

SPCB Privacy Notice

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

General enquiry correspondence including to Education, Outreach, Gaelic and British Sign Language contact addresses

Enquiry correspondence by email to:

- info@parliament.scot
- education.services@parliament.scot
- education.outreach@parliament.scot
- outreach.services@parliament.scot
- gaidhlig@parliament.scot
- bsl@parliament.scot

letters to 'The Scottish Parliament'
and texts to 07786209888

The categories of information processed

For enquiry correspondence, we process **normal category** personal data such as names, email addresses, postal addresses and/or telephone numbers. Depending on the subject-matter of the enquiry and what information is provided by the enquirer, we may also process ***special category** personal data, for example, information about health, sexual orientation or religious or political beliefs.

*Special category data includes information about 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.

Source of the information

Personal information is provided to us by individuals (known as "data subjects") or by someone contacting us on their behalf. Enquiry correspondence may be sent to us by email, letter or text message.

The purpose of the processing

We process any personal information provided in order to answer the questions asked or in order to provide relevant contact details if the enquiry needs to be redirected.

The legal basis for processing

For enquiries that contain normal category data only, the legal basis is that processing is necessary for a task carried out in the public interest (Article 6(1)(e) of the General Data Protection Regulation (GDPR) and section 8 (d) of the Data Protection Act 2018 (DPA), exercise of a Crown Function). The task is to enable members of the public, organisations or any other third party to contact the Scottish Parliament with an enquiry.

For enquiries containing special category information, processing is necessary for reasons of substantial public interest. The substantial public interest is compliance with statutory equality requirements. (Article 9(2)(g) GDPR and section 10(3) DPA, in accordance with paragraph 6 (2)(b), Part 2, Schedule 1, DPA and section 29(7) Equality Act 2010.)

A service provider must make reasonable adjustments. In some cases, processing special category personal information enables us to make these reasonable adjustments. The processing does not interfere with the rights of the data subjects disproportionately because they provide the information themselves, they are not under an obligation to provide it to us and we keep it only for the minimum time necessary to comply with the statutory obligation.

For enquiries containing other special category data that does not relate to an equality requirement, the legal basis for processing is that it is necessary for the performance of a task carried out in the substantial public interest (Article 9(2)(g) GDPR and section 10(3) and paragraph 6 (2)(b), Part 2, Schedule 1 GDPR). The task is to facilitate access for members of the public to engage with the Parliament to learn about and/or take part in the democratic process. The accessibility of the Parliament as a public body that represents the Scottish public is in the substantial public interest.

The processing does not interfere with the rights of the data subjects disproportionately because they provide the information themselves, they are not under an obligation to provide it to us and we keep it only for the minimum time necessary to respond to or otherwise deal with the enquiry.

Data sharing

Personal information may be shared with MSPs, MPs or Scottish Government officials if they are a more appropriate contact for the enquiry, but only with the consent of the enquirer. We will contact you to seek your consent if you have not indicated your clear consent in your original enquiry.

It may also be shared with the police and security forces if the correspondence contains threats, abusive language or indications of illegal activities.

Enquiries that are received by text message are processed through a system operated by Esendex. Information is held securely on its servers and can be accessed only by a limited number of Scottish Parliament staff. It can also be accessed by the provider, with the consent of Scottish Parliament staff, in order to resolve technical issues, if required. For more information on Esendex's privacy policy, go to: <https://www.esendex.co.uk/privacy-policy>

Retention of data

Personal information in correspondence is held securely on Scottish Parliament IT systems or in dedicated hard copy storage for no more than two years.

If correspondence includes personal information belonging to any of the special categories, we hold this only until we have responded to the enquiry, unless it would be appropriate to transfer correspondence received in hard copy to an MSP or MP to take forward as casework. If a letter could be transferred to an elected representative, we will hold the correspondence until we have transferred it (with the enquirer's consent) to the representative selected; if we do not hear from the enquirer, we will hold it for one month from the date of our response then securely dispose of it.

Enquiries and responses to text messages are held electronically on the Esendex system. These are deleted no more than one month from the date of our response or from the date the message was received if no response is required. This means that they can no longer be viewed by Parliament staff. Inbound messages are held in the system for around 13 months and then deleted; the mobile number and our response are held in the system for two years from the date of sending and then deleted.

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 (right to be forgotten) and data portability do not apply in cases where personal data is processed for the purposes of the performance of a task carried out in the public interest. 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.

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 questions about the way in which we process personal information 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 and in British Sign Language through contactSCOTLAND-BSL.)

Email: dataprotection@parliament.scot



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 | |
| 05/08/2020 | 2.0 | Privacy Notice updated to include reference to the additional email address for BSL and the Data Protection Act 2018. To include reference to special category data and changes to the section on “Your rights” to reflect the legal basis for processing. |
| 10/11/2020 | 3.0 | Privacy notice updated to include section titled “Children and Young People Safeguarding and Child Protection”. |