

SPCB Privacy Notice

This privacy statement explains how we collect and use personal information provided by individuals who access the following process:

The Sexual Harassment Policy

This notice explains how your personal information will be collected and used and your rights in relation to your personal information.

Background

We have contracted with an external agency to provide a support service for those who fall within the scope of the Sexual Harassment Policy and to assist in the resolution of informal complaints. They will process your personal information for the purpose of providing the Service and will retain it for no longer than is necessary and in accordance with their retention policy. They will not disclose your personal information to us except in the circumstances below. They will provide you with a separate privacy notice setting out how they will handle your personal information when you access the service.

Data Protection queries

If you have any questions about this privacy notice or how we handle your personal information please contact the Human Resources Department or Head of Information Governance. They can be contacted via dedicated email address: HumanResources@parliament.scot or dataprotection@parliament.scot. or at: Human Resources Office, The Scottish Parliament, Edinburgh, EH99 1SP

Your Personal Information

In this privacy notice 'your personal information' means your personal data ie information about you from which you can be identified.

The categories of information processed

The intention is that everyone who wishes to use the Independent Support Service uses the direct telephone number provided to contact them directly, without the prior involvement of the Human Resources Department.

You will not be required to give any personal information about yourself when contacting the Independent Support Service.

The Independent Support Service will not share any information with the SPCB unless you expressly ask them to do so.

If you decide to proceed your case further, the Independent Support Service will offer you a formal complaint form to fill in to provide information to the SPCB about your complaint. This form will include a way to express your consent to the sharing of the personal information with us.

Upon receipt of such a complaint form, the SPCB will be the data controller of the information contained in that form. This means that from that point, the SPCB is responsible for handling the data in line with data protection law.

The type of personal information will depend on what you provide in the form but it will usually consist of normal category data, such as your name and contact details.

It may also contain - depending on what you decide to share - special category data such as information about health etc.

Source of the information

In your contact with the Independent Support Service, you are likely to be the main source of the information. If you decide that your case should proceed to a formal complaint to be dealt with by us, our main source of the information will be the formal complaint form completed by you which the Independent Support Service will pass to us. We may also receive personal information directly from you or other sources who may be involved, in the context of the complaint.

The purpose(s) of the processing

Depending on the nature of your complaint and how you wish to proceed it, we may process your personal information in order to:

- Contact you about your complaint
- Contact your employer about your complaint
- Provide procedural advice to you about your complaint
- Provide advice to your employer
- Conduct grievance and disciplinary processes
- Instruct an Independent Investigator to investigate your complaint

The legal basis of processing

If you are a member of the Scottish Parliamentary Service staff, the processing of your personal data as described above will be necessary to fulfil the SPCB's obligations under your contract of employment in accordance with Art 6(1)(b) GDPR.

If you are an MSP, a MSP member of staff, a representative of the media or of a contractor, the processing will be necessary for the performance of a task carried out in the public interest in accordance with Art 6(1)(e) GDPR and s8(d) Data Protection Act 2018. This is because it is the SPCB's task to provide all necessary resources and services for the Scottish Parliament. It is a task of the SPCB to ensure that the Scottish Parliament and the MSP's constituency or regional offices are a safe place for all to work and visit.

The legal basis for processing any special category data is that it is carried out with your explicit consent in accordance with Art 9(2)(a) GDPR.

Data sharing

Depending on the nature of your complaint, we may share your information with the following third parties:

An Independent Investigator appointed by us

Your employer

The Ethical Standards Commissioner (if complaint is about an MSP)

Access to your personal information will be strictly restricted to those members of staff who are dealing with your complaint.

Retention of data

Data will be retained securely until the complaint has been brought to a conclusion or the involvement of the SPCB has ended for a different reason.

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.
- We are using that information with your consent and you have withdrawn your consent – see *Withdrawing consent to using your information* below.
- 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 to 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.

Withdrawing consent to using your information – Where we use your personal information with your consent, you may withdraw that consent at any time and we will stop using your personal information for the purpose(s) for which consent was given. Please note that any processing based on consent that has happened up to the point where you withdraw your consent will remain lawful.

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 21 March 2019.

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.