



The Scottish Parliament  
Pàrlamaid na h-Alba

# Guidance for Members who were not returned following the 2026 Scottish Parliamentary Election

Stiùireadh do Bhuill nach till  
an dèidh Taghadh  
Pàrlamaid na h-Alba 2026



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## Foreword

The period following an election presents a range of unique challenges for Members who are not returned, and for their staff. There is an enormous amount of work to complete and a range of obligations to fulfil. Staff of the Scottish Parliamentary Service are committed to supporting and assisting Members and their staff throughout this process.

This document has been designed to complement the main election guidance and is intended to make the process of winding up parliamentary affairs as straightforward as possible for Members. As at previous elections, it is presented in a question-and-answer format for ease of reading. Parliamentary staff will also provide direct support and advice to Members in concluding their affairs, particularly in relation to pay and expenses, staff employment issues and closing down local offices.

In preparing this guidance we have included as much detail as possible to assist Members in winding up their parliamentary affairs. Should it be necessary, however, to issue further guidance or advice on specific issues we will update this document and advise Members accordingly.

We recognise that Members who are not returned will have questions or require advice that is specific to their own circumstances. As such, targeted support will be provided to each Member across a range of parliamentary services including People Services, Allowances, BIT and Facilities Management.

We hope you find this guidance helpful.

**Rt Hon Alison Johnstone MSP**

Presiding Officer

**David McGill**

Clerk/Chief Executive

## Guidance to assist Members who are not returned at the 2026 Scottish Parliament election

This guidance has been produced to assist Members who are not returned at the 2026 Scottish Parliament election as well as their staff.

As a reminder, the current session of Parliament will end at midnight on Wednesday 8 April 2026 and **dissolution will begin immediately thereafter on Thursday 9 April 2026**, with the election taking place on Thursday 7 May 2026.

The Parliament has agreed there will be a pre-election recess that will begin on **Thursday 26 March** and end on **8 April 2026**. i.e. the date before dissolution on 9 April 2026. Taken together, the pre-election recess and dissolution will be referred to in this guidance as the “campaign period”.

This guidance should be read in conjunction with the existing guidance and rules set out in the Code of Conduct, Reimbursement of Members’ Expenses Scheme and SPCB policies on the use of parliamentary resources.

Members are asked to direct questions on the information in this guidance to the contact details provided below. Any questions relating to this guidance document itself should be directed to the [Chief Executive's Office](#).

Any specific arrangements which are required to be implemented will be notified to you at the time.

## Contacts

Office	Phone Number	Email Address
Allowances Office <sup>1</sup>	0131 348 6610	<a href="mailto:allowancesenquiries@parliament.scot">allowancesenquiries@parliament.scot</a>
Business IT	0131 348 6100	<a href="mailto:ithelpdesk@parliament.scot">ithelpdesk@parliament.scot</a>
Education Services	0131 348 5000	<a href="mailto:educationservices@parliament.scot">educationservices@parliament.scot</a>
Facilities Management	0131 348 5100	<a href="mailto:FMHelpdesk@parliament.scot">FMHelpdesk@parliament.scot</a>
FOI/Data Protection	0131 348 5281	<a href="mailto:foi.officer@parliament.scot">foi.officer@parliament.scot</a>
Language services	0131 348 5000	<a href="mailto:info@parliament.scot">info@parliament.scot</a>
People Services	0131 348 6500	<a href="mailto:PeopleServices@parliament.scot">PeopleServices@parliament.scot</a>
Colleague Experience (for internal communication and learning and development)	0131 348 6500	<a href="mailto:colleagueexperience@parliament.scot">colleagueexperience@parliament.scot</a>
Lobbying Register Team	0131 348 5408	<a href="mailto:lobbying@parliament.scot">lobbying@parliament.scot</a>
Parliament Communications Office	0131 348 6852	<a href="mailto:communications@parliament.scot">communications@parliament.scot</a>
Pay and Pensions	0131 348 6501	<a href="mailto:PayandPensionEnquiries@parliament.scot">PayandPensionEnquiries@parliament.scot</a>
Public Information	0131 348 5000	<a href="mailto:info@parliament.scot">info@parliament.scot</a>
Scottish Public Pensions Agency	01896 893 000	<a href="mailto:msspscheme@gov.scot">msspscheme@gov.scot</a>
Security Office	0131 348 6554	<a href="mailto:memberssecurity@parliament.scot">memberssecurity@parliament.scot</a>
SPCB secretariat	0131 348 5307	<a href="mailto:SPCB-secretariat@parliament.scot">SPCB-secretariat@parliament.scot</a>
SPICe	0131 348 5300	<a href="mailto:SPICe@parliament.scot">SPICe@parliament.scot</a>
Standards, Procedures and Public Appointments (clerks)	0131 348 5177	<a href="mailto:SPPA.Committee@parliament.scot">SPPA.Committee@parliament.scot</a>
Visitor Services	0131 348 5200	<a href="mailto:Visit@parliament.scot">Visit@parliament.scot</a>

<sup>1</sup> The Allowances Office is changing to the Travel and Expenses Office from the beginning of Session 7.

