

Data Protection Privacy Notice

This is the Privacy Notice in relation to the office of Rhoda Grant MSP and David Stewart MSP

This privacy notice explains how our office collects and uses personal information about individuals.

Our office address and contact details are:

The Scottish Parliament, Edinburgh, EH99 1SP

Constituency Addresses: 3 Gordon Terrace, Inverness, IV2 3HD and 34 Cromwell Street, Stornoway HS1 2DD

Email: rhoda.grant.msp@parliament.scot and david.stewart.msp@parliament.scot

Phone: Parliament – 01313485766, Inverness - 01463 716299 and Stornoway - 01851 709822

Notification:

We are registered as a data controller with the UK Information Commissioner and the reference number is:

How we use your personal data:

We process any personal data under the requirements of the General Data Protection Regulation (EU) 2016/679 (the GDPR), the Data Protection Act 1998 and any Act that replaces the Data Protection Act.

The UK Parliament is currently considering a Bill that is intended to replace the Data Protection Act 1998 and is here referred to as the Data Protection Bill (DPB). The GDPR comes into force on 25 May 2018 which means that its provisions will apply from that date. In this document we are using GDPR terminology and requirements. If you have any questions about how the Data Protection Act 1998 applies to this process for the time period leading up to the 25 May 2018, please contact us using the details above.

What is personal data?

Personal data is any information from which a living individual can be identified.

We will hold all personal data securely, we will only use it for the purposes it was collected or acquired for and we will only pass it on to third parties with your consent or according to a legal obligation.

Further information about the data protection legislation and your rights is available here:

<https://ico.org.uk/for-the-public/is-my-information-being-handled-correctly/>

Purposes and categories of processing personal data:

We collect and use personal data to fulfil the following functions and associated activities of our office;

- to carry out casework on behalf of our constituents;
- to tend to issues and campaigns we involved in ;
- to manage and support our staff and to maintain supplier relationships;
- to process expenses, accounts and associated records.

If you contact us with an inquiry or a complaint, we will normally need to store your contact details to deal with your inquiry or complaint. This is considered to be “normal category data” under the GDPR.

Other personal data you may provide to us may include details about your personal and family life, social circumstances and business activities, your employment and education details, financial information or information about your housing situation etc.. Depending on what views, issues or experiences you wish to discuss with us, you may be sharing “special category” data with us. For example, this could include details about race or ethnic origin, political or religious views, sex life or sexual orientation, trade union membership, physical or mental health, genetic or biometric data or any criminal offences.

The legal basis for processing personal data:

Data protection law states that we must have a legal basis for handling your personal data. The permitted legal bases can be found in the GDPR and the DPB.

Depending on the circumstances, the legal basis for processing personal data in our office may include:

- Consent of the data subject (the person who the personal data relates to.)
- Complying with legal obligations

- Protecting vital Interests of individuals
- Pursuing legitimate Interests
- Acting in the public interest [includes democratic engagement activities]
- The processing is necessary for the performance of a contract

Categories of processing activities and corresponding legal basis:

Processing of personal data means anything from collecting, storing, using to sharing and deleting (see link above for more information).

We process personal data in the following ways:

Processing activity	The legal basis	How long we retain the data	How the data may be shared
Receiving, storing and responding to general enquiries by letter, email or in person	The processing is necessary for the performance of a task carried out in the public interest or for the purpose of a legitimate interest (Art 6(1)(e) or 6(1)(f) GDPR). The task is the engagement of constituents with their elected parliamentary representative. The accessibility of elected representatives is in the public interest.	As long as is necessary to progress your enquiry and thereafter to hold on file until we are all satisfied that the matter is closed and finished with	With you consent it will be shared with the appropriate organisation to allow us to respond fully to your enquiry
Receiving, storing and responding to complaints by letter, email or in person	Depending on the nature of the complaint, the processing is necessary for the performance of a task carried out in the public interest or for the		

	purpose of a legitimate interest (Art 6(1)(e) GDPR or Art 6(1)(f) GDPR).		
Receiving and storing data in relation to a personal issue or problem raised by a constituent (casework)	<p>The processing is carried out with the consent of the data subject (Art 6(1)(a) GDPR) OR</p> <p>The processing is necessary for the performance of a task carried out in the public interest or for the purpose of a legitimate interest (Art 6(1)(e) or 6(1)(f) GDPR).</p> <p>Or, for special category data:</p> <p>The processing is necessary for reasons of substantial public interest (Art 9(2)(g) GDPR and DPB Sch 1, para 23).</p>		
Collect and use data for the purpose of sending out newsletters with information about surgeries, office contact details and upcoming events and campaigns	The processing is necessary for the performance of a task carried out in the public interest (Art 6(1)(e) GDPR).		
Take, store and use photos and videos in connection with	The processing is necessary for the performance of a task carried out		

our engagements and events I attend in our capacity as a MSP.	in the public interest or for the purpose of a legitimate interest (Art 6(1)(e) GDPR or Art 6(1)(f) GDPR).		

Sharing of personal data:

We sometimes may be required to share the personal information we hold with other individuals or organisations including for example:

- healthcare, social and welfare organisations
- local and central government bodies
- educators and examining bodies
- statutory law enforcement agencies
- investigating bodies
- elected representatives and other holders of public office
- financial organisations
- crime prevention agencies and the police

The legal basis for sharing data with these organisations may be that

- the sharing is necessary for complying with a legal obligation to which we are subject (Art 6(1)(c) GDPR);
- the sharing is necessary in order to protect the vital interests of the data subject or of another person (Art 6(1)(d); or
- the sharing is necessary for the performance of a task carried out in the public interest or substantial public interest (Art 6(1)(e) or Art 9(2)(g) GDPR.

We may seek **your prior express consent** to share your personal data with any of the following:

- employment and recruitment agencies
- press and the media
- family, associates and representatives of the person whose personal data we are processing
- enquirers
- subjects of complaints

- political parties
- charitable parties

The consequences of not processing personal data are:

- Where we are processing personal data for the performance of a contract, the consequence of not processing the personal data is that we may not be able to fulfil our obligations under that contract.
- Where we are processing personal data in accordance with a statutory obligation, the consequence of not processing personal data may be that we are liable to regulatory fines for non-compliance with that statutory duty.

Automated data processing:

We do not use automated processing techniques to process your data.

Sharing or processing personal data outside the European Economic Area:

We do not share or process personal data in locations outside the EEA.

Retention of personal data:

We retain personal data for the period that is necessary to carry out casework on behalf of our constituents, work on issues and campaigns we are involved in, and to support our staff and maintain supplier information, expenses, accounts and associated records.

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 (see the individual privacy notices listed above for further details in relation to specific processing activities).

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 wish 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.
- You have validly objected to our use of your personal information – 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.

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 using the contact details provided above.

Changes to our privacy statement

We keep this privacy statement under regular review and will place any updates on our website and other notice boards. Paper copies of the privacy statement may also be obtained using the contact information above.

This privacy statement was last updated on 25 May 2018.

Contact information and further advice

See Above

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