

Privacy Notice – Committee Office – Appearing as a Committee witness

Purposes of the processing

The Scottish Parliament Corporate Body (SPCB) has a duty to record and archive all formal proceedings of the Parliament. Scottish Parliament Committees invite people to appear before them to answer questions and share their views and experiences. These appearances are filmed and the videos are publically available on the Scottish Parliament website. A transcript of the meeting will be produced called the Official Report and this, alongside the video, form part of the national record and will be transferred to the National Records of Scotland for permanent archiving.

Photographs of the session may also be taken and committee witnesses, or people whose experiences are shared in the form of a case study, may also receive requests to participate in media/broadcast interviews. Further information on the photography and recording which may take place in the building is available in a separate privacy notice.

Collecting and holding Personal Data

The Scottish Parliamentary Corporate Body (the SPCB) processes any personal data you send to it under the requirements of the General Data Protection Regulation (EU) 2016/679 (the GDPR), the Data Protection Act 1998 (the DPA) and any Acts that replace the Data Protection Act 1998. Personal data consists of data from which a living individual may be identified. 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 obligations on Members of Parliament in terms of how they handle material containing personal data in the course of their Committee work, for example rules around confidentiality. The Code of Conduct can be found [here](#). The relevant section is Section 7.

Categories of information

If you appear before a Committee the SPCB will need your contact information to manage the organisational arrangements. 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” personal data.

Depending on what views and experiences you decide to share related to your appearance this may be considered “sensitive” or “special category” personal data. For example, this could include details about race or ethnic origin, political or

religious views, sex life or sexual orientation, trade union membership, physical or mental health, genetic or biometric data or any criminal offences.

If you let us know about any accessibility requirements to help you attend the meeting this will also be considered sensitive or special category personal data as it is related to your health.

The legal basis for processing

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 for the purpose of recording, publishing and archiving formal parliamentary proceedings is that the processing is necessary for the performance of a task carried out in the public interest or substantial public interest, in accordance with Art 6(1)(e), section 8(d) Data Protection Bill and GDPR, Art 9(2)(g) GDPR, para 6 of Schedule 1 to the Data Protection Bill.) The task is to facilitate evidence gathering for a parliamentary Committee which is part of the core function of the SPCB and therefore a Crown function in accordance with section 8(d) DPB. This includes video broadcast, written transcripts and photography of Committee proceedings.

For the transfer of data to the National Records of Scotland, the legal basis is that it is necessary for archiving purposes in the public interest (Art 6(1)(e) GDPR, section 8(d) Art DPB or Art 9(2)(j) GDPR, section 10(1)(e) DPB).

Data sharing and retention of personal data

Your personal contact details will be stored securely on our Committee Administration System (CAS). The contact details for witnesses who regularly appear before a Committee or who are likely to be invited to give evidence in the future will be retained. An accuracy check of the contact details retained will be conducted.

Contact details for witnesses whose appearance is considered to be relevant only to a specific inquiry will be deleted at the conclusion of that piece of work, as will those for other witnesses not expected to give evidence at future meetings. All witness information held within the CAS system will be reviewed annually and may be shared internally with other business areas within the Parliament.

Witnesses name and contact details may be added to our Committee Office contact list in order to be kept informed of the outcome of the Committee Business. You are able to unsubscribe from the contact list at any point. Please see the privacy notice on the contact list for more information.

Video, photos and transcripts of public Committee meetings will be retained in electronic format on the website. Photos will also be stored in our photo storage system Third Light Ltd. For more information on Third Light's privacy policy, go to:

<https://www.thirdlight.com/terms-and-conditions>

Photos taken at Committee meetings may also be used by the media alongside any articles which are written about Committee proceedings. Photos of the Committee meeting may also be used on the Committee's webpage and social media accounts.

The legal basis is that it is necessary for the purpose of a legitimate interest of the SPCB in accordance with Art 6(1)(f) GDPR. The legitimate interest is the aim of the Committee to engage with and inform the wider public, such as through news promotion.

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

Personal data is also used to prepare a Witness List for each business day. The Witness List is in electronic form and is used at the Visitor Information Desk to register the arrival of committee witnesses and advisers. Witness Lists are prepared on the morning of each business day for that day and deleted at the end of day. Personal data on Witness Lists may be shared internally with other departments within the SPCB. It will only be passed to any third parties according to a legal obligation.

Possible media interest

It is possible that the SPCB media relations office will be contacted by a journalist with a request to invite you to take part in a media interview or be part of a case study. 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 Parliament's servers. 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 may be publically available on the relevant media outlet indefinitely.

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 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 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:

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.