## Access to the Parliament

### 1. Will I and my staff be able to access Holyrood following the election?

Security passes are deactivated during the campaign period. If you need to access the Parliament to collect any of your personal belongings left at Holyrood prior to the campaign period, please contact Facilities Management.

### 2. What will happen to my belongings stored at the Parliament?

You can collect them in person, or alternatively, Facilities Management staff will be happy to make the necessary arrangements for any items stored at Holyrood to be returned to you. You should contact them by email to make an appointment to come into Holyrood or to make alternative arrangements.

## Security passes

### 3. What do I and my staff do with photographic security passes if I am not returned?

Members and their staff should return their passes as soon as possible after the election. Passes can either be handed in to security staff in Holyrood or posted to the Security Office, Scottish Parliament, Edinburgh, EH99 1SP.

### 4. What will happen to the photographic passes of those I have sponsored as a Member?

Organisations or individuals who have a sponsored photographic pass are required to send their security passes to the Security Office. The Member is responsible for advising any such pass holders of the need to return their passes. Please note, all such passes will be disabled at midnight on 26 March 2026 and will not work after this date.

### 5. What will happen to my partner's pass?

Any passes held by your partner should be returned to the Security Office at the same time as your own pass.

### 6. How do I apply for a Former Members' pass?

If you are not returned, you can apply for a Former Members' pass by contacting the Security Office. This pass allows you access to the Garden Lobby and to sign in up to three family members to use the Members' restaurant.

If you apply for a Former Members' pass in the first session after losing your seat, a shortened security clearance process will take place before the pass is issued. This pass will expire at the end of that session at which time you will need to reapply for a Former Members' pass. Future applications will require full security vetting before a pass is issued.

## Salaries and pensions

### 7. When will my salary end?

All Members who are standing at the election will continue to receive their salary up to and including the day of the election.

### 8. What pension am I entitled to?

The Scottish Public Pensions Agency will write to you with details of your pension entitlement and options.

### 9. Will I be entitled to a resettlement grant and if so, when will it be paid?

Under Schedule 2 of the Scottish Parliamentary Pensions Act 2009, a Member of the Scottish Parliament is entitled to receive payment of a resettlement grant if the person is a Member immediately before the Parliament's dissolution and, at the subsequent election, either:

- does not stand for election as a Constituency or Regional Member; or
- stands and is not elected.

The amount of resettlement grant payable is the greater of:

- 50% of the annual salary in payment at the time of ceasing to be Member; or
- a percentage of annual salary which is equal to one month's salary for each complete continuous year of service as a Member, subject to a maximum period of 12 years' service.

The provision for payment of resettlement grants under the Act applies from the date of the election. Resettlement grants will therefore be paid in the next available pay date after the election, i.e. 29 May 2026.

## Career support and advice

### 10. What support will I receive?

You have access, should you wish, to career management support and assistance as you plan your move on to other things. The programme has been designed internally and will be supported by external specialists. Following an initial 1:1 meeting with an experienced career coach, a bespoke programme will be developed. This may involve additional career coaching, CV review and creation, executive recruitment advice, or signposting to other sources of support. To take up this offering, please contact Colleague Experience.

MSPs also have access to the [Individual Assistance Programme \(IAP\)](#) for a period of three months post-election, recognising the emotional and psychological impact that career transitions can bring. This service, provided by Spectrum.Life provides short-term confidential counselling services. The fully qualified team of counsellors and

experts are highly experienced in personal and work-related issues and can support anyone with issues including life transitions such as career progression or retirement. The service can be accessed by contacting 0800 0668350

### **11. What career support will my staff receive?**

Your staff have access to redundancy support and career advice through the [Managing Your Career](#) programme. Support includes e-learning modules (on-demand online courses) available via MyLearning, as well as virtual workshops covering the job hunting process and pre-retirement planning. People Services are also running Q&A drop-in sessions about redundancy. An MSP staff CV bank will be available. CVs can then be made available to new and returning MSPs seeking to recruit staff after the election. MSP staff will also have an opportunity to join the SPCB Admin Resourcing Pool. [Further information on these resources can be found on the intranet](#) and will be communicated to MSP staff via email and the Corporate Bulletin.

