

Privacy Notice – Interactions between MSPs and Committees

Purposes of the processing

The Committee Office will process the following personal data in relation to MSPs:

MSPs personal contact details - These will be held by the SPCB for business continuity purposes in order to contact MSPs about Committee business outwith Parliament sitting days or if the MSP is away from their office.

MSP date of birth - This is a requirement in standing orders. Committees will occasionally need to be aware of who their oldest member is in order for them to take on temporary chairing responsibilities where required.

Correspondence – Committee Members may be in contact with Committee Clerks in relation to Committee Business.

Practical information in relation to Committee Visits, for example, coat and shoe size and any dietary preferences.

Collecting and holding Personal Data

The Scottish Parliamentary Corporate Body (the SPCB) processes any personal data you provide under the requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA). Personal data is information that relates to an identified or identifiable individual.

The SPCB will hold any personal data securely, will use it only for the purposes it was collected for and will only pass it to any third parties with your consent or according to a legal obligation. Further information about the data protection legislation and your rights is available here:

<https://ico.org.uk/for-the-public/is-my-information-being-handled-correctly/>

The Code of Conduct places obligations on all Members of Parliament in terms of how they handle material containing personal data in the course of their Committee work, for example rules around confidentiality. The Code of Conduct can be found [here](#). The relevant section is Section 7.

Categories of information

Contact details and date of birth is considered to be standard or **normal category** personal data and will include phone number, home address and home email if required.

The content of correspondence will likely come under the category of normal category data. However, depending on its content it may be considered as ***special category** personal data. This could apply whether the content refers directly to the MSP or a third person.

*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.

Contents of correspondence

MSPs are data controllers in their own right, separate to the SPCB. If the content of the correspondence relates to a third-party individual (e.g. a constituent's personal information) then the MSP has a responsibility to make sure that the person is aware that their information is being shared in this way. This will also apply if the MSP refers to an individual in public session.

The legal basis for processing

Data protection law states that the SPCB must have a legal basis for processing your personal data. The legal basis for collecting and holding normal category personal data about you is that the processing is necessary for the performance of a task carried out in the public interest, Art 6(1)(e) GDPR and section 8(d) DPA. The task is to facilitate effective and continuous support for MSPs in their Committee roles, including outside of normal office hours, which is part of the core function of the SPCB and is therefore a Crown function in accordance with section 8(d) DPA.

For processing special category data, the legal basis is that it is necessary for reasons of substantial public interest in accordance with Art 9(2)(g) GDPR and section 10(3) and paragraph 6(2)(b), part 2, schedule 1, DPA. The substantial public interest is that Members need to be able to inform the Committee Office of relevant facts relating to the planning of Committee business.

Data sharing and retention of personal data

Personal contact information will be kept for the length of the time an MSP is serving on a Scottish Parliament Committee. If an MSP stops serving on Committees their personal contact details will be deleted. Information is held securely on Scottish Parliament IT systems

The Scottish Parliament has a responsibility to make sure that the personal information it holds is up to date. It will conduct an accuracy check on the MSP personal data held in relation to Committee business at the midpoint of each parliamentary session. MSPs are also politely encouraged to notify Committee Office should their personal details change.

Date of Birth information will be held for the length of time that an MSP is serving in the Parliament. It will be accessed where necessary for procedural purposes. Date of birth may be communicated on the record in committee meetings in relation to procedural matters.

Retention of correspondence will depend on its nature and content but it will generally be destroyed after two years

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 will 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 1 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



HAPPY TO **TRANSLATE**

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

Date	Version	Summary of changes
25/05/2018	1.0	
01/11/2019	2.0	Privacy Notice updated to include reference to the Data Protection Act 2018 and changes to the definition of special category data and to the section on “Your Rights” to reflect the legal basis for processing and minor formatting changes.