

Privacy Notice – Committee Office – Signing and/or commenting on a Public Petition

Purposes of the processing

Public petitions are one of the main ways for someone to ask the Scottish Parliament to take action on an issue that matters to them. All public petitions that comply with the Parliament’s rules will be published on the Parliament’s website and may be “open” to collect signatures and comments for a period of up to six weeks.

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 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](#). The relevant section is Section 7.

Categories of information

Signing a petition

If you sign a petition, you will need to provide your name, location and email address. The system will also automatically record the IP address. These are considered “standard” personal data.

Commenting on a petition

If you comment on a petition, you will need to provide your name. This is considered “standard” personal data.

Depending on what views and experiences you have decided to share in the content of your comment 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.

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 in the context of signing and commenting on a public petition 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) GDPR, section 8(d) DPB, or Art 9(2)(g), paragraph 6 of Schedule 1 to the DPB. The task is to facilitate recording of support from the public of a public petition which is part of the core function of the SPCB and therefore a Crown function in accordance with section 8(d) DPB.

Sharing of personal data

Petitions will be transferred to the National Records of Scotland according to the SPCB's document retention schedule and will continue to be publically searchable on a permanent basis both via the Parliament's website and the National Records of Scotland.

The legal basis for sharing personal data with NRS is that it is necessary for historical and 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).

Publishing your signature or comment

One of the founding principles of the Scottish Parliament is transparency and openness.

If you sign a petition, your name and location will be published on the petition webpage. If you comment on a petition, your comment will be published on the petition webpage and may be discussed by the Public Petitions Committee in meetings or used in briefing papers or reports on the petition.

Both signatures and comments will also be publically available via the Parliament's [Open Data portal](#) on an ongoing basis.

Your email address and IP address (in the case of people signing a petition) will not be published.

Retention of personal data

Data that is published, as described above, will be retained on an ongoing basis as part of the public record. Your email address and IP address will not be published but will be retained on an ongoing basis as they are required for internal use to confirm that each signature added to a petition is valid.

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

This would be considered on a case by case basis and depends on what personal data is involved and the risks further processing of that data would pose to you. As described above, the collection, storage, sharing and publishing of personal data contained in petitions is a task carried out in the public interest, which means that these three data subject rights do not apply here or only in a restricted scope. The following rights do apply:

Access to your information – You have the right to request a copy of the personal information about you that we hold.

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.

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.

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:

Online: <https://ico.org.uk/global/contact-us/email/>

By phone: 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



HAPPY TO **TRANSLATE**

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