance of a document, or by combination of such means, constitutes effective execution and delivery of this Variation as to the Parties and may be used in lieu of the original Variation for all purposes. Signatures of the Parties transmitted by the means described in this clause are deemed to be their original signatures for all purposes.

Please sign both copies of this letter accepting the terms of this Variation to the Agreement, and return one copy to the Scottish Government, Victoria Quay 1, Leith Docks EH6 6QQ directly or in accordance with clause 8 of this Variation, as soon as possible.


Yours sincerely



Nicola Edge, Head of Health and Social Care Analysis, Scottish Government

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 Authorised Signatory on behalf of **THE SCOTTISH MINISTERS**

I,Jackie Irvine..., at ...the Care Inspectorate..... hereby accept on behalf of the Care Inspectorate the terms of the foregoing letter from the Scottish Ministers dated ...29 April 2024..... varying the terms of the Agreement between the Scottish Ministers and the Care Inspectorate as defined in the foregoing letter and hold the Agreement to be so varied.

Signed:  Dated:30 April 2024.....
 Authorised Signatory on behalf of **THE CARE INSPECTORATE**