

## **Privacy Notice– Appearing as a Committee witness**

### **Purposes of the processing**

The Scottish Parliament Corporate Body (SPCB) has a duty to record and archive all formal proceedings of the Parliament. Scottish Parliament Committees invite people to appear before them to answer questions and share their views and experiences. These appearances are filmed, and the videos are publicly available on the Scottish Parliament website. A transcript of the meeting will be produced called “the Official Report” and this, alongside the video, form part of the public record and will be transferred to the Scottish Parliament archive at National Records of Scotland.

Photographs of the session may also be taken and committee witnesses, or people whose experiences are shared in the form of a case study, may also receive requests to participate in media/broadcast interviews. Further information on the photography and recording which may take place in the building is available in a separate privacy notice.

### **Collecting and holding Personal Data**

The Scottish Parliamentary Corporate Body (the SPCB) processes any personal data you send to it under the requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA). Personal data consists of data 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. The GDPR provides a number of rights for individuals in relation to the use of their personal data. 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 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:

<https://www.parliament.scot/Parliamentaryprocedureandguidance/CCEd07Rev01201904.pdf>

The relevant section is Section 7.

## Categories of information

If you appear before a Committee the SPCB will need your contact information to manage the organisational arrangements. This will usually take the form of a name, email address and contact telephone number. Occasionally this may include a mailing address if we receive information by hard copy. This is considered as standard or **normal category** personal data.

Depending on what views and experiences you decide to share related to your appearance this may be considered as **\*special category** personal data.

If you let us know about any accessibility requirements to help you attend the meeting this will also be considered as **special category** personal data as it is related to your health.

\*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.

## The legal basis for processing

Data protection law states that we must have a legal basis for handling your personal data. The legal basis for collecting, holding, sharing and publishing your personal data for the purpose of recording, publishing and archiving formal parliamentary proceedings is that the processing is necessary for the performance of a task carried out in the public interest (for normal category data) or substantial public interest (for special category data), in accordance with Art 6(1)(e) GDPR and section 8(d) DPA (for normal category data) and Art 9(2)(g) GDPR and section 10(3) and paragraph 6(2)(b), part 2, schedule 1, DPA (for special category data). The task is to facilitate evidence gathering for a parliamentary Committee which is part of the core function of the SPCB and therefore a Crown function in accordance with section 8(d) DPA. This includes video broadcast, written transcripts and photography of Committee proceedings.

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

For video, photos and transcripts of the Committee meetings the legal basis is that it is necessary for the purpose(s) of a legitimate interest of the SPCB in accordance with Art

6(1)(f) GDPR. The legitimate interest is the aim of the Committee to engage with and inform the wider public, such as through news promotion.

### **Data sharing and retention of personal data**

Your personal contact details will be stored securely on Scottish Parliament IT systems. The contact details for witnesses who regularly appear before a Committee or who are likely to be invited to give evidence in the future will be retained. An accuracy check of the contact details retained will be conducted.

Contact details for witnesses whose appearance is considered to be relevant only to a specific inquiry will be deleted at the conclusion of that piece of work, as will those for other witnesses not expected to give evidence at future meetings. Contact details will be reviewed annually and may be shared internally with other business areas within the Parliament.

Witnesses name and contact details may be added to our Committee Office contact list in order to be kept informed of the outcome of the Committee Business. You are able to unsubscribe from the contact list at any point. Please see the privacy notice on the contact list for more information.

Video, photos and transcripts of public Committee meetings 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.

Photos taken at Committee meetings may also be used by the media alongside any articles which are written about Committee proceedings. Photos of the Committee meeting may also be used on the Committee's webpage and social media accounts.

Personal data is also used to prepare a Witness List for each business day. The Witness List is in electronic form and is used at the Visitor Information Desk to register the arrival of committee witnesses and advisers. Witness Lists are prepared on the morning of each business day for that day and deleted at the end of day. Personal data on Witness Lists may be shared internally with other departments within the SPCB. It will only be passed to any third parties according to a legal obligation.

## **Possible media interest**

It is possible that the SPCB Media Relations Office will be contacted by a journalist with a request to invite you to take part in a media interview or be part of a case study. If this happens you will be provided with the journalist's contact details and it will be up to you to decide whether you wish to contact them and agree to participate.

If you decide to do a media interview or be part of a case study contact with the journalist can be facilitated by a SPCB media relations officer. Once the interview/broadcast has been completed and the Committee's work concluded, your contact details will be securely deleted from the Parliament's IT systems. If the occasion arises where the journalist requests your contact details, they will only be provided with your consent.

Any case study or media interview that you undertake may be publicly available on the relevant media outlet indefinitely.

## **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 purpose(s) of the performance of a task carried out in the public interest. The right to object to the processing of personal data for the purpose(s) 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 to 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 10 October 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](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 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
25/05/2018	1.0	
10/10/2019	2.0	Updating Privacy Notice to include reference to the Data Protection Act 2018 and to include the definition of special category data in terms of the GDPR. To include changes to the section on "Your Rights" to reflect the legal basis of processing. To include a paragraph on the right to make a complaint to the ICO and minor grammatical and formatting changes.