

# PRIVACY NOTICE

## **This is the Privacy Notice of the office of Clare Haughey MSP.**

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

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### **Scope**

All data subjects whose personal data is collected, in line with the requirements of the EU's General Data Protection Regulation (GDPR). Under the GDPR, personal data is defined as:

"any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person".

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### **Who are we?**

This is the office of Clare Haughey MSP. Clare Haughey MSP is the current Scottish National Party (SNP) Member of the Scottish Parliament for the constituency of Rutherglen. The office discharges the duties and functions of an elected Member of the Scottish Parliament.

Clare Haughey MSP (referred to in this Privacy Notice as "I", "me", "myself", "she", "her", "we", "our" or "us") is the Data Controller under the GDPR. This privacy notice sets out how we process personal data (referred to in this Privacy Notice as "you" or "your").

Contact details are as follows:

- Constituency office address: 85 Main Street, Rutherglen, Glasgow G73 2JQ
- Parliamentary office address: M5.06, The Scottish Parliament, Edinburgh EH99 1SP
- Email: [clare.haughey.msp@parliament.scot](mailto:clare.haughey.msp@parliament.scot)
- Constituency telephone number: 0141 561 5131
- Parliamentary telephone number: 0131 348 5756
- Constituency mobile phone number: 07840784632
- Website: [www.clarehaughey.scot](http://www.clarehaughey.scot)

I am registered as a data controller with the UK Information Commissioner and the reference number is: ZA183092

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## **How I use your personal data:**

I process any personal data under the requirements of the General Data Protection Regulation (EU) 2016/679 (the GDPR) and the Data Protection Act 2018 (the DPA).

## **What is personal data?**

Personal data is any information from which a living individual can be identified. I will hold all personal data securely; I will only use it for the purposes it was collected or acquired for, and I 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/>

## **Why do I need your personal information?**

As an elected representative, I will only be able to look into concerns which you raise (i.e. casework) if my staff and I can use your personal information. I would then use this personal information in order to raise enquiries with relevant agencies on your behalf. I also require your personal information to keep you informed about the progress of any enquiries that my staff or I make on your behalf, as well as to contact you with the outcome(s) of any enquiries.

If you contact me with an inquiry or a complaint, I 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 me 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 me, you may be sharing "special category" data. In some circumstances, it may be necessary for myself or my staff to collect special categories of data about you.

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. This information will only be collected where it is materially relevant to the enquiry you raised with us.

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I regularly receive emails or other forms of correspondence from constituents who wish to lobby me about certain policy issues or upcoming events, debates and votes in the Scottish Parliament. In order to respond effectively to such enquiries, I require personal information so that I can provide more details about my position and views on the matters which you raised with me.

I also receive information about individuals from third parties, which can include (and is not limited to) friends/relatives of constituents in situations where the constituent cannot get in touch directly, legal representatives acting on behalf of a constituent or situations where constituents raise queries or complaints about other people. This information is processed in line with the GDPR and the Data Protection Act 2018.

I operate an email newsletter, which gives constituents who wish to opt-in the opportunity to receive further general updates on my campaigns and activities as a Member of the Scottish Parliament. This newsletter is a marketing communication, therefore opt-in consent will always be requested before any such communication is sent to you, in line with the Privacy and Electronic Communications Regulations 2003. In order to provide you with updates on my activities as a Member of the Scottish Parliament in this format, provided you have consented to receiving such updates, I require your email address to send you these updates.

My office and I collect and use personal data to maintain supplier relationships, and to process expenses, accounts and associated records. If you are a supplier, I will normally need to store your name, contact and payment details for the purposes of the contract between us. Please note, many of the expenses and orders made by myself or my office are administered centrally by the Scottish Parliament's Allowances Office.

## What types of personal data do I collect and process?

The personal data I may collect and process from you could include:

Personal data type:	Source (i.e. where I obtained the personal data from if it has not been collected directly from you)
Name	Where a full name is not provided by the constituent, details of first names and surnames are obtained from the full electoral register to verify that the person from whom data is being collected is resident in Rutherglen constituency. The full unedited electoral register is made available to Members of the Scottish Parliament to carry out the functions of their office.

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Postal address	Where a full postal address is not provided by the constituent, address details are obtained from the full electoral register to verify that the person from whom data is being collected is resident in Rutherglen constituency. The full unedited electoral register is made available to Members of the Scottish Parliament to carry out the functions of their office.
Email address	
Telephone number	
National Insurance Number	
Home Office reference number	
Date of birth	
Any other reference numbers connected to your enquiry	

## How will I use your personal data?

### The legal basis for processing personal data:

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

Where it is necessary for me to process data for the purpose of taking reasonable action on behalf of a constituent, I do not require the constituent's consent for that processing i.e. for casework. The legal basis for the processing is that it is necessary for a task carried out in the public interest or, as regards special category data, the substantial public interest. In particular:

