

## **Privacy Notice – Submitting your views to a Committee**

### **Purposes of the processing**

Your views and expertise are essential to the working of the Scottish Parliament Committees. When you provide information to a Committee in the form of a submission the Parliament will use this as evidence to help it make decisions and recommendations on the performance of the Scottish Government or other areas of interest within the Committee's remit. We will also process the contact information (e.g. your email address) which you provide with your submission as this will be used by the Parliament to contact you about your response or to provide you with further information about the Committee work you are interested in. Your contact information will **not** be published with the submission.

### **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 living 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: MSPs general conduct.

### **Categories of information**

If you submit evidence to a Committee the Scottish Parliament will need your contact information to process your submission. This will usually take the form of a name,

email address and contact telephone number. Occasionally, this may include a mailing address if we receive information by hard copy. This is considered standard or **normal category** personal data.

Depending on what views and experiences you have decided to share, the content of your submission may include **\*special category** personal data.

\*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 your submission**

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).

This means that if you decide to provide us with any personal data in the form of a submission, we have a legal basis to use and publish that information and do not require your consent to do so.

If the person submitting evidence is under the age of 12 then we will ask the young person's parent or guardian to confirm that they are happy for the young person to provide their written evidence to us.

The content of your submission will become a public record and may be transferred to the National Records of Scotland, the legal basis for this is that it is necessary for archiving purposes in the public interest in accordance with Art 6(1)(e) GDPR and section 8(d) DPA or, for special category data, Art 9(2)(j) GDPR, and section 10(2) and paragraph 4 of Schedule 1 of the DPA.

In certain circumstances Scottish Parliament Committees have the statutory power to be able to require people to provide documentation or attend to give evidence. The legal basis for processing personal data in these circumstances is that it is necessary for compliance with a legal obligation of the data controller in accordance with Article 6(c) GDPR. If a formal notice is issued under these powers, it is a criminal offence not to comply.

## **The legal basis for processing your contact information**

The legal basis for collecting and holding your personal data for the Committee contact list is that it is necessary for the performance of a task carried out in the public interest, Art 6(1)(e) GDPR and section 8(d) DPA.

The task is to facilitate continued engagement of stakeholders with the Committees which is part of the core function of the SPCB and is therefore a Crown function in accordance with section 8(d) DPA. However, you can unsubscribe from the contact list at any point from which time we will cease to process your personal data (see below, under “Retention of personal data”).

## **Publishing your views**

One of the founding principles of the Scottish Parliament is transparency and openness. It is standard practice for the Committee to publish your submission on the Committee’s webpage on the Scottish Parliament website. Your name and any identifying information from the content of your submission will routinely be published unless you have specifically requested that the submission is made in a non-standard format (see below). Once the submissions are publicly available, the Committee may also discuss them in meetings or use them to demonstrate a point of view in written reports.

The Committee may, on occasion, accept submissions in a non-standard format. The main way to do this is to send in your views anonymously - the same process will apply but your name, contact details and any identifying information from the content will be removed before it goes online. Any quote from or reference to any of your answers or comments will not be attributed to you by name.

The other is to send in your views as a ‘confidential’ (not for publication) response. They will not be published online or referenced in any Committee report and will only be seen by relevant SPCB staff, the Committee Members and possibly staff from Committee Member’s offices. The final decision on whether your views will be accepted either anonymously or as a ‘not for publication response’ is for the Committee to take. If the Committee turns down your request for your submission to be processed in a non-standard way you can choose to withdraw your submission at that stage.

## **Times when we may not publish your views**

There may be a few situations where we may choose not to publish your evidence or have to edit it before publication for practical or legal reasons. For example, when we

have received an extremely large quantity of submissions or where we receive a group of submissions which say similar or the same things. In that case, we would normally publish only a list of the names of people who have sent in their views.

Alternatively, we may have to edit information if it can identify another living person who has not specifically given their agreement to have information about them made public. In these situations, Committee Members may have access to the full content of your submission, even if it has not been published in full.

The Scottish Parliament will not publish defamatory statements or material in evidence submissions. This means that if you send in views about a particular person that may be considered harmful and untrue we will return them to you with an invitation to substantiate the comments, remove or redact them. In these circumstances, if the evidence is returned to us and it still contains material which we consider may be defamatory, it may not be considered by the Committee and will be deleted from our systems.

