

## **SPCB Privacy Notice**

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

### **Secondment to the Scottish Parliamentary Corporate Body Staff**

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

We will process **normal category** personal data and **\*special category** personal data about you. Personal data is information that relates to an identified or identifiable individual.

**Normal category** data includes information such as your title, name, date of birth, emergency contact details, performance management records.

**Special category** data which we may process includes information relating to sickness absence and health.

\*Special category personal data includes information revealing 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**

Personal data will be provided directly from the secondee, the secondee's employer or Occupational Health Provider.

#### **The purpose(s) of the processing**

We will process your personal information which may include collecting your personal information, recording it, storing it, using it, amending it and destroying it.

In general, we process your personal information to:

- Maintain records of your working time, holidays and working time opt-out agreements;
- Provide adjustments to someone with a disability in line with our legal obligations under the Equality Act (2010);
- Monitor your use of our IT systems;
- Manage performance and conduct;
- Inform your contacts in the event of sickness, accident or another emergency.

Personal data will be stored securely on the Parliament's servers. Access will be restricted to the Human Resources Office.

## **The legal basis of processing**

- The processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract (Article 6(1)(b) of the General Data Protection Regulation (GDPR)).
- The processing of special categories of data is necessary to exercise or perform employment law rights and obligations (Article 9(2)(b) GDPR, s10(2) and paragraph 1 of Schedule 1 to the Data Protection Act 2018 (DPA)).

## **Date Sharing**

We may share your personal information with the following third parties if this is necessary by law; necessary to carry out our contract or administer a working relationship with you; or where it is necessary to protect your vital interests or those of another person:

- Your employer
- Health and Safety executive
- Training providers; including accrediting bodies/ qualifications, external facilitators, coaches and mentors
- Health professionals and occupational health providers involved in your care;
- Other third parties as necessary to comply with the law.

## **Retention of data**

Personal details will be retained for the period of your secondment. After your secondment has ended your personal information will be retained until September of the year following the end of the financial year as secondee costs are included in annual accounts will be deleted from our Parliament's servers.

## **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 the purposes of processing personal data in relation to performance of a contract, the right to object to the processing of personal data does not apply. 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.

**Deletion of your information** – You have the right to ask us to delete personal information about you where:

- You consider that we no longer require the information for the purposes for which it was obtained
- We are using that information with your consent and you have withdrawn your consent – see *Withdrawing consent to using your information* below
- Our use of your personal information is contrary to law or our other legal obligations.

**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.

### **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 4 September 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](mailto:dataprotection@parliament.scot)

### **Complaints**

We seek to resolve directly all complaints about how we handle your personal information, but you also have the right to lodge a complaint with the Information Commissioner's Office:

<https://ico.org.uk/make-a-complaint/>

By phone: 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	
04/09/2020	2.0	Privacy Notice updated to include reference to the definition of special category data. To include changes to the section on "Legal basis for processing" to make reference to the Data Protection Act 2018 and the condition for processing special category data. To include changes to the section on "Your rights" to reflect the legal basis for processing. To include information on making a complaint and minor formatting

		changes.
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