MSP staff also have access to the [Employee Assistance Programme \(EAP\)](#), for a period of 3 months post-election, recognising the emotional and psychological impact that career transitions can bring. This service, provided by Spectrum.Life provides short-term confidential counselling services. The fully qualified team of counsellors and experts are highly experienced in personal and work-related issues and can support anyone with issues including life transitions such as career progression or retirement. The service [can be accessed by contacting](#) 0808 196 2016 or 0808 196 2703.

## **My staff**

### **12. What do I need to do in terms of my staff if I am not returned at the election?**

Your designated People Services contact will contact you to assist you with your staffing arrangements. You should be aware that you still have responsibilities in your role as an employer during the winding up period. This includes completing the redundancy process you started prior to the election. Members will have many issues to consider in terms of the redundancy of their staff and the appropriate notice that is required. People Services will provide advice on how to do this, including drafting letters for you to issue to your staff.

### **13. What do I do with any personal data/records I hold about my staff?**

You should delete personal data as soon as it is no longer required and take advice from People Services on employee data if you are unsure.

## IT services

### **14. What IT support will I receive if I am not returned?**

IT accounts will remain active for the duration of the winding up period (normally 3 months) and will not be closed without prior agreement of the Member. During this time, former Members can export contacts or copy files – e.g. speeches or photos (as long as they do not contain any personal information from casework for example, see the section on data protection guidance), from the parliamentary system onto personal equipment using the Office 365 portal. BIT can provide advice on how to do this.

### **15. What should I do with IT equipment that was provided by the Parliament?**

Laptops, smartphones, tablets, local office and home working equipment supplied centrally to Members and their staff must be returned to the Parliament as part of the winding up process.

Members should contact the IT Helpdesk to arrange a suitable time for retrieval of this equipment, ideally from one pick-up point, e.g. a local office. Please note that Members will be responsible for ensuring all IT equipment assigned to them or their staff is returned.

Please phone the IT Helpdesk when you have a date to close down your local office, and BIT will arrange collection of any centrally provided devices and furniture.

If Members would like to keep their mobile number, they should contact the IT Helpdesk, who will arrange a Porting Authorisation Code (PAC).

Returned smartphones and tablets must be completely wiped and free of Apple IDs and equivalent, otherwise they cannot be redeployed.

Please ensure that you change your Apple ID to a different email address from the parliamentary email address before using it to set up any new non-parliamentary phone or tablet. [Full guidance on returning mobile devices can be found on the Intranet.](#)

### **16. Can I purchase my smartphone or tablet?**

No. Laptops, mobile devices and local office and home working equipment supplied centrally to Members and their staff must be returned to the Parliament as part of the winding up process. [Full guidance on returning mobile devices can be found on the Intranet.](#)

### **17. Will the cost of using mobile phones by me and my staff be met from the Winding Up Provision?**

The cost of using a mobile phone for the purpose of winding up a Member's parliamentary business will be met centrally in the usual way by BIT so long as the phone was provided through BIT. Any other mobile phone costs will be met from the Winding Up Provision and should be claimed in the usual way.

It should be noted that all of the above guidance in relation to Members and the arrangements for their mobile devices applies equally to Members' staff.

### **18. What should I do with surfaces and laptops allocated to me and my staff?**

Surfaces and/or laptops supplied centrally as part of your MSP allocation must be returned to the Parliament as part of the winding up period. Members are responsible for the return of all IT equipment assigned to them or their staff (note that equipment can be picked up as part of the local office closure).

Equipment purchased using the Members' Expenses Scheme belong to the Member and as such should not be returned with other equipment.

## **Expenses**

### **19. What expenses can be claimed/paid if I am not returned at the election?**

Members who are not returned at the election will be entitled to claim expenses to finalise their parliamentary affairs. Costs incurred after the election will be met from the Winding Up Provision.

The Winding Up Provision is made up of a capped provision of up to one third of the combination of each Member's Office Cost Provision entitlement plus the maximum virement amount from the Engagement Provision to meet accommodation, office and associated costs and a separate provision to meet staff salary costs during the winding up period and staff redundancy costs. The Allowances Office will advise all Members of their office-related winding up entitlement directly. The staff winding up provision will be specific to each Member based on their staffing structure, length of staff service and the SPCB's redundancy terms.

The SPCB has determined that the enhanced redundancy terms that may apply to staff of Members standing down or not returned at an election is four weeks' salary for each completed year of service up to a maximum of one year's salary. This is inclusive of the statutory redundancy entitlement.

Where, under the terms of the employment contract between the Member and the employee, the employee's entitlement to a redundancy payment exceeds the agreed enhanced redundancy terms, the SPCB may restrict the application for contractual redundancy payment to the enhanced redundancy terms.