## **Use of digital tools**

### **Smart Survey**

The Scottish Parliament is licensed to use Smart Survey, which is a third-party online survey system, enabling the Scottish Parliament to collect and analyse written evidence submissions. Smart Survey is based in the UK and is subject to the requirements of data protection legislation. The privacy policy for Smart Survey is available here:

<https://www.smartsurvey.co.uk/privacy-policy>

### **Dialogue**

The Scottish Parliament is also licensed to use Dialogue, which is a third-party digital consultation tool enabling the Scottish Parliament to collect and analyse ideas and discussion relating to addressing a specific 'challenge', for instance a Bill or inquiry.

**Delib**, who offer Dialogue, is based between Australia and the UK and is subject to the requirements of data protection legislation. The privacy policy for Delib is available here:

[https://www.delib.net/legal/privacy\\_policy](https://www.delib.net/legal/privacy_policy)

There is also a separate privacy notice for Dialogue which is available here:

<https://www.parliament.scot/Privacy-Notice/CODialogue.pdf>

The Scottish Parliament also uses Citizen Space and Your Priorities. The privacy notices are available here:

Citizen Space

<http://img/notices/Citizen%20Space.docx?Web=1>

Your Priorities

<http://img/notices/Submitting%20Your%20Views%20Using%20Your%20Priorities.docx?Web=1>

## **Retention and sharing of personal data**

The content of your submission will form part of the public record and will help create the evidence base upon which Members of the Scottish Parliament make decisions. Standard and anonymous submissions will appear on the website. 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 (NRS) where it will be publicly available. The original, unredacted versions of confidential and anonymous submissions containing personal data will be closed prior to transfer to NRS and will not be open to public access for a period of up to 100 years.

Your name and contact details may be added to our Committee Office contact list so that you can be kept informed of the outcome of the Committee Business you contributed to. Personal information will be held securely on Scottish Parliament IT systems and will only be accessible by Scottish Parliament staff. If you wish to be removed from the contact list, please contact the relevant Committee clerk who will arrange for your details to be deleted from the list. All contact details will then be deleted from the system and you should no longer receive updates from that Committee.

Data will be reviewed throughout the parliamentary session to ensure it is accurate and up to date. If our email correspondence is bounced back from an email address parliament staff will remove the contact from the list.

At the end of a parliamentary session some Committees may update their areas of responsibility. The Parliament will get in touch to notify people on the contact list if this is happening and let them know that they have the option to unsubscribe at that point if they choose.

## **Possible media interest**

Individuals and organisations who submit evidence may also receive requests to participate in media/broadcast interviews. If this happens you will be provided with the journalist's contact details and it will be up to you to decide whether you wish to contact them and agree to participate.

If you decide to do a media interview or be part of a case study, contact with the journalist can be facilitated by a SPCB media relations officer. Once the interview/broadcast has been completed and the Committee's work concluded, your contact details will be securely deleted from the SPCB's servers (unless you wish to be included in the contact list). If the occasion arises where the journalist requests your contact details, they will only be provided with your consent.

Any case study or media interview that you undertake will be publicly available on the relevant media or broadcast outlet indefinitely.

## **Freedom of Information (Scotland) Act 2002**

The Parliament is covered by the Freedom of Information (Scotland) Act 2002. This affects the way that we deal with your evidence. 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 the information to the person who has made the request – even where the relevant committee has agreed to treat all or part of the information in confidence or publish it anonymously.

With this in mind, while we can assure you that your submission or name will not be circulated to the general public in the context of the relevant committee's current work, we are unable to give you an absolute guarantee that the full submission will never be released in response to an FOI request.

## **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 your personal data) and data portability do not apply where personal data is processed for the performance of a task carried out in the public interest. The right to object to the processing of personal data for the purpose(s) of a public interest task is restricted if there are legitimate grounds for the processing which override the interest of the data subject.

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.

## **Child Protection**

In line with the principles underlying the National Guidance for Child Protection in Scotland (2014), published by the Scottish Government, our staff may report a concern to the relevant authorities if they come across an issue, in the course of their work, which causes them to think that a child may be at risk of abuse or harm.

## **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 29 October 2019 and will be reviewed within 12 months if not updated prior to that.

## **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)

## 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:

<https://ico.org.uk/make-a-complaint/>

By phone: 0303 123 1113



HAPPY TO **TRANSLATE**

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

Date	Version	Summary of changes
14/06/2019	1.0	N/A
29/10/2019	2.0	Privacy Notice updated to include reference to the Data Protection Act 2018, an update to the retention period, information about making a complaint to the ICO and minor formatting changes.