

## SPCB Privacy Notice

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

**The Scottish Parliamentary Corporate Body (SPCB) records and captures images and audio in a number of ways (including photography, filming and audio recording) in connection with the Parliament's functions.**

**If you visit the Scottish Parliament, or otherwise engage with its work, then your personal data may be collected and used as described in this notice.**

CCTV is also recorded in and around the building. Please refer to our specific Privacy Notice relating to CCTV.

### The purposes of the processing

The SPCB records and captures individuals' images and audio for the following purposes:

1. Photographs, recorded footage and audio recordings are taken and used in connection with the Parliament's core functions – e.g. parliamentary business (Chamber and Committee business) is filmed and broadcast and photos may be taken to document official parliamentary business or for inclusion in Committee publications. **If you attend or participate in parliamentary business, then your image/audio may be taken or recorded as part of the broadcasting or documenting of parliamentary business in the public interest.** Further information is available for witnesses attending committee proceedings in our Appearing as a Witness privacy notice.

2. Photographs, recorded footage and audio recordings are taken and used in connection with the Parliament's wider functions of promoting public engagement and participation to support and strengthen the work of the Parliament and to enhance parliamentary democracy, for example:

- news promotion,
- education and outreach services (e.g. visits and events/exhibitions),
- engagement of the public with the Parliament (including through the posting of material on the web and social media),
- Member Sponsored Events (which relate to parliamentary business or support MSPs in their parliamentary role),
- other events held to mark a particular occasion in relation to the functioning of the Parliament, such as the commencement of a new parliamentary session, or a state visit,
- promoting significant historical, constitutional or cultural events/anniversaries with a clear link to democracy and/or the Scottish Parliament's history, role or work, and
- engaging in and celebrating significant cultural, educational, historical or tourism initiatives where this further supports the purpose of engaging audiences with the Parliament and its role in Scottish national life (examples

may include hosting exhibitions or educational events – such as debating competitions for schools).

**If you visit the Parliament or attend/participate in Parliamentary events, then your image/audio may be taken or recorded and used for purposes of public engagement in the public interest.**

3. Photographs, recorded footage and audio taken or otherwise processed for commercial or marketing purposes.

### **The categories of information processed**

We process **normal category** personal data for example photographic/recorded images, the name (only of the main subjects of a photo/video) and other details relevant to the image being captured. Captions may include additional information such as location, date, nature of the event etc. where this pertains to the subject of the image taken. In the case of recorded footage/video clips, any personal data which you provide in the course of being filmed will also be recorded.

**\*Special category** data (as defined by the General Data Protection Regulation (GDPR)) such as race; ethnic origin; political views; religion; trade union membership; health or sexual orientation is not specifically collected, unless related to the subject of the image captured, (and may then be included in captions) or provided by you whilst being filmed.

\*Special category personal data includes information about racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and the processing of genetic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

### **Source of the information**

Photographs, recorded footage and audio recordings featuring individuals are taken by the SPCB throughout the Parliament complex and may also be captured offsite, for example on external committee visits or outward trips. Other personal data may be collected by SPCB staff for the purposes of captioning and management of pictures and other media; this data is collected from the individuals and organisations portrayed and from publicly available sources.

The Parliament has an in-house Broadcasting unit which films and archives all items of parliamentary business as well as selected parliamentary events (including at other locations where parliamentary business takes place). The Broadcasting office also produces edited film packages for use in internal and external communications and these may feature individuals. Personal data which is given by a person whilst being filmed or recorded (such as their views on a particular subject relating to the work of the Parliament) is obtained directly from those individuals featured in the broadcasted footage/filmed recording.

## **Data sharing**

Photographs, recorded footage and audio recordings may be issued to the media for editorial reporting of parliamentary business.

Photographs, recorded footage and audio recordings may also be shared on Parliament social media channels and published on the Parliament website to promote the work of the Scottish Parliament and for public engagement purposes.

Images from events may be made available to partner organisations (including the event organisers) and are occasionally issued to the media for use in print and online for public engagement purposes.

Under the current image licence terms images may also be issued to any third party who requests them, so long as they are not used for party political or advertising purposes.

## **The legal basis for the processing**

We must have a legal basis for processing personal data (including normal and special category data) in terms of Article 6 GDPR. To process special category data, we also require a separate condition for processing in terms of Article 9 GDPR and, where applicable, a public interest condition in terms of part 2, schedule 1 of the Data Protection Act 2018 (DPA).

The legal basis for each of the three categories of processing activity relating to the capture of images and audio recordings of individuals is set out below:

1. Photographs, recorded footage and audio recordings of the parliament's core functions – the legal basis is that these activities are necessary for performing a task carried out in the public interest (Article 6(1)(e) GDPR and section 8(d) DPA). It is a function of the SPCB to broadcast parliamentary proceedings and to document official parliamentary business for archiving purposes; these functions derive from the Scotland Act 1998 and the Standing Orders of the Parliament made under that Act.
2. Photographs, recorded footage and audio recordings taken or shared for the purposes of public engagement and participation and enhancing democracy – in such cases, the processing is necessary for a task carried out in the public interest in respect of 'an activity that supports or promotes democratic engagement' (Article 6(1)(e) GDPR and section 8(e) DPA).
3. Photographs, recorded footage and audio recordings taken for commercial or marketing purposes – this could, for example, take the form of photographs of individuals purchasing goods in the Parliament shop or attending a corporate event being held in the Parliament building. The processing is necessary for an activity carried out in the legitimate interest of the SPCB (Article 6(1)(f) GDPR). The legitimate interest here is promoting other commercial facilities and functions of the Parliament.

