

SPCB Privacy Notice

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

Procurement

The Categories of Information processed

Normal category data, including names and contact details, addresses, date of birth, place of birth, professional history, CVs, bank account details, salary and pension details, conflict of interest information. Credit check information. This can include date of birth, nationality, financial information that relate to individuals.

Criminal offence data, as defined by the General Data Protection Regulation (GDPR), including Police Scotland Serious Organised Crime Group (SOCG) / Police Check information. This can include name, date of birth, address, criminal convictions and offences, suspected criminal activity.

Source of the information

Personal data can be provided to us via a number of sources including PCS-Tender, Public Contracts Scotland, email, post, verbally, access to an online portal/website (e.g. Companies House or Creditsafe), third parties such as Police Scotland.

Personal data is provided to us directly from an economic operator or a person who has powers of representation, decision or control in relation to an economic operator for the purpose of taking part in a procurement procedure.

Personal data is provided to us via a third party (e.g. credit check via access to an online portal or Police Scotland's SOCG / Police Check).

The purpose(s) of the processing

We process and store any personal data for the purpose(s) of delivering and maintaining Scottish Parliament Corporate Body (SPCB) contracts and in order to comply with public procurement regulations in Scotland.

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 (Art 6(1)(b) GDPR).

Processing of personal data relating to criminal convictions and offences or related security measures based on Article 6(1) GDPR is necessary to ascertain whether an organisation, or an individual representing an organisation, has been convicted of any criminal offences. In terms of regulation 8 of the Procurement (Scotland) Regulations 2016 a contracting authority must exclude an economic operator from

participation in a procurement procedure where the contracting authority has established or is otherwise aware that the economic operator or a person who has powers of representation, decision or control in relation to an economic operator has been convicted of any of the offences listed in sub paragraphs (a) – (k) of the regulation. The SPCB, as the contracting authority, is therefore required to process information relating to certain criminal convictions under regulation 8 of the Procurement (Scotland) Regulations 2016. The processing is necessary to comply with a statutory obligation to which the SPCB is subject (Art 6(1)(c) GDPR).

The legal basis for sharing personal data as part of the procurement process is that it is necessary for the purpose(s) of a legitimate interest of the SPCB (Art 6(1)(f) GDPR). The legitimate interest is to receive professional specialist advice in order to achieve best value for money in the procurement process.

The legal basis for sharing information relating to certain criminal convictions is to ensure that the SPCB complies with the Procurement (Scotland) Regulations 2016. The sharing is insofar necessary to comply with a statutory obligation to which the SPCB is subject (Art 6(1)(c) GDPR).

Consequences of not providing personal data

Not processing this information would make it impossible for the SPCB to conclude and manage contracts and compromise the SPCB's full compliance with public procurement regulations in Scotland.

Data sharing

The personal data is shared with other public sector bodies involved in the procurement process where necessary. For example:

- Central Government Procurement Shared Services, who may take forward procurements on behalf of the SPCB.
- Any public sector body with which the SPCB collaborates on a procurement due to similar/shared requirements.

The sharing is necessary for the performance of a contract (Art 6(1)(b) GDPR).

The personal data is shared with third party advisers involved in the procurement process where necessary. For example:

- Independent and/or contracted advisers/specialists who may take forward procurements on behalf of the SPCB or be consulted for contract evaluation purposes on areas in which the SPCB lacks the required expertise (e.g. IT, Construction etc.).

Supplier names and contract details are published publicly on the Scottish Parliament website for all SPCB contracts with a value above £5,000 as part of our Contracts Register. Regulated contracts (contracts with a value above £50,000) are also published on the Public Contracts Scotland website. This is in order for the

SPCB to meet the obligations of Section 35 of the Procurement Reform (Scotland) Act 2014.

Criminal offence data

The personal data is shared with Police Scotland to facilitate a SOCG / Police Check, where necessary.

Criminal offence data received from Police Scotland is shared internally with other departments within the Scottish Parliament, where necessary.

Retention of Data

The personal data is retained for 5 years after contract expiry in accordance with the Scottish Parliament records management policy

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 right allowing for deletion or erasure of personal data (the right to be forgotten), the right of data portability and the right to object do not apply in cases where personal data is processed in respect of a legal obligation.

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
- You have validly objected to our use of your personal information – see *Objecting to how we may use your information* below
- Our use of your personal information is contrary to law or our other legal obligations.

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 15 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:

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

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
18/04/2018	1.0	
21/11/2019	2.0	Privacy Notice updated to include reference to criminal offence data in terms of the GDPR. To include changes to the section on “Your Rights” to reflect the legal basis for processing and the right to make a complaint to the ICO as well as minor formatting changes.



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