

SPCB Privacy Notice – Correspondence with Scottish Parliament Committees

Purpose of Processing

Scottish Parliament Committees receive a large volume of formal correspondence and emails. This privacy notice explains how we deal with any related personal information connected with this correspondence.

Collecting and holding Personal Data

The Scottish Parliamentary Corporate Body (the SPCB) processes any personal data you send to it under the requirements of the General Data Protection Regulation (EU) 2016/679 (the GDPR), the Data Protection Act 1998 (the DPA) and any Acts that replace the Data Protection Act 1998. Personal data consists of data from which a living individual may be identified. 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](#). The relevant section is Section 7.

The categories of Information processed

If you send correspondence to a Scottish Parliament Committee we will process the contact information which you have included. This may include name, address, phone number and email address. This is considered “standard” personal data.

Depending on the content of the correspondence it may be considered “sensitive” or “special category” personal data. For example, this could include details about race or ethnic origin, political or religious views, sex life or sexual orientation, trade union membership, physical or mental health, genetic or biometric data or any criminal offences. This would apply whether it was about you or any other named individual.

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 is that the processing is necessary for the performance of a task carried out in the public interest or substantial public interest, in accordance with Art 6(1)(e) GDPR, s 8(d) DPB and Art 9(2)(g) GDPR. The task is to inform and support the running of a parliamentary Committee which is part of the core function of the SPCB and therefore a Crown function in accordance with section 8(d) DPB.

Data sharing and retention of personal data

Any formal correspondence declared as a public record will be transferred to the National Records of Scotland and will continue to be publically searchable on an ongoing basis. For the transfer of data to the National Records of Scotland, the legal basis is that it is necessary for archiving purposes in the public interest (Art 6(1)(e) GDPR, section 8(d) Art DPB or Art 9(2)(j) GDPR, section 10(1)(e) DPB). When personal information is included in letters or emails, which aren't declared as records, the correspondence will generally be held for no more than two years.

The data sharing and retention of emails will depend on their nature and content. However, all correspondence will be dealt with in line with data protection principles. Emails sent to the Committee clerks may be circulated to Committee Members. They may also be seen by Committee Member's staff. Administrative emails regarding the organisation and logistics of Committee business will be deleted once they are no longer required. Emails, depending on content and sender, will tend not be published but may be shared internally with other departments within the Scottish Parliament where required. If you have any questions about what will happen to your correspondence please contact the recipient.

Correspondence may also be shared with the police and security forces if it contains threats, abusive language or indications of illegal activities. In these cases, the legal basis for sharing your information is that it is in the legitimate interest of the SPCB in accordance with Art 6(1)(f) GDPR.

Freedom of Information

The Parliament is covered by the Freedom of Information (Scotland) Act 2002. This affects the way that we deal with your correspondence. 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 any correspondence which you have sent us.

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.

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.

Deletion of your information – You have the right to ask us to delete personal information about you where:

- You consider that we no longer require the information for the purposes for which it was obtained
- You have validly objected to our use of your personal information – see *Objecting to how we may use your information* below
- Our use of your personal information is contrary to law or our other legal obligations.

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 10 May 2018.

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.