

## **SPCB Privacy Notice**

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

### **Procurement**

#### **The Categories of Information processed**

Normal personal data, as defined by the General Data Protection Regulation including names and contact details, addresses, date of birth, place of birth, professional history, CVs, conflict of interest information.

Credit check information. This can include date of birth, nationality, financial information that relate to individuals.

#### **Source of the information**

Personal data can be provided to us via a number of sources including the Scottish Parliament's eProcurement system, email, post, verbally, access to an online portal/website.

Personal data is provided to us directly from individuals (data subjects).

Personal data is provided to us directly from an individual's employer.

Personal data is provided to us via a third party (e.g. credit check via access to an online portal).

#### **The purpose(s) of the processing**

We process and store any personal data for the purpose of delivering and maintaining SPCB contracts and in order to comply with public procurement regulations in Scotland.

#### **The Legal basis of Processing**

The processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract (Art 6(1)(b) GDPR).

Processing of personal data relating to criminal convictions and offences or related security measures based on Article 6(1) GDPR is carried out only under the control of official authority and therefore in accordance with Art 10 GDPR. The SPCB is required to process information relating to certain criminal convictions under the procurement legislation. The processing is insofar necessary to comply with a statutory obligation to which the SPCB is subject (Art 6(1)(c) GDPR).

## **Consequences of not providing personal data**

Not processing this information would make it impossible for the SPCB to conclude and manage contracts and compromise the SPCB's full compliance with public procurement regulations in Scotland.

## **Data sharing**

The personal data is shared internally with other departments within the Scottish Parliament where necessary.

The personal data is shared with other public sector bodies involved in the procurement process where necessary. For example:

- Central Government Procurement Shared Services, who may take forward procurements on behalf of the SPCB.
- Any public sector body with which the SPCB collaborates on a procurement due to similar/shared requirements.

The sharing is necessary for the performance of a contract (Art 6(1)(b) GDPR).

The personal data is shared with third party advisers involved in the procurement process where necessary. For example:

- Independent and/or contracted advisers/specialists who may take forward procurements on behalf of the SPCB, or be consulted for contract evaluation purposes on areas in which the SPCB lacks the required expertise (e.g. IT, Construction etc.).

The sharing is necessary for the purpose of a legitimate interest of the SPCB (Art 6(1)(f) GDPR). The legitimate interest is to receive professional specialist advice in order to achieve best value for money in the procurement process.

Supplier names and contract details are published publicly on the Scottish Parliament website for all SPCB contracts with a value above £5,000 as part of our Contracts Register. Regulated contracts (contracts with a value above £50,000) are also published on the Public Contracts Scotland website. This is in order for the SPCB to meet the obligations of Section 35 of the Procurement Reform (Scotland) Act 2014.

The sharing is necessary to comply with a statutory obligation to which the SPCB is subject (Art 6(1)(c) GDPR).

## **Retention of Data**

The personal data is retained for 5 years after contract expiry and destroyed in line with the SPCB Records Management Retention Schedule.

Any personal data submitted through the Scottish Parliament's third party eProcurement System is currently retained by the third party until a request is made for this to be deleted. The Scottish Parliament will make requests for the deletion of data 5 years after contract expiry in line with the SPCB Records Management Retention Schedule.

## 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
- 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.

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 18 April 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 (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.