

SPCB Privacy Notice

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

Personal data disclosed by MSPs or witnesses during parliamentary proceedings

The categories of information processed

'Normal category' personal data, as defined by the General Data Protection Regulation (GDPR), such as names of constituents, is not specifically collected but will be included in the Official Report and in the video recording of proceedings if spoken by a Member or a committee witness at a public meeting of the Parliament or in a public committee.

'Special Category' data (as defined by the GDPR such as race; ethnic origin; political views; religion; trade union membership; health or sexual orientation) is not specifically collected but will be included in the Official Report and in the video recording of proceedings if spoken by a Member or a committee witness at a public meeting of the Parliament or in a public committee.

Source of the information

Individual MSPs (who themselves are data controllers) and committee witnesses (who may or may not themselves be data controllers) disclosing personal data about individuals during meetings of the Parliament and its committees.

The purpose(s) of the processing

The Scottish Parliament Corporate Body (SPCB) has a duty to record, publish and archive all formal proceedings of the Parliament. Meetings of the Parliament and public meetings of its committees are filmed and webcast live (or almost live) and the videos are made publicly available on the Scottish Parliament website.

A substantially verbatim transcript of the meeting is also produced called the Official Report and this, alongside the video, forms part of the national record and will be transferred to the National Records of Scotland for permanent archiving. Official Reports are also legally deposited in the National Library of Scotland and made publicly available on its website.

Two of the Parliament's founding principles are openness and accountability. Everything that is said during public meetings of the Parliament and its committees by Members or committee witnesses is recorded unaltered and transcribed substantially verbatim and then made publicly available on our website. Even when this includes personal information that is disclosed by Members or committee witnesses about themselves or other people, we must record and transcribe the proceedings as they happen; we cannot omit any part of any contribution from the transcript or the video recording.

The legal basis of processing

Data protection law states that we must have a legal basis for handling your personal data.

It is a function of the SPCB to provide the Parliament with the staff and services required for the Parliament's purposes (s.21 of the Scotland Act 1998), including broadcasting and reporting Parliamentary proceedings in accordance with the Standing Orders.

As a result, the legal bases for collecting, holding, sharing and publishing your personal data for the purpose of recording, broadcasting, reporting, publishing and archiving formal parliamentary proceedings are:

- Article 6(1)(e) GDPR – processing is necessary for the performance of a task carried out in the public interest, and
- section 8(d), Data Protection Act 2018 (DPA) – processing is necessary for the exercise of a Crown function.

And as regards special category data:

- Article 9(2)(g) GDPR – processing is necessary for reasons of substantial public interest,
- Article 9(2)(j) GDPR and section 10(1)(e) DPA – processing is necessary for archiving purposes in the public interest, and
- Schedule 1, para 6 DPA – processing is necessary for the exercise of a Crown function.

Data subjects should be aware that if they have provided consent to a Member or a committee witness to disclose information about them at a public meeting of the Parliament or in a committee, and they subsequently seek to withdraw that consent, the SPCB will still be entitled to process their data for the above purposes in reliance on the legal bases set out above.

Data sharing and transfer

Video and transcript records are passed to the National Records of Scotland for archiving purposes. The NRS archives are publically searchable on an ongoing basis.

In addition, transcripts of meetings are legally deposited in the National Library of Scotland and made available on its website.

Transcripts are also made available on the Scottish Parliament website as open data and can be used, stored and distributed by organisations and individuals separately from the Scottish Parliament.

Live output from the Chamber and committee meetings is provided simultaneously to media organisations who store, delete, make use of and/or distribute to public outlets including social media according to their own protocols, independently of the Scottish Parliament.

The legal basis for this sharing and transfer of data is the same as set out above.

Retention of data

Personal data disclosed in the Official Report or the video recording of public meetings is retained and made publicly available permanently unaltered.

Copies of the Official Report (which may contain personal data about individuals disclosed by a Member or committee witness) are retained for the lifetime of the SPCB and a copy of each Archive Edition is permanently deposited with the National Library of Scotland at the time of publication and made publicly available on its website. Official Reports are also transferred to the National Records of Scotland and made publicly available on its website.

Broadcast recordings of Parliamentary proceedings (which may contain personal data about individuals disclosed by a Member or committee witnesses) are retained on our website for archive purposes and reviewed with a view to historical preservation with the National Records of Scotland.

Your rights

The GDPR sets out the rights which individuals have in relation to personal information held about them by data controllers. The rights that are relevant to this processing activity are listed below.

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.