

SPCB Privacy Notice

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

Promotion of Private Bills (Promoters and Agents)

The categories of information processed

Scrutiny of Private Bills is a public process and you are required to provide a certain amount of personal data as part of the Bill and the accompanying documents. This includes the name of the promoter (and agent, if applicable). We will also expect you to provide us with contact details for individuals representing the promoter or agent. This is standard or **normal category** personal data. The Private Bill and the promoter's statement on legislative competence must be signed.

In addition, the Bill or accompanying documents may include ***special category** personal data, depending on the circumstances.

*Special category personal data includes information about an individual's race; ethnic origin; political or religious views; sex life or sexual orientation; trade union membership; physical or mental health; genetic or biometric data.

Source of the information

Personal data is provided to us directly by anyone seeking to introduce a Private Bill (the promoter), or by an agent acting on the promoter's behalf.

The purpose(s) of the processing

The purpose of the processing is:

To contact/ keep you informed and to form part of the public record (e.g. there could be correspondence with a promoter that would be retained by the committee and sent to the National Records of Scotland (NRS)). We will use names, addresses, email addresses and telephone numbers for the purpose(s) of contacting you about the content of the Bill, or to provide information or advice on parliamentary procedure or the Private Bill's progress.

The name of the promoter (and agent, if applicable) will be published (on the Bill and accompanying documents) on the Parliament's website. We will also distribute copies

of the Bill and accompanying documents to premises where it may be inspected by the public.

We will not publish other personal data supplied (such as promoter or agent contact details) that you provide to us but which is not included in the Bill or accompanying documents.

If we consider that the Bill or an accompanying document contains any defamatory or abusive material, or any statement about another person which constitute special categories of personal data about that person or may identify that person (unless the document is accompanied by evidence that the person consents to the statement being made) we may contact you and invite you to amend the document and/or may have that data or material redacted before the document is published.

The legal basis of processing

The legal basis for the processing of personal data is that it is necessary for the performance of a task carried out in the public interest (for normal category data) or for reasons of substantial public interest (for special category data) in accordance with Art 6(1)(e) GDPR and section 8(d) DPA (for normal category data) or Art 9(2)(g) GDPR and section 10(3) and paragraph 6(2)(b), part 2, schedule 1, DPA (for special category data). The task is facilitating effective scrutiny of a Private Bill, which is in the public interest. Should it be necessary or appropriate for the Bill to contain special category data, the processing of that special category data is in the substantial public interest.

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 and s8(d) DPA or Art 9(2)(j) GDPR and s10(1)(e) DPA).

Data sharing

The personal data supplied with the Private Bill is shared internally with other departments within the Scottish Parliament, where necessary. We may also share that data with an assessor (if relevant), for the purpose(s) of enabling the assessor to make practical arrangements with the promoter (or agents) in connection with the assessor's functions.

We may share that personal data with objectors (or their agents) but only with your express consent.

Retention of data

The personal data you provide will be held securely on Scottish Parliament IT systems or in dedicated hard copy storage.

Contact details will be retained as follows:

If the Private Bill receives Royal Assent, or if the Bill is withdrawn or rejected, personal data will be deleted as soon as possible after that. If the Bill falls at the end of the session, personal data will be retained until the end of the period allowed under the Parliament's standing orders for a new Private Bill to be introduced in the next session. If no such Bill is introduced, the data will be destroyed as soon as possible thereafter. If a new Bill is introduced, the data will continue to be retained until (a) that Bill receives Royal Assent, is rejected or withdrawn, in which case it will be destroyed as soon as possible thereafter, or (b) that Bill falls at the end of the session, in which case it will again be retained as already described.

Personal information collected as part of the bill process forms part of the public record and will be retained in accordance with the Scottish Parliament records management policy and may be transferred to the Scottish Parliament archive at National Records of Scotland where it will be publicly available.

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 deletion or erasure of personal data (right to be forgotten) and data portability do not apply in cases where personal data is processed for the purpose(s) 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(s) 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.

The following rights apply:

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.

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 7 October 2019 and will be reviewed within 12 months if not updated prior to that.

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:

<https://ico.org.uk/make-a-complaint/>

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 forma

Date	Version	Summary of changes
17/05/2018	1.0	N/A
07/11/2019	2.0	Privacy Notice updated to include reference to Data Protection Act 2018, changes to the definition of special category data and to the paragraphs on the legal basis for processing (to reflect the new legislation), retention and your rights to reflect the legal basis for processing. To include minor formatting changes.