

## **SPCB Privacy Notice**

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

### **Health & Safety – Creating and storing Accident Reports**

#### **The Categories of Information processed**

Normal category data – personal contact information which could include: Name, address, personal email, date of birth, home telephone number.

Special Category data – May contain personal health information.

#### **Source of the information**

The information is provided by the individual involved in the accident or a witness.

#### **The purpose(s) of the processing**

The purpose of the processing is to create and retain accident reports to comply with legal requirements.

#### **The Legal basis of Processing**

The SPCB is under a statutory obligation under Regulation 12 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 to collect and store some or all of the following information when an accident on SPCB premises occurs:

the full name, the occupation (for accidents experienced by members of staff), the status (e.g. customer, visitor or bystander), the injury, the date and time of the accident, the place where the accident happened and a brief description of the circumstances in which the accident happened.

The legal basis for collecting and storing personal data for accident reports is therefore that the processing is necessary for compliance for compliance with a legal obligation to which the SPCB is subject in accordance with Art6(1)(c) GDPR.

For special category data, the data processing is necessary for the purpose of complying with a legal obligation conferred onto the data controller in the area of employment in accordance with Art 9(2)(h), paragraph 1 of Schedule 1 to the DPB.

The records required under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 have to be retained for three years.

For further storing of the records for another two years, the legal basis is that the processing is necessary for the purposes of a legitimate interest pursued by the SPCB and the injured person or third parties involved in accordance with Art 6(1)(f)

GDPR. The legitimate interest is to be able to defend or argue potential future civil claims.

## **Data sharing**

This data is retained by the Health & Safety Advisor. Where there is a claim as a result of an accident the information may be shared with our Legal office, HR, HSE and with third party insurance companies.

## **Retention of Data**

The data will be stored securely electronically for a period of 5 years with appropriately restricted access.

## **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](mailto:dataprotection@parliament.scot)



HAPPY TO **TRANSLATE**

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