### **20. How do I claim the Winding Up Provision?**

Claims against the Winding Up Provision for accommodation, office, travel and associated costs should be submitted to the Allowances Office in the normal way through My Expenses. Like all other expenses, claims against the Winding Up Provision require to be supported by the relevant documentation. i.e. clear receipts and/or invoices.

People Services will liaise with Members directly over the process of making redundancy payments to staff from the Winding Up Provision. Any staff salary payments up to the date of redundancy will automatically be processed under the Winding Up Provision from the date that provision applies.

## **21. Is there a cut-off date for the submission of claims against the Winding Up Provision?**

All claims against this provision must be submitted within six months of ceasing to be a Member or, if that is not possible, within such a longer period as the SPCB may allow.

## **22. What costs can be claimed/charged against the Winding Up Provision?**

There are a number of expenses which may be claimed, details of which are as follows:

### **Staff costs**

- Staff salaries together with Employers National Insurance and pension contributions for the period a member of staff is employed to assist in winding up the Member's parliamentary business.
- Contractual staff redundancy payments that are due. (see Q12).
- Travel costs a member of staff may incur in the course of assisting their Member in winding up their parliamentary business. This does not include normal commuting costs.
- Pay in lieu of any untaken accrued annual leave.

### **Office costs**

- Rental payments due in respect of local offices as a result of any contractual notice to quit period. Please note, any deposits paid on office accommodation that were met from parliamentary resources will require to be refunded to the Parliament. The Allowances Office will confirm how to arrange this.
- Non-domestic rates due in respect of a local office as a result of the contractual notice period.
- Utility costs incurred during the notice period.
- Any insurance costs due during the notice period.
- Office running and repair costs a Member may be contractually obliged to meet during the notice period.
- Stationery, photocopying, postage and business telephone costs a Member may incur as a result of winding up their parliamentary business.

### **Edinburgh accommodation**

- For those who rent accommodation in Edinburgh, any contractual rental obligations in relation to the notice to quit period required to be served can be claimed. Any deposit paid on rented accommodation that was met from parliamentary resources will require to be refunded to the Parliament via the Allowances Office. The Allowances Office will confirm how to arrange this.

- Please note that if your lease/rental agreement requires you to give notice, you are expected to give that notice as quickly as possible after the election. You can use hotel accommodation should you need to be in Parliament to close off your parliamentary business after your lease has expired.
- Council tax, factoring, insurance, gas, electricity and telephone charges and maintenance agreement costs will be met for the same period as any rent is paid.
- Costs incurred as a result of a Member removing their personal belongings from their Edinburgh accommodation can be met.

### **Members' travel costs**

- Any travel costs a Member may incur as a result of winding up their parliamentary business can be met.

### **Overnight expenses**

- If a Member who was eligible to claim the Edinburgh Accommodation Provision requires to stay overnight in Edinburgh to wind up their parliamentary business, they may claim overnight expenses up to the limit set.
- Only those Members who were eligible under the Overnight Accommodation Provision to claim for overnight accommodation costs incurred as a result of staying away from home overnight within their constituency/region will continue to be eligible to claim such costs incurred as a consequence of finalising their parliamentary business.

A Winding Up checklist has been produced and is available at [Annexe A](#).

## Local office supplies and equipment

### **23. What are the arrangements for the collection of furniture and equipment provided by the Parliament?**

Please inform the BIT Helpdesk as soon as you start planning to close your local office. A minimum of three weeks' notice of the closure date where possible should be given to BIT and Facilities Management to allow arrangements to be made to uplift equipment and terminate broadband arrangements.

Please ensure that all equipment and furniture is in good condition and left in the local office (or returned to Holyrood). If you do not have a local office whilst winding up your affairs, then all remaining equipment should be at the location you are using.

Facilities Management will arrange for the equipment to be collected at a convenient date and time for the local office staff. The arrangements will take into account the time you need to wind up your affairs.

These collection arrangements apply to furniture supplied centrally by the SPCB. Any furniture purchased from your expenses is your property and should be retained/disposed of locally as you see fit. If there is any doubt as to how to dispose of any items in your local office the FM Helpdesk will be pleased to provide assistance.

You will also be expected to return Scottish Parliament:

- Headed stationery items such as letterheads and envelopes: we can only accept these items if they have not been opened. If you have opened/used headed stationery items, please ensure that these are shredded or recycled securely.
- Pre-paid envelopes: we can accept all unused pre-paid envelopes including envelopes from open boxes.
- Unused postage stamps.

The above items can be returned along with the equipment.

