

SPCB Privacy Notice

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

Advice on MSPs' Registers of Interests from Standards Clerks

The categories of information processed

Normal category data, such as names and addresses, is provided by MSPs in order to register certain interests in their register of interests. Sometimes ***special category** data is processed, such as political views and trade union membership, when the MSP is seeking to register membership of particular organisations.

*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.

Source of the information

This information is provided by MSPs or their staff on their behalf to the Standards Clerks.

The purpose(s) of the processing

We use this information to advise MSPs on whether they need to register certain financial interests in their Register of Interests.

The legal basis of processing

The legal basis for the processing of personal data is that it is necessary for a task carried out in the public interest in accordance with Art 6 (1)(e) of the General Data Protection Regulation (GDPR) and section 8(d) of the Data Protection Act (DPA). For special category data, the legal basis for processing is that it is necessary for reasons of substantial public interest in accordance with Art 9(2)(g) GDPR and s10(3) and para 6 of Schedule 1 DPA.

The advice to Members is a core task of the SPCB and therefore a Crown function in accordance with s8(d) DPA.

Giving full and effective advice to Members includes the consideration of information that contains special category data. Being able to consider such information is in the substantial public interest.

The legal basis for sharing personal data (with the Commissioner for Ethical Standards) is that it is necessary for compliance with a statutory obligation to which the SPCB is subject in accordance to Art 6(1)(c) GDPR (for normal category data) or for the purpose of a substantial public interest in accordance with Art 9(2)(g) GDPR and section 10(3) and para 6 of Schedule 1 DPA (for special category data). Complying with a statutory obligation to enable the Commissioner full scrutiny of documents that relate to a Member's conduct is in the substantial public interest.

Data sharing

If necessary, information may be shared with the Commissioner for Ethical Standards in Public Life in Scotland, when the Commissioner is required to undertake an investigation under the Scottish Parliamentary Standards Commissioner Act 2002. The Commissioner has the power to request documents relating to a Member's conduct under s 13 of that Act.

Retention of data

The data is retained till the end of the calendar year plus 10 years, 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 rights allowing for deletion or erasure of personal data, data portability and objecting to the processing of personal data do not apply in cases where personal data is processed for the purpose of complying with a legal obligation – these particular rights will therefore not apply to any personal data processed by us for the purpose of fulfilling our legal obligations under the Lobbying (Scotland) Act 2016.

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.

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 8 November 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
17/05/2018	1.0	
08/11/2019	2.0	Privacy Notice updated to include reference to the Data Protection Act 2018 and the definition of special category data. To include changes to the section on legal basis (to include the legal basis for sharing information) and 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.