

Privacy and Data Protection

This is the privacy statement of the Scottish Parliamentary Corporate Body (“the SPCB”) in relation to personal data processed in connection with the Lobbying Register.

The SPCB is a data controller under the General Data Protection Regulation (GDPR) and the Data Protection Bill 2018 when it is passed as an Act by the UK Parliament. As such it must process personal data according to the requirements of the law.

When you enter details about yourself in the Lobbying Register this may constitute personal data that you are giving to the SPCB. The SPCB is obliged to handle your personal data in accordance with the GDPR.

Categories of information processed

In general, the Lobbying (Scotland) Act 2016 requires very little personal data to be submitted to the Lobbying Register. The duty to register and submit information about instances of regulated lobbying rests principally with organisations (although in such cases, the names of directors of a company or partners within a partnership must be included in the register). However, in certain circumstances an individual may require to register (e.g. if they are running a business as a sole trader). Where this is the case, the individual’s name and address (business or residence address) will require to be submitted along with details of the individual’s lobbying activities. We will also require contact details (email address, telephone number) to allow us to contact registrants in connection with the Lobbying Register.

The Lobbying (Scotland) Act 2016 does not require the registration of any specific special category (formerly “sensitive”) data. However, in some cases, it is possible that data relating to trade union membership may be captured by information returns submitted to the Lobbying Register. This would occur if a trade union is engaged in regulated lobbying as the 2016 Act requires the name of the individual who made the communication to be declared.

Purposes of the processing

The Lobbying (Scotland) Act 2016 places a legal obligation on the SPCB by means of a statutory duty to establish, maintain and publish a lobbying register containing information about registrants and their lobbying activities. Any personal data submitted to the Register will be processed by the SPCB for the purpose of fulfilling these statutory duties.

Legal basis for processing personal data in the Lobbying Register

The statutory obligation placed on the SPCB by the Lobbying (Scotland) Act 2016 provides a lawful basis for processing personal data under the current Data Protection Act 1998 and under the GDPR.

Article 6(1)(c) of the GDPR provides a lawful basis for processing where:

“processing is necessary for compliance with a legal obligation to which the controller is subject.”

In terms of any special category data processed, our lawful basis for processing such data can be found in article 9(2)(g) GDPR: the processing is necessary for reasons of substantial public interest. This is on the basis that the processing is necessary to allow the SPCB to exercise its statutory functions under the Lobbying (Scotland) Act 2016.

It is open to the Clerk of the Parliament to withhold from publication any information relating to an individual if the Clerk considers that it would be inappropriate to make that information publicly available. In any case where personal data is withheld from the Lobbying Register on this basis, we will continue to hold a full record of the information submitted in order to comply with the legal obligations placed on the SPCB under the Lobbying (Scotland) Act 2016 and in case a complaint is made to the Commissioner for Ethical Standards in Public Life in Scotland regarding the content of the Register. Any such personal data will be held securely.

Consequences of not providing information

The Lobbying (Scotland) Act 2016 requires anyone who engages in regulated lobbying to record details of their activities in the Lobbying Register. The following consequences may result from a failure to provide the information required by the 2016 Act:

- The Lobbying Registrar (on behalf of the Clerk of the Parliament) can issue an Information Notice to anyone reported to have been engaged in regulated lobbying where this has not been registered.
- The Commissioner for Ethical Standards in Public Life in Scotland can investigate complaints about non-compliance with the Act and submit a report to Parliament upon conclusion of an investigation. Ultimately, the Parliament could then censure the subject of the Commissioner’s report.
- Non-compliance could also result in criminal prosecution and the application of penalties.

Other information held

We hold a database of email addresses for the purpose of sending communications (mainly news and information) to stakeholders with an interest in the implementation

of the Lobbying (Scotland) Act 2016 and the Lobbying Register. The lawful basis for processing any personal data held in this database is consent. We obtain the consent of stakeholders for this purpose by asking them to submit an email requesting to be added to the database. An individual may ask us to update their contact details, or withdraw their consent at any time. This can be done by contacting the Lobbying Register Team via email at lobbying@parliament.scot or telephone on 0131 348 5408.

Data sharing

The Register is searchable by anyone with an interest in finding out about regulated lobbying activity that has taken place. This means that information submitted to the Register will be publicly available.

In some cases, we may withhold information from publication on the Register if we consider that it would be inappropriate to make that information publicly available. However, we may be required to share personal data about people who have submitted information to the Register with:

- the Commissioner for Ethical Standards in Public Life in Scotland (in cases where the Commissioner is investigating a complaint regarding the content of the Register), or
- the Crown Office and Procurator Fiscal Service in connection with an investigation relating to the commission of an offence, including an offence under the Lobbying (Scotland) Act 2016.

Retention of personal data

The aims of the Lobbying (Scotland) Act 2016 are to improve transparency, public scrutiny and public accountability as regards regulated lobbying. In order to fulfil those aims, the 2016 Act requires the information contained within the Register to be publicly available. The information submitted to the Register will therefore be retained on the Register indefinitely (subject to any amendment of registrants' details). We will also retain any information submitted but withheld from publication indefinitely for the purpose of any potential investigation by the Commissioner for Ethical Standards in Public Life in Scotland or any criminal investigation.

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. For example, the rights allowing for erasure of personal data, data portability and objecting to the processing of personal data do not apply in cases where personal data is processed for the purpose of complying with a legal obligation – these particular rights will therefore

not apply to any personal data processed by us for the purpose of fulfilling our legal obligations under the Lobbying (Scotland) Act 2016.

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.

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 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.

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 11 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:

The Scottish Parliament

Edinburgh

EH99 1SP

Telephone: 0131 348 6913 (Text Relay calls welcome)

Textphone: 0800 092 7100

Email: 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:

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

By phone: 0303 123 1113

By post: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF

Open Data at the Scottish Parliament

The Parliament has a strong reputation for openness and accessibility, based on its founding principles and its policies and practices. We have a commitment to publish datasets on all parliamentary information that can usefully be provided as open data. Every six months we intend to publish datasets from the Lobbying Register on our open data site at <https://data.parliament.scot/>

Privacy and Cookies

The SPCB uses cookies to gather information about how visitors use the Lobbying Register website to help us improve its performance, and secondly, to improve the visitor experience when using the website by delivering pages more quickly or remembering user settings.

The information collected by the SPCB is anonymous - it cannot be used to identify you personally. Further information on the way that we use cookies and how you can set your browser to control cookies is available in our [Cookie policy](#).