General stationery items: we cannot accept any other general stationery items such as pens, pencils, staplers, box files, note pads, paper or folders.

### **24. How can I check whether furniture items were purchased under the Office Supplies and Equipment Scheme, and therefore belong to the SPCB, or the Members' Expenses Scheme, and therefore belong to me?**

The Facilities Management Helpdesk will be able to help you.

**25. How can I check which IT equipment was provided centrally and therefore belongs to the SPCB and which was purchased through the Members' Expenses Scheme and therefore belongs to me?**

You will be sent a list of all IT equipment owned by the Parliament which has to be returned. You should contact the IT Helpdesk should you require any further assistance.

**26. What will happen to the equipment that I have identified for collection?**

It is SPCB policy that goods should be re-used wherever possible within the Parliamentary estate. Goods that cannot be re-used within the Parliament must always be disposed of in a manner that minimises the impact on the environment, by reusing elsewhere or recycling as many components as possible.

**27. Why can't I purchase equipment directly from the SPCB?**

The disposal of goods is a complex issue, with particular implications in relation to the sale of electrical equipment. Therefore, it has not been possible to offer equipment directly to you or any of your staff who may wish to purchase it.

**28. What will happen to the information stored on the equipment?**

All data and software programmes will be wiped from the hard drive of laptops including any being scrapped for spares. All equipment that holds any type of information will go through data cleansing or have the sim card removed as appropriate. This type of equipment includes laptops, surfaces and mobile phones.

**29. What if the goods identified for collection do not justify the collection costs?**

Each individual case will be looked at on its own merit. We will determine when goods should be declared surplus or obsolete in accordance with operational requirements and the SPCB's Sustainable Procurement Duty, which places emphasis on reducing purchasing requirements and re-using goods wherever possible. If disposal is necessary, the most appropriate form of disposal will depend on the type and quantity of items, their condition and market value, and their geographical location.

**30. I have received security upgrades to my local office, home and/or Edinburgh accommodation. What happens with these if I am not returned?**

The Security Office will not recover any security measures installed in your local office or your home or Edinburgh accommodation. You will become responsible for any ongoing alarm and maintenance costs for any security measures installed in your home, should you wish to continue with these services. Further details can be discussed with the Security Office.

If you or your staff have been issued with lone worker devices, please ensure these are returned to the Security Office, along with your passes.

## Websites

### **31. I have a personal website funded from the Office Cost Provision. Can I continue to use it?**

You should either remove the website completely or attach the following wording to the website:

“This website was established while I was a Member of the Scottish Parliament. I was a Member from [insert date] to 8 April 2026.”

Even with this wording, the corporate identity must be removed from the website.

The website must no longer be used.

### **32. I have a personal website paid for by myself. What do I need to do?**

Websites which have been paid for other than by using parliamentary resources and funding need not be removed from the web but should make clear that you are no longer a Member of the Scottish Parliament with effect from 9 April 2026.

## Social media

### **33. What do I need to do with my social media accounts (twitter, Facebook, etc)?**

Your social media profiles should be amended, as with private websites, to reflect that you are no longer an MSP. You should ensure that any graphics and images used in your profiles are updated to reflect this and do not imply that you are a current Member.

If you wish to identify yourself as a former Member it is suggested, to avoid confusion, that you also provide a link to the Parliament's website for a list of all Current and Previous MSPs.

## Data protection

### **34. How do I process casework containing personal data in a way that is lawful and fair?**

The UK GDPR and the Data Protection Act 2018 require that personal data is processed fairly, lawfully and in a transparent manner.

You may still process personal data in relation to constituency casework up 30 days after the election until 6 June 2026, but after that date you cannot continue to do so as you no longer have a legal basis to do so. This means that any transfer or deletion of case work must be carried out within the period between the election result on 7 May and 6 June 2026.

As you have not been returned following the 2026 Scottish Parliament election you

need to review your records of constituency casework including active, ongoing cases as well as closed cases and ask the constituent what they would like to happen to their casework. The Information Commissioner's Office (ICO) has issued [guidance for the use of personal data by elected representatives](#) in carrying out constituency casework which includes MSPs.

The guidance includes a section on **'Ending your role as elected representative'** which contains useful information about how you need to process constituency casework to comply with data protection requirements set out in the UK GDPR.

