

SPCB Privacy Notice – Creating and storing Accident Reports

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

Health & Safety – Creating and storing Accident Reports

The Categories of Information processed

Normal category data – personal contact information such as your name, address, personal email, date of birth, home telephone number.

***Special Category** data – depending on the nature of the accident we may process information about your health and any injury that you have sustained.

*Special category data consists of information revealing 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

The information is provided by the individual involved in the accident or a witness.

The purpose(s) of the processing

The purpose of the processing is to create and retain accident reports to comply with legal requirements.

The Legal basis of Processing

In terms of the General Data Protection Regulation (GDPR) we must have a legal basis for processing personal data (including normal and special category data). To process special category, we also require a separate condition in terms of Part 1, Schedule 1 to the Data Protection Act 2018 (DPA).

The Scottish Parliamentary Corporate Body (SPCB) is under a statutory obligation under Regulation 12 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 to collect and store some or all of the following information when an accident on SPCB premises occurs:

the full name, the occupation (for accidents experienced by members of staff), the status (e.g. customer, visitor or bystander), the injury, the date and time of the accident, the place where the accident happened and a brief description of the circumstances in which the accident happened.

The legal basis for collecting and storing personal data for accident reports is therefore that the processing is necessary for compliance with a legal obligation to which the SPCB is subject in accordance with Article 6(1)(c) GDPR.

For special category data, the data processing is necessary for the purpose of complying with a legal obligation conferred onto the data controller in the area of employment in accordance with Article 9(2)(h) GDPR and paragraph 1, Part 1 of Schedule 1 to the DPA.

The records required under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 have to be retained for three years.

For further storing of the records for another two years, the legal basis is that the processing is necessary for the purposes of a legitimate interest pursued by the SPCB and the injured person or third parties involved in accordance with Article 6(1)(f) GDPR. The legitimate interest is to be able to defend or argue potential future civil claims.

Data sharing

This data is retained by the Health & Safety Advisor. Where there is a claim as a result of an accident the information may be shared with our Legal office, HR, HSE and with third party insurance companies.

Retention of Data

The data will be stored securely electronically for a period of 5 years with appropriately restricted access.

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 erasure of personal data (right to be forgotten), data portability and the right to object to processing do not apply in cases where the processing is necessary for compliance of a legal obligation to which the controller is 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 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.

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. 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.

Children and Young People Safeguarding and Child Protection

In line with the principles underlying the National Guidance for Child Protection in Scotland (2014), published by the Scottish Government, our staff may report a concern to the relevant authorities if they come across an issue during their work which causes them to think that a child may be at risk of abuse or harm.

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 10 November 2020 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:

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	
27/08/2020	2.0	Privacy Notice updated to include reference to the definition of special category data. To include changes to the wording of the section on “The legal basis for processing” to refer the requirements under GDPR. To include changes 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.
10/11/2020	3.0	Privacy notice updated to include section titled “Children and Young People Safeguarding and Child Protection”.