

SPCB Privacy Notice

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

Unacceptable actions records

Creating and storing records of unacceptable behaviour and actions by members of the public towards staff of the Scottish Parliamentary Corporate Body (SPCB), MSPs and MSP staff.

The categories of information processed

In relation to instances of unacceptable behaviour and actions by members of the public, we process **normal category** information such as names, email addresses, postal addresses and/or telephone numbers. Depending on the nature of the incident, we may also process ***special category** data, for example, information about race, ethnic origin, health, sexual orientation or religious or political beliefs only insofar as necessary.

*Special category personal data consists of 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 directly by individuals (data subjects) such as SPCB staff, contractors, MSPs and MSP staff. It may also come from publicly available sources or be provided by third parties such as the police.

The purposes of the processing

Members of staff, contractors, MSPs and MSP staff have the right to work safely and free from abuse. Sometimes the way someone acts when they contact the Parliament makes it difficult for us to continue to engage with them. When such situations arise, we process personal information about members of the public for the purposes of informing them about the application of our unacceptable actions policy, monitoring their actions with a view to imposing sanctions and recording actions taken by the SPCB in response to unacceptable actions or behaviour.

The legal basis for processing

We must have a legal basis for processing personal data (including normal and special category data) in terms of Article 6 of the General Data Protection Regulation (GDPR). To process special category data, we also require a separate condition for processing in terms of Article 9 of the GDPR and, where applicable, a public interest condition in terms of part 2, schedule 1 of the Data Protection Act 2018 (DPA).

The legal basis for processing personal data (including normal and special category personal data) in these circumstances is that processing is necessary for a task carried out in the public interest (Article 6(1)(e) GDPR and section 8(e) of the Data Protection Act 2018, an activity that supports or promotes democratic engagement). The task is to ensure the safety and wellbeing of all building users by protecting them against unacceptable behaviour that undermines democratic engagement.

For special category data, processing is necessary for performance of a task carried out in the substantial public interest (Article 9(2)(g) GDPR and section 10(3), paragraph 6, part 2, schedule 1 DPA). The task is to facilitate the efficient operation of parliamentary business and the delivery of services to the public to allow them to engage with the Parliament to learn about and/or take part in the democratic process. The operation and accessibility of the Parliament as a public institution that represents the Scottish public is in the substantial public interest.

Data sharing

Where the unacceptable behaviour may constitute a criminal offence, the information may be shared with the police.

Retention of data

The personal information is stored in electronic format and reviewed every six months. Personal information will be deleted from our system as appropriate, based on the outcome of the reviews.

Your rights

Data protection legislation sets out the rights which individuals have in relation to personal data 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.

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 21 February 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

Complaints

We seek to resolve directly all complaints about how we handle your personal information, but you also have the right to lodge a complaint with the Information Commissioner's Office:

<https://ico.org.uk/make-a-complaint/>

By phone: 0303 123 1113



Please contact us if you require information in another language or format.

Date	Version	Summary of changes
25/05/2018	1.0	
21/02/2020	2.0	Privacy Notice updated to include reference to the definition of special category data in terms of the General Data Protection Regulation. To include changes to the section on “The legal basis for processing” to identify the condition for processing special category data and 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.
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