

SPCB Privacy Notice

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

Updating people about their complaint against an MSP under the Code of Conduct

The categories of information processed

Normal category data, such as names and addresses.

We store the actual complaints in some instances. The complaints only contain the name of the person making the complaint – all other data is redacted. The complaint text may contain ***special category** data of the complainant or a third party.

*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

The information is provided either directly by individual making the complaint or is provided indirectly via the Commissioner for Ethical Standards in Public Life in Scotland.

The purpose(s) of the processing

We temporarily store contact details for individuals to keep them updated on the progress of their complaint against an MSP.

The legal basis of processing

The legal basis for the processing of personal data is that it is necessary for a task carried out in the public interest (for normal category data) or in the substantial public interest (for special category data) in terms of Art 6 (1)(e) of the General Data Protection Regulation (GDPR) and section 8(d) of the Data Protection Act 2018 (DPA) (for normal category data) or Art 9(2)(g) GDPR and s10(3) and paragraph 6(2)(b), part 2, schedule 1 DPA (for special category data).

.

Data sharing

This information is not shared with any other organisations or third parties.

Retention of data

The personal data is retained until the individual's complaint against an MSP has been concluded and then it is deleted.

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. 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 16 May 2018 and will be reviewed within 12 months if not updated prior to that.

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

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



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

Date	Version	Summary of changes
16/05/2018	1.0	
10/10/2019	2.0	Privacy Notice updated to include reference to the Data Protection Act 2018 and the definition of special category data in terms of the General Data Protection Regulation. To included changes to the section on “Your Rights” to reflect the legal basis for processing and reference to the right to make a complaint to the ICO and minor formatting changes.