In summary, your office should take the following steps:

1. Review all constituency casework which is either ongoing or has been concluded.
2. Securely destroy or return to the constituent records of closed cases that are not likely to be reopened.
3. For closed cases that could be reopened and ongoing casework, you need to contact constituents to ask **for their consent** on what they would like to happen to their casework. This could include the following options:
  - Whether they would like the casework to be passed to an incoming MSP with their consent.
  - Securely destroying casework records if they do not wish the matter to be taken forward.
  - Return the case file to the constituent for them to take forward. If passing the case file to the constituent, you need to think about the data protection risks of disclosing information containing third party personal data. In these circumstances, the constituent as an individual is only entitled to receive information containing their own personal data (information about them from which they can be identified) and not the personal data of third parties. Therefore, you need to consider what information has been shared with the constituent already and what is reasonable to disclose. For further information see the section on **Providing the casefile to the constituent** below.

Taking one of the steps listed above will give individuals an informed choice about how their personal information is handled and will reduce the administrative burden for you following the election.

Seeking the constituent's choice on what they would like to happen to their personal data aligns with your public task (in terms of Article 6(1)(e) UK GDPR) of ensuring that you are processing personal data in line with the constituent's reasonable expectation as the data subject. Constituents are also less likely to complain about how their personal data has been handled if they have been given an informed choice. For

information about how to obtain consent from a constituent see the section on **How do I ask for consent** referred to below.

Depending on the response from constituents, you need to consider what to do with live cases and any closed cases likely to be re-opened on a case-by-case basis. In doing this, you should consider the expectations of the individual constituent involved and consult with them where their views are not clear.

When contacting constituents, you should advise them that if you do not hear back from them within a reasonable period then their casework will be securely deleted or destroyed where they consist of hard copy records.

Where the constituency casework is being handled by a third party on behalf of your constituent, including parents or individuals with power of attorney, you should consider whether you require further proof of authority from the constituent where possible on how they wish to proceed.

Keep a record of your correspondence with constituents and the actions you have taken (together with the reasoning and considerations involved in the decision-making process).

#### **Providing the casework to the constituent:**

- Provide only the personal data relating to the constituent and nobody else. You will need to redact the personal data relating to other individuals within the correspondence. This can include, for example, the thoughts and views of other individuals relating to the constituent.
- Verify that the individual collecting the casework (if hard copy) is who they say they are.
- Ensure the secure transfer of the content of the casework electronically (please contact the IT Helpdesk for advice and guidance about this).

#### **Transferring personal data to a different MSP not serving the same constituency or region**

- Personal data held in constituency casework should not be transferred to a different MSP not serving in the same constituency. Regional MSPs should not transfer personal data to an incoming MSP serving in a different region. See [Section 8: Engaging with Constituents](#) in the Code of Conduct for MSPs.

**Please see the template letter to constituents and the template for constituent consent referred to at Annexe B.**

#### **35. How do I ask for consent?**

A [consent request should be simple, and in clear and plain language](#). When asking for consent, you **must** clearly identify yourself as the data controller and who the data will be passed to (the office of the new MSP). It should also describe what you are doing with the data (transferring to the new MSP in the event of a change of representative/boundary) and

that the constituent can withdraw consent at any time. You should make it clear that if you do not transfer the information the default position is that the casework will be securely destroyed.

You can access information about [how to obtain consent on the ICO website](#).

### **36. What is special category and criminal offence data?**

Under UK GDPR there are strict rules for processing special category and criminal offence data. These categories of personal data are more sensitive and by their nature require additional measures of protection. To comply with UK GDPR, in addition to a legal basis for processing, Members must have a condition for processing special category and criminal offence data. The applicable condition for constituency casework is set out in paragraph 23 of schedule 1 to the Data Protection Act 2018.

For Members who are not returned, the condition for processing these categories of data will last until the thirtieth day after the day on which the election is held. i.e. **6 June 2026**.

#### **Special category data**

The GDPR defines special category data as:

- personal data revealing **racial or ethnic origin**
- personal data revealing **political opinions**
- personal data revealing **religious or philosophical beliefs**
- personal data revealing **trade union membership**
- **genetic data**
- **biometric data** (where used for identification purposes)
- data concerning **health**
- data concerning a person's **sex life**
- data concerning a person's **sexual orientation**.

#### **Criminal offence data**

The UK GDPR defines criminal offence data as:

Personal data relating to criminal convictions and offences or related security measures. The definition includes information about offenders or suspected offenders in the context of criminal activity, allegations, investigations and proceedings.

For advice and assistance on how to handle constituency casework in the period up to the election, please contact the Information Governance Team.

### **37. Can I pass all my casework to an incoming or another MSP?**

It depends on what data the casework contains. If the casework does not contain any personal data, it can be passed on to an incoming or other Member (in the same

constituency or region) provided you have consent to do so from the constituent. If the casework contains personal data, it must be processed in line with the legal basis for public interest (democratic engagement) in Article 6 (1) (e) of the UK GDPR, and before the cut-off date referred to above.