- In relation to 'normal' category data, the legal basis is that the processing is necessary for an activity supporting or promoting democratic engagement (article 6(1)(e) GDPR and section 8(e) DPA). Democratic engagement covers a wide range of political activities inside and outside election periods, including but not limited to: democratic representation, communicating with electors and interested parties, surveying and opinion gathering, campaigning activities, activities to increase voter turnout, supporting the work of elected representatives, prospective candidates and official candidates and fundraising to support any of these activities;
- In relation to 'special category data', the legal basis is that the processing is necessary for reasons of substantial public interest, which includes any processing carried out by an MSP, or a person acting with their authority, for the purpose of reasonable actions taken by the MSP in response to a request by an individual to

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take action on their behalf (Article 9(2)(g) GDPR and paragraph 23 of Schedule 1 of the DPA).

## **Other processing activities**

For other activities and functions which involve the processing of personal data, the legal basis for processing may, depending on the circumstances, be:

- Processing necessary for a task carried out in the public interest (which includes processing necessary for an activity supporting or promoting democratic engagement (article 6(1)(e) GDPR and section 8(e) DPA). Democratic engagement covers a wide range of political activities inside and outside election periods, including but not limited to: democratic representation, communicating with electors and interested parties, surveying and opinion gathering, campaigning activities, activities to increase voter turnout, supporting the work of elected representatives, prospective candidates and official candidates and fundraising to support any of these activities.
- Processing necessary for the pursuit of legitimate interests.
- Consent of the data subject (the person who the personal data relates to).
- Processing necessary to comply with legal obligations.
- Processing necessary to protect vital interests of individuals.
- Processing necessary for the performance of a contract.

As for any sensitive (or 'special category') data, the legal basis relied upon may, depending on the circumstances, be:

- Processing necessary to comply with legal obligations.
- Explicit consent.
- Processing necessary to protect vital interests of individuals.
- The data has been manifestly made public by the data subject.
- Processing necessary for the establishment, exercise or defence of legal claims.

## **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).

I process personal data in the following ways:

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<b>Processing activity</b>	<b>The legal basis</b>	<b>How long I retain the data</b>
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) GDPR). The task is the engagement of constituents with their elected parliamentary representative. The accessibility of elected representatives is in the public interest.	I will store this data for no longer than necessary. Once the enquiry has been dealt with – e.g. being asked for a contact number, then providing it to the person making the query – then this will be securely deleted within a week.  Data which is written on or received by paper will be disposed of by a micro-cut shredder, once dealt with.
Receiving, storing and responding to complaints by letter, email or in person	The processing is necessary for the performance of a task carried out in the public interest (Art 6(1)(e) GDPR). The task is the engagement of constituents with their elected parliamentary representative. The accessibility of elected representatives is in the public interest.	I will store this data until the 1 <sup>st</sup> May (or closest working day before this date), in the year five years after the year the complaint was received. For example, a complaint received in November 2016, will be retained until 1 <sup>st</sup> May 2021, unless still ongoing.  Data will be reviewed on the 1 <sup>st</sup> May (or closest working day before this date) from 2021 and each year thereafter. On review, if there is no further action to be taken (e.g. complaints are no longer open, no response from the person whose data is being held), then this data will be securely destroyed.
Receiving and storing data in relation to a personal issue or problem raised by a constituent (casework)	The processing is necessary for the performance of a task carried out in the public interest (Art 6(1)(e) GDPR).  The task is the engagement of constituents with their elected parliamentary representative. The	I will store this data until the 1 <sup>st</sup> May (or closest working day before this date), in the year five years after the year the letter was received. For example, details of a case opened in November 2016, will be retained until 1 <sup>st</sup> May 2021, unless still ongoing.  Data will be reviewed on the 1 <sup>st</sup> May (or closest working day

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	<p>accessibility of elected representatives is in the public interest.</p> <p>For special category data:</p> <p>The processing is necessary for reasons of substantial public interest (Art 9(2)(g) GDPR and DPA Sch 1, para 23; (this covers any processing carried out by an MSP, or a person acting with their authority, for the purpose of reasonable actions taken by an MSP in response to a request by an individual to take action on their behalf).</p>	<p>before this date) from 2021 and each year thereafter. On review, if there is no further action to be taken (e.g. cases are no longer open, no response from the person whose data is being held), then this data will be securely destroyed.</p>
<p>Collect and use data for the purpose of sending out newsletters with information about surgeries, office contact details and upcoming events and campaigns.</p> <p>A number of newsletters are sent using the website MailChimp. Further details can be found on Page 8.</p>	<p>The processing is necessary for the performance of a task carried out in the public interest (Art 6(1)(e) GDPR).</p>	<p>I will store this data until the 1st May (or closest working day before this date), in the year five years after the year the letter was received. For example, data relating to a constituent who opted-in to my newsletter in 2016, will be retained until 1st May 2021, unless still ongoing.</p> <p>Data will be reviewed on the 1st May (or closest working day before this date) from 2021 and each year thereafter. On review, if there is no further action to be taken (e.g. campaigns have ended, surgery venues have changed, newsletters are no longer sent etc.), then this data will be securely destroyed.</p>
<p>Take, store and use photos and videos in connection with my engagements and events I attend in my capacity as a MSP.</p>	<p>The processing is necessary for the performance of a task carried out in the public interest (Art 6(1)(e) GDPR) or for the purpose</p>	<p>I will store this data until the 1st May (or closest working day before this date), in the year five years after the year the photo/video was taken. For example, a photo taken in</p>

