

SPCB Privacy Notice

This privacy statement explains how we collect and use personal information about you for the following process:

Processing of Parliamentary Questions and Motions

The categories of information processed

Parliamentary questions and motions may include:

Normal category personal data, as defined by the General Data Protection Regulation (GDPR) e.g. names, addresses and telephone numbers.

***Special Category** personal data, as defined by the GDPR.

*Special category personal data includes information about an individual's race; ethnic origin; political or religious views; sex life or sexual orientation; trade union membership; physical or mental health; genetic or biometric data.

Source of the information

Any personal data included in parliamentary questions and motions is provided to the SPCB by Members when submitting a question or lodging a motion. In disclosing such data, a Member must be satisfied that they are complying with data protection requirements and have a legal basis on which to disclose.

The purpose(s) of the processing

The SPCB supports Members in carrying out their parliamentary duties through the processing and publication of parliamentary questions and motions submitted by them. Questions and motions are submitted to the SPCB by Members through an online application. The final versions of parliamentary questions and motions are made available on our website (including historic questions and motions for archive purposes) and any discussions of parliamentary questions and motions by Members during parliamentary business are processed by the SPCB for official broadcasting and reporting purposes.

The legal basis of processing

Parliamentary questions and motions are part of the Parliamentary process. It is a function of the SPCB to provide the Parliament with the staff and services required for the Parliament's purposes (s.21 of the Scotland Act 1998), including facilitating the making of Parliamentary questions and motions in accordance with the Standing Orders. It is also a function of the SPCB to broadcast and report proceedings of the Parliament and this includes broadcasting and reporting any discussion of parliamentary questions and motions by Members during Parliamentary business.

As a result, the legal bases which apply to the processing of personal data by the SPCB in connection with Parliamentary questions and motions are therefore:

- Article 6(1)(e) GDPR – processing is necessary for the performance of a task carried out in the public interest, and
- section 8(d), Data Protection Act 2018 – processing is necessary for the exercise of a Crown function

And as regards special category data:

- Article 9(2)(g) GDPR – processing is necessary for reasons of substantial public interest,
- Article 9(2)(j) GDPR – processing is necessary for archiving purposes in the public interest, and
- Schedule 1, para 6 Data Protection Act 2018 – processing is necessary for the exercise of a Crown function.

Data subjects should be aware that if they have provided consent to a Member for the inclusion of their personal data in a parliamentary motion or question, the legal basis relied upon by the SPCB to process that data for the above purposes will be unaffected by any attempt by the data subject to withdraw the consent originally provided to the Member.

Data sharing

Transcripts of Parliamentary proceedings are made available on the Scottish Parliament website as open data and can be used, stored and distributed by organisations and individuals separately from the Scottish Parliament.

Live output from the Chamber is provided simultaneously to media organisations who store, delete, make use of and/or distribute to public outlets including social media according to their own protocols, independently of the Scottish Parliament.

The legal basis for this sharing and transfer of data is the same as set out above.

Retention of data

Parliamentary questions and motions form part of the public record. Personal information contained within a public record will be retained in accordance with the Scottish Parliament records management policy and may be transferred to the Scottish Parliament archive at National Records of Scotland where it will be publicly available. Personal data in original versions of parliamentary questions and motions which differs from that which is published for editing reasons is retained for 6 weeks and then deleted from our system.

Your rights

The GDPR sets out the rights which individuals have in relation to personal information held about them by data controllers. These rights are listed below, although whether you will be able to exercise each of these rights in a particular case may depend on the purpose for which the data controller is processing the data and the legal basis upon which the processing takes place.

For example, the rights allowing for deletion or erasure of personal data (right to be forgotten) and data portability do not apply in cases where personal data is processed for the purposes of the performance of a task carried out in the public interest. The right to object to the processing of personal data for the purposes of a public interest task is restricted if there are legitimate grounds for the processing which override the interest of the data subject. This would be considered on a case by case basis and depends on what personal data is involved and the risks further processing of that data would pose to you.

The following rights apply:

Access to your information – You have the right to request a copy of the personal information about you that we hold. For further information, see our Data Subjects' Access Requests Policy.

Correcting your information – We want to make sure that your personal information is accurate, complete and up to date and you may ask us to correct any personal information about you that you believe does not meet these standards.

Objecting to how we may use your information – Where we use your personal information to perform tasks carried out in the public interest then, if you ask us to, we will stop using that personal information unless there are overriding legitimate grounds to continue.

Restricting how we may use your information – In some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information about you that we hold or assessing the validity of any objection you have made to our use of your information. The right might also apply where this is no longer a basis for using your personal information, but you don't want us to delete the data. Where this right is validly exercised, we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Please contact us in any of the ways set out in the *Contact information and further advice* section if you wish to exercise any of these rights.

Changes to our privacy statement

We keep this privacy statement under regular review and will place any updates on this website. Paper copies of the privacy statement may also be obtained using the contact information below.

This privacy statement was last updated on 8 November 2019 and will be reviewed within 12 months if not updated prior to that.

Contact information and further advice

If you have any further questions about the way in which we process personal data, or about how to exercise your rights, please contact the Head of Information Governance at:

The Scottish Parliament

Edinburgh

EH99 1SP

Telephone: 0131 348 6913 (Calls are welcome through the Text Relay service or in British Sign Language through [contactSCOTLAND-BSL.](#))

Email: dataprotection@parliament.scot

Complaints

We seek to resolve directly all complaints about how we handle personal information but you also have the right to lodge a complaint with the Information Commissioner's Office online at: <https://ico.org.uk/make-a-complaint/>

Or by phone at: 0303 123 1113



HAPPY TO **TRANSLATE**

Please contact us if you require information in another language or format.

Date	Version	Summary of changes
26/09/2019	1.0	
08/11/2019	2.0	Privacy Notice updated to include reference to the definition of special category data and changes to the section on “Your Rights” to reflect the legal basis for processing. To include a paragraph on the right to make a complaint to the ICO and minor formatting changes.