SPCB Privacy Notice – Correspondence with Scottish Parliament Committees

Purpose of Processing

Scottish Parliament Committees receive a large volume of formal correspondence. 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 (SPCB) processes any personal data you send to it under the requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA). Personal data consists of data that relates to an identified or identifiable individual. 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: https://www.parliament.scot/Parliamentaryprocedureandguidance/CCEd07Rev01201904.pdf

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 your name, address, phone number and email address. This is considered as standard or normal category personal data.

Depending on the content of the correspondence it may be considered as *special category personal data. This would apply whether it was about you or any other named individual.

*Special category personal data includes information about an individual's race; ethnic origin; political or religious views; sex life or sexual orientation; trade union membership; physical or mental health; genetic or biometric data.
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 (for normal category data) or substantial public interest (for special category data), in accordance with Art 6(1)(e) GDPR and section 8(d) DPA (for normal category data) or Art 9(2)(g) GDPR and section 10(3) and paragraph 6(2)(b), part 2, schedule 1 DPA (for special category data). 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) DPA.

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 and section 8(d) DPA or Art 9(2)(j) GDPR and section 10(2) DPA).

Data sharing and retention of personal data

The data sharing and retention of correspondence will depend on its nature and content. Correspondence sent to Committee Clerks may be circulated to Committee Members. It may also be seen by Committee Members’ staff.

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.

Correspondence may form part of a public record. Personal information contained within a public record will be retained in accordance with the Scottish Parliament records management policy and may be transferred to the Scottish Parliament archive at National Records of Scotland where it will be publicly available.

Correspondence which does not form part of the public record will generally be destroyed after two years.

If you have any questions about what will happen to your correspondence, please contact the recipient.
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

Data protection legislation sets out the rights which individuals have in relation to personal data held about them by data controllers. Applicable rights are listed below, although whether you will be able to exercise data subject 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. The right to object to the processing of personal data for the purposes of a public interest task is restricted if there are legitimate grounds for the processing which override the interest of the data subject. 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 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 1 November 2019 and will be reviewed within 12 months if not updated prior to that.

Complaints

We seek to resolve directly all complaints about how we handle personal information but you also have the right to lodge a complaint with the Information Commissioner’s Office online at: https://ico.org.uk/make-a-complaint/

Or by phone at: 0303 123 1113
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

Date | Version | Summary of changes
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10/05/2018 | 1.0 | 
1/11/2019 | 2.0 | Privacy Notice updated to include reference to the Data Protection Act 2018 and changes to the definition of special category data and to the section on “Your Rights” to reflect the legal basis for processing. Changes to the paragraph on the legal basis for processing and minor formatting

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