

SPCB Privacy Notice

This privacy statement explains how we collect and use personal information about you for the following process:

The recording and capturing of images by the Scottish Parliamentary Corporate Body (SPCB) throughout the Parliament, including photography, photo archiving, filming and audio recording

Photography

Images are taken by the Parliament photographer to provide a photographic record of day-to-day life in the Parliament or at other locations where parliamentary business takes place.

Images may be issued to the media for editorial reporting of parliamentary business and used on Parliament social media channels and the Parliament website. Under the current image licence terms, images may also be issued to any third party who requests them, so long as they are not used for party political or advertising purposes.

Images taken are stored securely in the SPCB's image archive (provided by ThirdLight Ltd) for an indefinite period, as they form part of the permanent record of the Parliament for the SPCB. Images may be transferred to the National Records of Scotland for permanent archiving.

Images may also be included in official Parliament publications such as committee reports or related information, or in printed or digital materials in order to promote the work of the Scottish Parliament and engage with the people of Scotland.

On occasion, other members of SPCB staff or a contractor may capture images for the above purposes. These include images taken by committees. Images taken by education and outreach services for use on social media in order to promote public engagement are held on a temporary basis and not archived.

Filming/audio recording

The Parliament has an in-house Broadcasting unit which films and archives all items of parliamentary business as well as selected parliamentary events (including at other locations where parliamentary business takes place).

The broadcast feeds are used by external broadcaster news organisations and are also used for webcasting and archival purposes.

The Broadcasting office also produces edited packages for use in internal and external communications.

Filming may also be undertaken for web and social media purposes. Audio-only recording may also take place.

CCTV is recorded throughout the building. Please refer to the specific Privacy Notice relating to CCTV.

The categories of information processed

We process 'normal category' personal data, as defined by the General Data Protection Regulation (GDPR) e.g. photographic/recorded image, name (only of the subject of a photo/video), and other details relevant to the image being captured. Captions may include additional information such as location, date, nature of the event etc. where this pertains to the subject of the image taken.

'Special Category' data (as defined by the GDPR such as race; ethnic origin; political views; religion; trade union membership; health or sexual orientation) is not specifically collected, unless related to the subject of the image captured, and may then be included in captions.

Source of the information

Photographs are routinely taken by the SPCB throughout the Parliament complex, for example during parliamentary business (at committee meetings, during Chamber business, in public areas etc), during other parliamentary activities (events, education/outreach visits etc), for exhibition purposes or specific marketing purposes. Images may also be captured offsite, for example on external committee visits or outward trips. Other personal data may be collected by SPCB staff for the purpose of captioning and management of pictures in the image archive; this data is collected from the individuals and organisations portrayed and from publicly available sources.

The purposes of the processing

There are three main categories of processing activity relating to the capture of images and audio of individuals:

1. Photographs/recorded footage/audio of core parliamentary functions – e.g., parliamentary business (Chamber and Committee business) – these are processed to broadcast proceedings of the Parliament or document official parliamentary business, including related official events.
2. Photographs/recorded footage taken for legitimate ancillary purposes – e.g., purposes that are not part of the core functions of the Parliament, but which are clearly connected to the aim of the Parliament to engage with and inform the wider public, such as through news promotion, events/exhibitions, and recording and promoting the engagement of individuals and groups through our education and outreach services.
3. Photographs/recorded footage/audio taken or otherwise processed for other purposes unconnected with the Parliament's core functions – i.e. for commercial and marketing purposes.

The legal basis for the processing

The legal basis for each of the three categories of processing activity relating to the capture of images and audio of individuals is set out below:

1. Photographs/recorded footage/audio of core parliamentary functions – The legal basis is that these activities are necessary for performing a task carried out in the public interest (Art.6(1)(e) GDPR and s.8(d) of the Data Protection Act 2018). It is a function of the SPCB to broadcast parliamentary proceedings and to document official parliamentary business for archiving purposes; these functions derive from the Scotland Act 1998 and the Standing Orders of the Parliament made under that Act. This legal basis also applies to any photographs and video/audio footage taken for the purposes of Member-Sponsored Events (which must relate to parliamentary business or support MSPs in their parliamentary role) and other events held to mark a particular occasion in relation to the functioning of the Parliament, such as the commencement of a new parliamentary session, or a state visit.
2. Photographs/recorded footage/audio taken for legitimate ancillary purposes – The processing is necessary for an activity carried out in the legitimate interest of the SPCB (Art 6(1)(f) GDPR). The legitimate interests here are:
 - news promotion,
 - education,
 - engagement of the public in the work of the Parliament,
 - providing a platform for Scottish influence at home and abroad,
 - promoting significant historical, constitutional or cultural events/anniversaries with a clear link to democracy and/or the Scottish Parliament's history, role or work, and
 - engaging in and celebrating significant cultural, historical or tourism initiatives where these further support the purpose of engaging audiences with the Parliament and our role in Scottish national life.
3. Photographs/recorded footage/audio taken for commercial or marketing purposes – this could, for example, take the form of photographs of individuals purchasing goods in the Parliament shop or attending a corporate event being held in the Parliament building. The processing is necessary for an activity carried out in the legitimate interest of the SPCB (Art 6(1)(f) GDPR). The legitimate interest here is promoting other commercial facilities and functions of the Parliament.
4. In some cases, the taking or use of a photograph or video footage will involve processing special category data if, for example, the accompanying caption identifies that the subject of the photo has a particular health condition. The legal basis applying to the processing of such personal data may, depending on the circumstances, be that the individual has provided explicit consent or has chosen to make that information public, or that it is necessary for the

performance of a public task in the substantial public interest (i.e., the tasks identified in paragraph 1 of this section) or for archiving purposes.