### **38. What if I cannot trace the constituent or the constituent does not respond?**

If you cannot trace the constituent or the constituent does not respond to your correspondence within a reasonable time (and you are unable to obtain their consent on what they would like you to do with their casework) then it may be safest to arrange for the secure deletion of the casework held electronically.

Members should make their own arrangements for the confidential disposal of hard copy records of constituency casework held at their local office. For hard copies of constituency casework held at Holyrood, Facilities Management can assist by arranging the provision of the necessary confidential waste bags and their uplift for shredding once filled. Any Member wishing to take up this offer should contact the Facilities Management Helpdesk.

### **39. Does the Data Protection Act 2018 allow a new MSP to access records held by me?**

The Act does not specifically create a right for a new Member to access records held by a Member who has not been returned. A new Member can only access records held by you if you have received consent of the constituent to do so. Template letters are available at [Annexe B](#).

### **40. Is there any other information available on how to handle casework once I cease to be an MSP?**

The ICO has prepared a frequently asked questions document which sets out information about handling constituency casework once Parliament is dissolved on Thursday 9 April 2026.

## Postal services

### 41. What will happen to my mail?

Mail will be redirected to an agreed address for a period of three months after the election. This will provide assistance to Members during the winding up of their parliamentary affairs.

## Lobbying Register

### 42. What about the Lobbying Register and relevant information returns?

The Lobbying Register is a public document and former Members can search for and scrutinise published returns, which relate to regulated lobbying relevant to their role as an MSP in previous sessions of the Scottish Parliament. If any former Member finds a return is inaccurate, they can use the 'Report Inaccurate Information' function button within that return to report this (or feel free to also contact the Lobbying Register Team direct).

## SPICe

### 43. When do I need to return any books I have borrowed from SPICe?

You should have returned all books, inter-library loans and other items borrowed from SPICe by Wednesday 25 March 2026. However, if you do discover that you have any books borrowed from SPICe, please return them to SPICe as soon as possible, either in person or by post. This is to ensure that, wherever possible, you or your staff are not subject to the charge which will be made for any missing title that has to be replaced. This applies to all borrowed books but particularly to books that we have borrowed on your behalf from another library.

## BT A-Z Directory

### 44. What will happen to my entries in the BT A-Z Directory after polling day?

Printed versions of the BT Phone Book were discontinued in 2024, but PDF versions remain available on the BT website.

Members are responsible for removing the entries against their names under 'Members of the Scottish Parliament' in the Business Listings section of the online BT A-Z Directory PDFs. Parliament staff do not have the authority to get these entries deleted, as communication providers and BT will not accept instructions from them in relation to Members' entries.

When a Member who is not returned has set a date for closing their local office, they should contact the communication provider (phone service provider) for the local office as soon as possible and ask them to arrange for:

- removal of their name and number(s) from the Directory Management Solutions (DMS) portal

- redaction of their listing from the relevant directory PDF.

Both instructions are necessary for permanent deletion.

(For example, if the communication provider is Vodafone, the Member should contact Vodafone.)

Once changes made through a Member's communication provider have been processed, the entry in the PDF should be redacted in approximately 10 days.

## Annexe A: Winding up checklist

When winding up your parliamentary business you may find the following checklist helpful:

- **Office Lease:** Check your lease to ascertain whether there is a termination/break clause and issue notice to quit accordingly, bearing in mind the time required to wind up parliamentary duties. Should you require any advice in relation to terminating your lease or your responsibilities under that lease please contact the Allowances Office. Please provide the Allowances Office with a copy of the written confirmation of the office lease termination date to ensure rent is stopped at the appropriate time.
- **Office Telephones:** Arrange to have these disconnected with all number listings removed giving the required notice in line with your office closure date. At the end of your winding up period, ensure that a final bill is issued and seek confirmation that the account is now closed from your supplier. Please provide the Allowances Office with a copy of the written confirmation.
- **Office Signage:** Arrange to have this removed in line with your office closure.
- **Corporate Payment Cards:** Members were previously advised by the Allowances Office to limit any credit card spend as far as possible and only use cards where no other payment methods are available after February 2026. If you have used your card please ensure you add transactions promptly to My Expenses to ensure they can be reconciled within the Winding Up period. Cards for all non-returned Members and their staff will be frozen following the election.
- **Websites:** All reference to your status as an MSP and, where parliamentary funded, the Scottish Parliament logo should already have been removed from the date of dissolution. After the election, you should ensure your website is closed down and removed in line with your local office closure.
- **Refunds of Office Costs:** Arrange to have any refunds due to Parliament in respect of rental deposits, business rates, annual costs such as insurances and subscriptions, and utility provision submitted to the Allowances Office. Ensure you have ended all services in writing and send a copy of these termination letters to the Allowances Office.
- **Mobile devices:** Return these to BIT.
- **Edinburgh Accommodation:** Check your lease to ascertain whether there is a termination/break clause and issue notice to quit accordingly. Please note you are expected to vacate your Edinburgh Accommodation and end your lease as quickly as possible after the election and thereafter use hotel accommodation should you need to be in Parliament to close off your parliamentary business after this time.
- **Utilities:** Arrange final reading of utility meters as appropriate. If paying by direct debit, please give meter readings in May to your provider if you do not have a smart meter so that you receive an up-to-date bill, allowing any credit balance to be managed or returned as appropriate. At the end of your lease period, ensure that a

