

Privacy Notice – Submitting a Public Petition

Purposes of the processing

Public petitions are one of the main ways to ask the Scottish Parliament to take action on an issue that matters to you. All public petitions that comply with the Parliament's rules will be considered by the Public Petitions Committee. The Committee will consider the information contained in a petition and use it to help decide what further action to take.

Further action that the Committee can take includes using your petition to ask the Scottish Government about its performance, asking other organisations with an interest in the issue to tell us what they think about the action called for and what the Scottish Government has done or referring your petition to another of the Parliament's committees.

Photographs of the related committee session may also be taken and committee witnesses, including the petitioner, may also receive requests to participate in media/broadcast interviews.

Collecting and holding Personal Data

The Scottish Parliamentary Corporate Body (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 is information 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. 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:

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

The relevant section is Section 7.

Categories of information

If you submit a petition to the Scottish Parliament, the terms of the Parliament's Standing Orders mean that the SPCB requires your contact information to process your petition. This will include your name, email address, mailing address and contact telephone number. This is considered as **normal category** personal data. Depending on what views and experiences you have decided to share the content of your submission may be considered as ***special category** personal data.

*Special category personal data consists of information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and the processing of genetic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

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 processing your petition 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 and section 8(d) DPA or Article 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 the submission of public petitions to the Parliament, which is part of the core function of the SPCB and therefore a Crown function in accordance with section 8(d) DPA.

Your petition, including your name will be declared as a record and transferred to the Scottish Parliament archive at the National Records of Scotland (NRS). For the transfer of data to the NRS, the legal basis is that it is necessary for archiving purposes in the public interest (Article 6(1)(e) GDPR and section 8(d) DPA or Article 9(2)(j) GDPR and section 10(2) DPA).

Publishing your petition

One of the founding principles of the Scottish Parliament is transparency and openness. A public petition is a formal piece of parliamentary business and it is standard practice for the Committee to publish your petition on the Scottish Parliament's petitions website. Once your petition is publicly available it will be discussed by the Public Petitions Committee (or another committee in the case of referred petitions) in meetings. Contact details (e.g. your e-mail address) will not be published but will be used by the Parliament to notify you about the consideration of your petition or to provide you with further information about other parliamentary work regarding the issue you have raised. Notification is a requirement of Standing Orders for both the Public Petitions Committee and any other committee in the case of referred petitions. Notifying you in this way is something that we are required to do by the Parliament's Standing Orders.

Your petition, including your name, will be included in data about parliamentary business that will be available on the Parliament's Open Data Portal on an ongoing basis. The Open Data Portal can be accessed here:

<https://data.parliament.scot/#/home>

Retention of personal data

The Parliament's petitions system is account-based to enable people to register on the system once but to be able to submit more than one petition. Your personal data will be stored in the system on an ongoing basis to enable you to access your account and submit further petitions, should you wish.

Admissible petitions

Your petition, including your name, will 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.

Inadmissible petitions

If your petition does not comply with the Parliament's rules (what we call inadmissible) we may publish the title and summary section of your petition on the Parliament's website. However, it will not be published in full. Your name and other contact details will not be published and any information in either the title or summary that would identify you will be removed before publication.

Other requests for data

The Scottish Parliament wants to make sure it is as open and accessible to as wide a range of people as possible. It has given the Public Petitions Committee responsibility for keeping the operation of the petitions process under review. In order to assist the Committee to fulfil this task, you may also be asked to provide us with other information about yourself such as your age, location, gender and race or ethnic origin. If you did provide this information, you would be asked to do so separately to the submission of your petition and the information would be stored anonymously so that you could not be identified. If we do ask you for this information we will provide you with a separate privacy notice about this process.

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 servers. 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.

Freedom of Information (Scotland) Act 2002

The Parliament is covered by the Freedom of Information (Scotland) Act 2002. This also affects the way that we deal with your evidence. In particular, you should be aware that if we receive a request for information under the Freedom of Information (Scotland) Act 2002, we may be required legally to release the information to the person who has made the request – even where the relevant committee has agreed to treat all or part of the information in confidence or publish it anonymously.

With this in mind, while we can assure you that your document / name will not be circulated to the general public in the context of the relevant committee's current work, we are unable to give you a guarantee that the full document will never be released.

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(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 do 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 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

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/>

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	
30/10/2019	2.0	Privacy Notice updated to include reference to the definition of special category data and the Data Protection Act 2018.
03/09/2020	3.0	Updated to include clarification of the special condition for processing special category data and changes to the retention period and minor formatting changes.
10/11/2020	4.0	Privacy notice updated to include section titled "Children and Young People Safeguarding and Child Protection".