For the transfer of personal data to the National Records of Scotland, the legal basis is that it is necessary for archiving purposes in the public interest (Article 6(1)(e) GDPR and section 8(d) DPA or (for special category data) Article 9(2)(j) GDPR and section 10(2) and paragraph 4, part 1, schedule 1 DPA).

In some cases, the taking or use of a photograph or video footage will involve processing **special category** data if, for example, a person provides information about themselves containing special category data whilst being filmed, or in cases where the caption accompanying a photograph identifies that the subject of the photo has a particular health condition. In these circumstances processing is necessary for reasons of substantial public interest (Article 9(2)(g) GDPR and section 10(1)(b) and paragraph 6, part 2, schedule 1 DPA). We may also process special category data where the individual has provided explicit consent to the processing or has chosen to make that information public (Article 9(2)(a) and (e) GDPR).

### **Fairness and transparency**

In line with the general requirement to process data fairly and in a transparent manner, signs in the Parliament inform all visitors that photographs, video and audio recordings are routinely taken and broadcast and that their images and audio recordings will be captured and used for different purposes. The signs advise visitors to contact a member of staff if they wish more detailed information.

Where photographs, video and audio recordings are taken of individuals for a specific purpose (e.g., a video interview, recording their views on a particular topic), they will be advised in advance of the reasons why we would like to photograph or film them and the uses that will be made of the photos and film, and we will direct them to this privacy notice.

Similarly, visitors attending the Parliament for other specific purposes (such as education and outreach purposes) are advised both before and during their visit if photographs and/or recorded footage are to be taken, the reasons for doing so and the uses which may be made of such photographs and recordings. An opportunity is given to individuals to exclude themselves from any such photographs and video recording.

As regards any images and recordings taken for commercial or marketing purposes, individuals who may be filmed or photographed for these purposes are advised of this and given an opportunity to exclude themselves from such photographs or recordings.

### **Special considerations applying to children:**

The legal bases noted above for the processing of photographs, recorded footage and audio recordings of individuals apply equally to children as they do to adults. However, steps will be taken to ensure that our processing does not have a negative impact on children's privacy rights.

For example, where children visit the Parliament as part of an organised school group, a photograph may be taken of the group and shared on our Twitter account for public engagement purposes. We will, however

- seek the permission of the teacher before we take a photograph of the group;
- provide full information about any photography and filming to schools in advance;
- provide an opportunity for children not to be included in the photograph.

In cases where the taking or use of photographs and recording of children may give rise to a potential privacy risk, we will ask the child, or in certain cases, a parent, to confirm that they are content to take part and have read and understood this privacy notice.

For these purposes, we normally apply the presumption in the DPA that children aged 12 and above have capacity to exercise their data protection rights, other than in cases where (i) there is evidence that displaces that presumption, or (ii) the personal data processed raises particular privacy risks in relation to the child. For example, we will ask a parent or guardian to confirm that they are content for their child under 16 to provide evidence in committee proceedings given that any views expressed by the child will be filmed and broadcast live, published in written form as part of the Official Report and form part of the permanent public record.

### **Retention of data**

Images that relate to parliamentary business may 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.

Images which are not part of the archive are stored securely on Parliament IT systems, reviewed regularly and deleted where no longer required.

Images taken for use on social media in order to promote public engagement are held on a temporary basis and not archived.

### **Transfer of data**

We do not plan to transfer any personal data outwith the European Economic Area (EEA) in connection with the processing activities described in this notice. If we receive a request to transfer such data to a data controller outwith the EEA, we will only do so in line with the European Commission's adequacy decisions about certain countries, on the basis of standard contractual clauses approved by the European Commission or for reasons of important public interest.

The personal data covered by this notice may, on occasions, be posted on our social media accounts on the following platforms: Facebook, Instagram and Twitter; whilst the data controllers for these platforms are based within the EEA, they may share any data which they hold outwith the EEA in line with their own privacy policies. A

copy of the privacy policies for these platforms can be found here: **Facebook:** <https://www.facebook.com/policy.php>

**Instagram:** <https://help.instagram.com/402411646841720>

**Twitter:** <https://twitter.com/en/privacy>

## Your rights

Data protection legislation sets out the rights which individuals have in relation to personal data held about them by data controllers. Applicable rights are listed below, although whether you will be able to exercise data subject 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. 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 may 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** – You have the right at any time to require us to stop using your personal information for direct marketing purposes. In addition, 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.

## 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 19 February 2020 and will be reviewed within 12 months if not updated prior to that.

### **Contact information and further advice**

If you have any questions about the way in which we process personal information 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 and in British Sign Language through contactSCOTLAND-BSL.)

Email: [dataprotection@parliament.scot](mailto: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: <https://ico.org.uk/global/contact-us/email/>

By phone: 0303 123 1113

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

| Date       | Version | Summary of changes  |
|------------|---------|---|
| 25/05/2018 | 1.0     |   |
| 19/02/2020 | 2.0     | <p>Privacy Notice updated to include reference to the Data Protection Act 2018 and the definition of special category data in terms of the GDPR. To include changes to the section on “The legal basis for processing” with reference to the condition for processing special category data and to the section on “Your rights” to reflect the legal basis for processing. To include reference to the right to make a complaint to the ICO and minor formatting changes.</p> |