final bill is issued and seek confirmation that the account is now closed from your supplier. Please copy all termination letters to the Allowances Office.

- Edinburgh Accommodation Telephones: Arrange to have these disconnected with all number listings removed as appropriate. Ensure that a final bill is issued and seek confirmation that the account is now closed from your supplier. Please copy all termination letters to the Allowances Office.
- Refunds of Edinburgh Accommodation Costs: Arrange to have any refunds due in respect of rental deposits, council tax, annual insurances/maintenance agreements, factoring charges and utility provision submitted to the Allowances Office. Contact the Allowances Office for further information.
- BT A-Z Directory: Arrange through your communication provider to have all data removed from the DMS portal and listing redacted from the relevant directory PDF.

## Annexe B: Data protection and constituency casework following the election – template letter to constituent

Dear [Constituent Name],

As I was not returned in the Scottish Parliament election on 7 May 2026, I am writing to you to confirm the position regarding the casework information I hold which is likely to contain your personal data.

As explained in my Privacy Notice [\[add link\]](#) the legal basis for my processing casework information, including correspondence between us, in relation to matters raised by you is set out in Article 6(1)(e) of the UK General Data Protection Regulation (UK GDPR). This provision allows processing where it “is necessary for the performance of a task carried out in the public interest”.

In line with Paragraph 23(4)(c) of Schedule 1 to the Data Protection Act 2018, I am permitted to use the time between the date of the election on 7 May 2026 and 6 June 2026 to manage my existing casework. After 6 June I will no longer have a legal right to collect or store any constituency casework containing personal data. Given this, my default position will be to securely delete all closed casework after that date.

To comply with fairness and data minimisation requirements I am contacting you in my role as a Data Controller to ask for your consent to what you would like to happen to your open casework. The available options include:

- passing your casefile to an incoming MSP if you wish them to act on your behalf
- securely deleting the casework (including destruction of hard copy records) if you do not wish to proceed further with the matter
- providing the casework to you so that you can take the matter forward.

If you want to have all or part of your open casework passed to the next constituency or regional MSP, please contact me at [\[add email address\]](#) as early as possible and before 6 June 2026.

Any casework content will only be passed to you in line with data protection requirements, meaning that no information relating to third party individuals will be provided. This may mean that I am not able to provide you with your casework if I am unable to separate the two. I shall also need information from you to confirm your identity before providing any information to you as I can only provide personal data directly to the data subject (the person the personal data is about).

Please complete the attached consent form advising how you would like your casework to be handled. Please note that you have the right to withdraw consent at any time in which event I will stop processing your personal data. If I do not hear from you within seven days with your instructions on how you would like to proceed your casework will be securely destroyed.

Yours sincerely

## Consent form (to be completed by the constituent)

[Name and address of constituent]

Please select ONE of the following options

### 1. Transfer your case to the incoming MSP

I give consent for [name of MSP] as data controller to securely pass my casework to [name of MSP] as incoming MSP after the election so that they may continue to act on my behalf.

YES, I consent to the transfer of my casefile to an incoming MSP.

### 2. Secure deletion of your casefile

I do **not** wish for my casework to be taken forward by an incoming MSP. I therefore request that **my casework be securely deleted or destroyed**.

YES, please securely delete or destroy my casework.

### 3. Have your casework provided to you

I would like **my casework to be provided to me**, and I will decide myself whether to raise the matter again with any future MSP.

YES, please provide my casefile to me.

### Your Details

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Preferred contact details: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### Your Right to Withdraw Consent

You have the **right to withdraw your consent at any time**, and doing so will not affect the lawfulness of the processing carried out before the withdrawal.

If you wish to withdraw consent, change your choice, or ask any questions about how your information is handled, please contact:

**[MSP Office Contact Email / Phone]**

Your information will always be handled in accordance with data protection legislation in terms of the UK GDPR and the Data Protection Act 2018.