

## Privacy Notice – Submitting your views to a Committee (young person)

### Why do we need your personal information?

Scottish Parliament Committees make sure that Scottish Government and other bodies are working well and doing everything they're supposed to. Committees use your views to help make decisions and recommendations to try and make things better. We call your written views an '**evidence submission**'.

We handle any personal data you send us according to Data Protection Laws. Personal data means any type of information which can identify a living person and tells us something about them. So, this will include any information you tell us about yourself and your views or any information you tell us about other people.

Further information about data protection laws and your rights is available here:

<https://ico.org.uk/for-the-public/is-my-information-being-handled-correctly/>

Members of the Scottish Parliament also have special rules which tell them how they should handle personal data while doing Committee work. This is called the 'code of conduct'.

The Code of Conduct can be found here:

<https://www.parliament.scot/Parliamentaryprocedureandguidance/CCEd07Rev01201904.pdf>

The relevant section is Section 7: MSPs general conduct.

### What types of personal information do we handle?

If you send in your views we will need your contact information. This includes things like name, email address and contact telephone number. This may also include a mailing address if you send anything in the post. This is considered as standard or **normal category** personal data.

Depending on the content of what you send, it may be considered as **special category** personal data which is a category of very private information. For example, this could include details about your own or another person's race or ethnic origin, political or religious views, sex life or sexual orientation, trade union membership, physical or mental health, genetic or biometric data.

## **What bit of the law says we can handle your data?**

Data protection law says that we must have a legal basis for handling your personal data. Our legal basis is that sharing your views with a committee is in the public interest (for normal category data) or substantial public interest (for special category data and criminal offence data) and is an essential part of the work of the Scottish Parliament.

If you are under 12 we will need to ask your parent or guardian to confirm to us that they are happy for you to send us your views.

## **Publishing your views**

When you send in your views we'll upload them onto the website. The Committee may talk about them in a Committee meeting or include them in a written report. Contact details (e.g. your e-mail address) will not be published, but may be used to get in touch with you about your submission or to provide you with further information about the Committee work you are interested in.

If you don't want your name to appear on the submission you may be allowed to send in your views anonymously. This means that the same process will apply but your name and any information which could identify you from the content will be removed before it is published.

If you don't want your submission to go online at all you can ask the Committee to consider it as being confidential. This means it will only be seen by the Parliament staff, the Committee Members and the Members office staff.

It is up to the Committee Members to decide whether you can submit anonymously or confidentially. If the Committee turns down your request, you can decide to stop at this point.

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

There may be a few situations where we may choose not to publish your submission on the website or have to change it for practical or legal reasons. For example, if we have received lots of submissions or if we get a group of submissions which say the same thing. In that case, we would normally publish just a list of people's names. We may ask you to make some changes if you include information which could identify someone else who hasn't given their permission for you to talk about them.

In these situations, Committee Members may have access to the first version of your submission, even if a changed version is put online.

The Scottish Parliament will not publish anything which could be harmful and untrue about a particular person in a submission. If you include anything like this, we may get in touch to ask you if you can provide proof to show that your comments are true, or we will see about removing them or blacking them out. If you make some changes but we still think there is an issue, your submission may not be considered by the Committee and will be deleted from our systems.

## **Use of digital tools**

### **Smart Survey**

The Scottish Parliament can use a tool called Smart Survey. This is a separate company who provide an online survey system. This helps the Scottish Parliament to collect and analyse written evidence submissions. Smart Survey is based in the UK and has to follow data protection laws. The privacy policy for Smart Survey is available here:

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

### **Dialogue**

The Scottish Parliament can also use a tool called Dialogue. This is also provided by a separate company. This helps the Scottish Parliament to collect and analyse ideas and discussions relating to addressing a specific 'challenge', for instance a Bill or inquiry.

**Delib**, who offer Dialogue, is based between Australia and the UK and must follow UK data protection laws. 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 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>

### **How long will we keep your personal information and who will we share it with?**

Your submission will form part of the public record. This means that the Scottish Parliament will transfer submissions to the National Records of Scotland. The National Records of Scotland make sure that information about Scotland's people and history are kept safe and made available for current and future generations (this is often referred to as 'archiving'). This record is open to be public and can be searched now and in the future. If you asked for your submission to be confidential or anonymous the original versions containing personal data will be transferred "closed" and will not be open to the public for up to 100 years. Our legal basis for transferring this data is that it is necessary for archiving purposes.

Your name and contact details may be added to our contact list in order to keep you up to date on the bit of Committee work you contributed to. If you are under 12 we may keep the name and contact details of your parent or guardian instead.

Your information will be stored securely on Scottish Parliament systems and you can tell us to delete your contact details at any point. However, you can't ask us to delete the content of your submission once it's been used by the Committee.

If a digital engagement tool (such as Smart Survey) is used to collect information, all data will be transferred to Scottish Parliament systems. These can only be accessed by Parliament staff. The same process described above will then apply.

### **Possible media interest**

If you send a submission into the parliament which has your name on it a journalist may want to speak to you about your submission for a news story (for example in a newspaper, on a website or on the TV). There is no pressure to do this and it will be totally up to you. If this happens you (and your parent or guardian) will be provided with the journalist's contact details and it will be up to you to decide whether you want to contact them.

If you agree then a Parliament media officer can help and support you. Unless you wish to be included on our contact list we'll delete all your details once the interview is finished and the Committee has finished its bit of work. If a journalist requests your contact details, they will only be given to them with your permission.

If you do an interview which then appears in the media, this will be kept on the website or newspaper site indefinitely.

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

The Parliament is covered by the Freedom of Information (Scotland) Act 2002. This bit of law means that Scottish Parliament has to release certain bits of information it has if a member of the public requests it. This means that, even if the Committee has agreed to deal with your submission in confidence or anonymously, we can't give you a complete guarantee that the full submission will never be released.

## **Your rights**

The GDPR sets out your rights. These can change depending on the legal reason we use to hold your personal information.

For example, the rights allowing for deletion or erasure (of your personal data) do not apply where we are relying on public interest as the legal basis for sharing your information with the Committee.

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 is a good legal reason not to.

**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 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 using the details below if you wish to use any of these rights.

## 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 put any updates on this website. You can get paper copies of the privacy statement using the contact information below.

This privacy statement was last updated on 30 October 2019 and will be reviewed within 12 months if not updated prior to that.

## Complaints

If you are unhappy about the way we handle your personal information, we will seek to resolve the matter with you. You can also make a complaint with the Information Commissioner's Office who you can contact by using the following link:

<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](mailto:dataprotection@parliament.scot)



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
30/10/2019	2.0	Privacy Notice updated to include reference to the definition of special category data in terms of the General Data Protection Regulation. To include reference to the use of digital tools, including citizen space and your priorities and to include the applicable rights having regard to the legal basis for processing and minor grammatical and formatting changes.