

## Privacy Notice – Participating in engagement events and fact-finding visits

### Purposes of the processing

Your views and expertise are essential to the working of the Scottish Parliament Committees. When you provide information to a Committee by taking part in an event or committee visit the Parliament will use this as evidence to help it make decisions and recommendations on the performance of the Scottish Government and other areas of interest within the Committee's remit.

Photographs may be taken at events and these may be used on social media and the Scottish Parliament website. They may also be archived as part of the record of parliamentary activities.

### Collecting and holding Personal Data

The Scottish Parliamentary Corporate Body (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 consists of data from which a living individual may be identified. 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 further obligations on all Members of Parliament in terms of how they handle material containing personal data in the course of their Committee work. The Code of Conduct can be found [here](#). The relevant section is Section 7.

### The categories of information processed

If you agree to take part in an event or visit organised by a Committee, the Scottish Parliament will need your contact information to share information with you about the arrangements for the event and to give you feedback about how information from the event was used. 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 standard or **normal category** personal data.

The Parliament may take notes of views and experiences shared at events and may publish summaries of the information gathered on our website as a committee paper or report. Depending on what views and experiences you have decided to share the information may be considered **\*special category** personal data.

\*Special category 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.

### **The legal basis of processing**

Data protection law states that we must have a legal basis for handling your personal data. The legal basis for collecting, holding and publishing your personal data 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 Article 6(1)(e) GDPR, section 8(d) DPA or Article 9(2)(g) GDPR, section 10(3) and paragraph 6(2)(b), part 2, schedule 1, DPA. 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.

The legal basis for collecting, holding and publishing photos taken is legitimate interest in terms of article 6(1)(f) GDPR. If you do not want your photo to be taken you will be offered the opportunity to opt out at the start of any event.

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 in terms of Article 6(1)(e) GDPR, section 8(d) DPA or Article 9(2)(j) GDPR, section 10(2) and paragraph 4(a) Part 1, Schedule 1 to the DPA.

### **Publishing your views**

One of the founding principles of the Scottish Parliament is transparency and openness. It is standard practice for the Committee to refer to information gathered from events or visits within papers and reports published on the Committee's webpage on the Scottish Parliament website. The Committee may also discuss information from events and visits in public at committee meetings.

Any quote from or reference to any of your answers or comments will not be attributed to you by name but individual experiences you have shared with the committee may be included, without personally identifying information, to illustrate a point that the Committee considers is important. Detailed notes taken at events or visits will be used to inform summaries but will not be published.

Your contact details (e.g. your e-mail address) will not be published but may be used by the Parliament to contact you with further information about the Committee work you are interested in or about future opportunities to become involved in Parliamentary work.

## **Retention of data**

Summarised information from events and visits which is included in reports or committee papers will form part of the public record and will help create the evidence base upon which Members of the Scottish Parliament make decisions. 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. Images may also be similarly retained and archived.

Detailed notes of individual contributions at events or visits will be deleted once the piece of Committee work to which they contributed has been completed. Your contact details will be held securely until the end of the piece of Committee work and then deleted. Before your contact details are deleted the Scottish Parliament may contact you for feedback on how well we are engaging with people. You may also be asked if you would like to receive future updates on opportunities to become involved in Parliamentary work. If you choose to do this, you should read the separate privacy notice about the mailing list.

## **Possible media interest**

Individuals and organisations who participate in engagement events may also receive requests to participate in media/broadcast interviews. 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 SPCB's servers. If the occasion arises where the journalist requests your contact details, they will only be provided with your consent.

Any media interview that you undertake may be publicly available on the relevant media outlet (i.e. the newspaper or website) indefinitely.

## **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 purpose 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 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 may apply:

**Access to your information** – You have the right to request a copy of the personal information about you that we hold.

**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 or for a legitimate 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.

## **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:

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	
4/09/2020	2.0	Privacy Notice updated to include reference to the Data Protection Act 2018, changes to the definition of special category data. To include changes to the section on “Legal basis for processing” with reference to the conditions for processing special category data and changes to the wording of the section on “Retention of data”. Updating the link to the Code of Conduct for MSPs.
10/11/2020	3.0	Privacy notice updated to include section titled “Children and Young People Safeguarding and Child Protection”.