

## **SPCB Privacy Notice – PO Correspondence and Complaints**

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

### **General Enquiries and Correspondence, including Complaints to the office of the Presiding Officer**

#### **The categories of information processed**

General enquires and correspondence, including complaints, may contain the personal data of the sender as well as any other individuals that are mentioned.

Correspondence will normally contain **normal category** data, such as your name, address, email address and telephone number.

Depending on the nature of the enquiry or complaint, **\*special category** data and/or **\*\*criminal offence** data may be processed, for example court references, health information, political affiliation, police and/or information relating to criminal records.

\*Special category data consists of information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and the processing of genetic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

\*\*Criminal offence data consists of information about criminal convictions and offences, or related security measures.

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

This information is received from correspondence which may be provided to the office of the Presiding Officer by members of the public, MSPs and other elected and non-elected representatives (UK and abroad), public bodies and other external organisations.

#### **The purpose of the processing**

The purpose of the processing is to enable the office of the Presiding Officer to send replies in response to enquiries and complaints that are received.

#### **The legal basis of processing**

In terms of the General Data Protection Regulation (GDPR) we must have a legal basis for processing personal data (including normal, special category and criminal offence data). To process special category and criminal offence data, we also require a separate condition for processing and, where applicable, a public interest condition in terms of Part 2, Schedule 1 to the Data Protection Act 2018 (DPA).

The legal basis for processing for the purposes of responding to enquiries and correspondence, including complaints is that it is necessary for performance of a task carried out in the public interest in accordance with Article 6(1)(e) GDPR and section 8(d) of the DPA. Engagement of the Presiding Officer with the general public and other organisations, including responding to any complaints, greatly increases the transparency, accountability and accessibility of the Scottish Parliamentary Corporate Body (SPCB).

For special category data contained in correspondence and/or complaints sent to the Presiding Officer, processing is necessary for reasons of substantial public interest in terms of Article 9(2)(g) GDPR and section 10(3) DPA, in accordance with paragraph 6 (2)(b), Part 2, Schedule 1, DPA. For any criminal offence data contained in correspondence and/or complaints sent to the Presiding Officer, the legal basis is set out in Article 10 GDPR and section 10(5) DPA, together with paragraph 6 (2)(b), Part 2, Schedule 1, DPA.

### **Data sharing**

Complaints about the conduct of an MSP during a meeting of the Scottish Parliament will be made to the Presiding Officer. If the complaint is about a Member's conduct at a committee meeting, the complaint will be made to the Convenor of the committee involved, unless the complaint is about the Convenor, in which event the complaint will be made to the Presiding Officer. The Presiding Officer or the committee's convenor, as the case may be, may refer a complaint to the Standards Procedures and Public Appointments (SPPA) Committee.

The Presiding Officer may also receive complaints about a Member engaging with constituents. Where a complaint is received the Presiding Officer will share the complaint with the MSP who the complaint is about and, if necessary, with the respective Party Business Manager. If the complaint cannot be resolved or the complaint is sufficiently serious as to merit an investigation the Presiding Officer will share the complaint with the Convenor of the SPPA Committee.

Otherwise, any enquiries and correspondence received that requires a reply may be shared with the relevant parliamentary official(s) tasked with providing advice and/or drafting the response.

### **Retention of data**

Enquiries are retained till the end of the calendar year plus three years, in accordance with the Scottish Parliament records management policy.

Complaints against Members of the Scottish Parliament that are considered by the Presiding Officer are retained till the end of the calendar year plus five years, in accordance with the Scottish Parliament records management policy.

### **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 (right to be forgotten) and data portability do not apply in cases where personal data is processed for the purposes of the performance of a task carried out in the public interest. 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 may 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 3 September 2020 and will be reviewed within 12 months if not updated prior to that.

## **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:

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)

## **Complaints**

We seek to resolve directly all complaints about how we handle your personal information, but you also have the right to lodge a complaint with the Information Commissioner's Office by email:

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

Or by phone: 0303 123 1113



HAPPY TO TRANSLATE

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

Date	Version	Summary of changes
25/05/2018	1.0	
03/09/2020	2.0	Privacy Notice updated to include reference to the Data Protection Act 2018 and definitions of special category data and criminal offence data in terms of the General Data Protection Regulation. To include changes to the section on "The legal basis for processing" to identify the conditions for processing special category and criminal offence data. To include changes to the section on "Data sharing" to set out the circumstances for sharing correspondence and complaints. To include changes to

		<p>the section on “Your rights” to reflect the legal basis for processing. To include reference to the right to make a complaint to the ICO and minor formatting changes.</p>
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