5. In line with the general requirement to process data fairly and in a transparent manner, signs in the Parliament inform visitors that photographs and audio/video recordings are routinely taken and broadcast and that their images/audio will be captured and used for different purposes. The signs advise visitors to contact a member of staff if they wish more detailed information and detailed information sheets have been prepared for this purpose.
6. Where we rely on the legitimate interests legal basis for taking photographs or video/audio footage of an individual in which they are the main feature (e.g., a video interview recording their views on a particular topic), they will be advised in advance of the reasons why we would like to photograph or film them (i.e., our legitimate interests) and the uses that will be made of the photos/film.
7. Similarly, visitors attending the Parliament for other purposes (such as education/outreach/public engagement purposes) are advised if photographs and/or recorded footage are to be taken of them both before and during their visit, the reasons for doing so and the uses which may be made of such photographs/footage. An opportunity is given to individuals to exclude themselves from any such photographs/video recording.
8. As regards any images/video footage taken for commercial or marketing purposes, any individuals who may be filmed or photographed for these purposes are advised of this and an opportunity is given to allow them to exclude themselves from any such photographs or video recording.

Special considerations applying to children:

Where children feature in photographs/recorded footage/audio of core parliamentary functions (which can take place at locations outside the Parliament, such as schools, as well as in the Parliament itself), the legal basis is that these activities are necessary for performing a task carried out in the public interest (Art.6(1)(e) GDPR and s.8(d) of the DPA).

It is a function of the SPCB to broadcast parliamentary proceedings and to document official parliamentary business and related events for archiving purposes; these functions derive from the Scotland Act 1998 and the Standing Orders of the Parliament made under that Act. This applies both to cases where children appear in the background of such photographs/footage and when they participate directly in parliamentary business.

The consent of a parent or guardian will, however, be obtained to permit a child under 16 to formally participate in committee proceedings (including in cases where

the proceedings take place outwith the Parliament) in order to protect the privacy rights of such a child; even where consent to participate is provided, the legal basis for any processing of that child's data will be the public interest task basis identified above.

Where children visit the Parliament as part of an organised school group, we seek the permission of the teacher before we take a photograph of the group. We then add it to our Twitter account and send a copy of the photograph to the teacher who organised the visit. For groups involving children under the age of 12, the photograph is taken in such a way that the children are not identifiable. For children aged 12 and above, a standard group shot is taken.

The legal basis for this processing is the legitimate interest of promoting the education services offered by the Parliament and to provide the school with a record of their visit. Once the image has been added to Twitter and emailed to the school it is deleted from our system.

An information sheet is provided to schools in advance of the visit for onward transmission to the children attending and their parents; this explains that a photograph may be taken during the visit for this purpose and advises that the teacher should be informed if the child is not to be included in the photograph. The photographer will also explain the purpose for taking the photograph at the time and give the children the option of being included in the photograph.

As for any photographs/recorded footage/audio taken and used for other purposes and in which children under 16 are the main focus and/or are named, the legal basis is consent of the child or their parent/guardian (Art 6(1)(a) GDPR). For these purposes, we normally apply the presumption in the DPA that children aged 12 and above have capacity to provide consent for the processing of personal data relating to them without the need for parental consent, other than in cases where (i) there is evidence that displaces that presumption, or (ii) the personal data processed raises particular privacy risks in relation to the child (e.g., it involves the child providing his or her views on a sensitive matter or revealing special category data about themselves). Where the Parliament is concerned about privacy risks for those aged 12-16, consent from a parent or guardian will be sought in advance.

Data sharing

Photographs/recorded footage/audio may be shared internally with other departments within the Scottish Parliament where necessary to achieve the purposes noted above.

Photographs/recorded footage/audio may be issued to the media for editorial reporting of parliamentary business and used on Parliament social media channels and the Parliament website. Under the current image licence terms images may also

be issued to any third party who requests them, so long as they are not used for party political or advertising purposes.

Images from events are made available to partner organisations and are occasionally issued to the media for use in print and online to illustrate events in news reporting. These focus on the keynote speakers but may include incidental images of others in attendance. Some events occur annually and images from past events may be used to promote the current year's event on Parliament social media channels and websites.

The legal bases for the sharing of data are the same as those identified [above](#) in relation to the taking and use of photographs and recorded footage.

Retention of data

Images of historical value will be retained indefinitely/for the lifetime of the Parliament, in line with the SPCB Records Management Retention Schedule. Other images are weeded from the archive regularly. Images which are not considered to require archiving are stored securely on Parliament systems until no longer of operational value, at which point they are routinely deleted.

Transfer of data

We do not plan to transfer any personal data outwith the EEA in connection with the processing activities described in this notice. If we receive a request to transfer such data to a data controller outwith the EEA, we will only do so in line with the European Commission's adequacy decisions about certain countries, on the basis of standard contractual clauses approved by the European Commission or for reasons of important public interest.

The personal data covered by this notice may, on occasions, be posted on our social media accounts on the following platforms: Facebook, Instagram and Twitter; whilst the data controllers for these platforms are based within the EEA, they may share any data which they hold outwith the EEA in line with their own privacy policies. A copy of the privacy policies for these platforms can be found here: [Facebook](#), [Instagram](#), [Twitter](#).

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 – You have the right at any time to require us to stop using your personal information for direct marketing purposes. In addition, 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.

Automated processing – if we use your personal information on an automated basis to make decisions which significantly affect you, you have the right to ask that the decision be reviewed by an individual to whom you may make representations and contest the decision. This right only applies where we use your information with your consent or as part of a contractual relationship with you

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 questions about the way in which we process personal information 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 and 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.