

SPCB Privacy Notice

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

Objections to Private Bills or to amendments to Private Bills

The categories of information processed

The lodging of objections is a public process and you are required to provide a certain amount of personal data with your objection. This includes your name and address and, where available, other contact details, plus the name and designation of anyone signing the objection on your behalf. Each objection must be signed.

In addition you may decide to include personal data, including special categories of personal data, in the content of your objection.¹

Source of the information

Personal data is provided to us directly by anyone lodging an objection to a Private Bill or lodging an objection to an amendment to a Private Bill.

The purpose(s) of the processing

We will use names, addresses, email addresses and telephone numbers for the purpose of contacting you about the content of your objection, or to provide information or advice on parliamentary procedure or the Private Bill's progress.

If your objection is considered to be admissible, we will publish your name, as an objector to the Private Bill. We will also publish your objection and distribute copies to premises where it may be inspected by the public.

The version of the objection that is published and distributed will include your name, but no other personal data supplied with it (such as address and contact details). It may include any personal data, including special categories of personal data, that you decide to include as part of the objection itself.

If we consider that your objection contains any defamatory or abusive material, or any statements about another person which constitute special categories of personal data about that person or may identify that person (unless the objection is accompanied by evidence that the person consents to the statement being made) we may contact you and invite you to amend the objection and/or may have that data or material redacted before the objection is published.

The legal basis of processing

The Scottish Parliamentary Corporate Body (SPCB) processes any personal data it obtains in accordance with the requirements of the General Data Protection

¹Special Categories of data include race; ethnic origin; political views; religion; trade union membership; health or sexual orientation

Regulation (EU) 2016/679 (the GDPR), the Data Protection Act 1998 (the DPA) and any Acts that replace the Data Protection Act 1998.

The UK Parliament is currently considering a Bill that is intended to replace the Data Protection Act 1998 and is referred to as the Data Protection Bill (DPB). The GDPR comes into force on 25 May 2018 which means that its provisions will apply from that date. In this document we are using GDPR terminology and requirements. If you have any questions about how the Data Protection Act 1998 applies to this process for the time period leading up to the 25 May 2018, please contact us using the details below.

The legal basis for the processing of personal data is that it is necessary for the performance of a task carried out in the public interest or in the substantial public interest in accordance with Art 6(1)(e) GDPR, s8(d) or Art 9(2)(g), s10 and para 6 of Schedule 1 to the DPB. The task is facilitating effective scrutiny of a Private Bill, or amendment to such a Bill, including consideration of objections by anyone who believes that the Bill or amendment would adversely affect their private interests. For full and effective scrutiny of a Bill, the SPCB must be able to consider opinions by the public which are supported by information that contains special category data. Therefore the processing of special category data is in the substantial public interest.

Data sharing

The personal data supplied with your objection is shared internally with other departments within the Scottish Parliament where necessary. We may also share that data with Members of the Private Bill Committee, and with an assessor (if relevant), for the purpose of progressing consideration of the Private Bill and objections to it.

We may share that personal data with other objectors or the promoter of the Bill (or their agents) but only with your express consent.

When a Private Bill receives Royal Assent, is withdrawn or rejected or falls, the published versions of objections (including objections that have been withdrawn) are retained by the Parliament as part of the public record. They are then transferred to the National Records of Scotland for archiving purposes, in line with the SPCB Records Management Retention policy.

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, s8(d) DPB or Art 9(2)(j) GDPR, s10(1)(e) DPB).

Retention of data

For the purpose of supporting the Private Bills process, the personal data you provide with your objection is held on servers at the Scottish Parliament with restricted and appropriate access.

If the Private Bill receives Royal Assent, or if the Bill is withdrawn or rejected, or if your objection is withdrawn, this personal data will be deleted as soon as possible after that. Our record management policy for storing signed hard copies of documents is currently under review. This Privacy Notice will be updated accordingly once that review is complete.

If the Bill falls at the end of the session, this personal data will be retained until the end of the period allowed under the Parliament's standing orders for a new Private Bill to be introduced in the next session. If no such Bill is introduced, the data will be destroyed as soon as possible thereafter. If a new Bill is introduced, the data will continue to be retained until (a) that Bill receives Royal Assent, is rejected or withdrawn, in which case it will be destroyed as soon as possible thereafter, or (b) that Bill falls at the end of the session, in which case it will again be retained as already described.

When a Private Bill receives Royal Assent, is withdrawn or rejected or falls, the published versions of objections (including objections that have been withdrawn) are retained by the Parliament as part of the public record. They are then transferred to the National Records of Scotland for archiving purposes, in line with the SPCB Records Management Retention policy.

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 [25 May 2018].

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



HAPPY TO TRANSLATE

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