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	of a legitimate interest (Art 6(1)(f) GDPR) or the data subject has provided consent (Art 6(1)(e) GDPR).	November 2016, will be retained until 1st May 2021.  All data will be reviewed on the 1st May (or closest working day before then) from 2021 and each year thereafter. On review, if there is no further action to be taken, then this data will be securely destroyed.
Invitations to events in the constituency and at Parliament.	The processing is necessary for the performance of a task carried out in the public interest (Art 6(1)(e) GDPR) or for the purpose of a legitimate interest (Art 6(1)(f) GDPR) or the data subject has provided consent (Art 6(1)(e) GDPR).	I will store this data for no longer than necessary. Once the enquiry has been dealt with – e.g. invite has been responded to – then this will be disposed of within a week.

## Further information on the types of data collected:

- Recording of the personal data on a database (caseworker.msp, which is managed by Elected Technologies Ltd) in order to efficiently manage and respond to enquiries made to myself and my staff. Caseworker.msp has multi-factor authentication.
- Personal data related to casework which is received as a letter, will be scanned onto the secure caseworker.msp system, and shredded within one month of receipt. Documentation, casework and non-casework (i.e. bills and invitations) is kept in a secure office (shutters which are locked with a key; a door which is locked with a key, and a security door which requires a PIN), and within a locked filing cabinet.
- E-mails are kept on a secure system.
- Voicemails are immediately erased after being dealt with, unless kept for a particular purpose. For example, a voicemail left by a constituent may be retained to be provided to the police (whilst ensuring DPA and GDPR legislation is adhered to it).
- My newsletter is sent to a number of opt-in subscribers on the internet website MailChimp - with whom I have a data processing agreement with. Access to data collected and processed for the newsletter and other electronic marketing communications is password-protected and only available to myself and staff members authorised to write and send such communications on my behalf. MailChimp is signed up to the EU-US Privacy Shield.

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## Sharing of Personal Data

I, or my staff, may pass your personal data on to third party service providers in the course of dealing with your enquiry, such as local authorities, government agencies, public bodies, health boards, regulators, and so on. Any third parties that we may share your data with are obliged to keep your details securely, and to use them only to provide us with information relating to the specific enquiry you have raised with us. I sometimes may be required to share the personal information I hold with other individuals or organisations including (non-exhaustive) 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

Depending on the circumstances, the legal basis for sharing data with these organisations may be that:

- the sharing is necessary for complying with a legal obligation to which I am 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).

I 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 I am processing
- enquirers
- subjects of complaints
- political parties
- charitable parties

### **The consequences of my not processing personal data are:**

Where I am processing personal data for the performance of a contract, the consequence of not processing the personal data is that I may not be able to fulfil my obligations under that contract.

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Where I am processing personal data in accordance with a statutory obligation, the consequence of not processing personal data may be that I am liable to regulatory fines for non-compliance with that statutory duty.

## **Automated data processing:**

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

## **Sharing or processing personal data outside the EEA:**

I do not intend to share or process personal data in locations outside the EEA.

## **Retention of personal data:**

I retain personal data for the period that is necessary to carry out casework on behalf of my constituents, work on issues and campaigns I am involved in, and to maintain supplier information, expenses, accounts and associated records.

## **Using my website:**

My website uses cookies to gather information about how visitors use my website to help me improve its performance, and secondly, to improve the visitor experience when using the website by delivering pages more quickly or remembering user settings. Additionally, videos on the website may use cookies created by third-party providers such as Flash or YouTube.

The information I collect is anonymous - it cannot be used to identify you personally. Further information on the way that I use cookies and how you can set your browser to control cookies is available in my cookie policy here:

<https://automattic.com/cookies/>

## **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 I hold.

**Correcting your information** – I want to make sure that your personal information is accurate, complete and up to date. Therefore, you may ask me to correct any personal information about you that you believe does not meet these standards.

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***Deletion of your information*** – You have the right to ask me to delete personal information about you where:

- You consider that I no longer require the information for the purposes for which it was obtained
- I am using that information with your consent and you have withdrawn your consent.
- You have validly objected to my use of your personal information –my 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 me to stop using your personal information for direct marketing purposes. In addition, where I use your personal information to perform tasks carried out in the public interest or for a legitimate interest then, if you ask me to, I will stop using that personal information unless there are overriding legitimate grounds.

***Restricting how we may use your information*** – in some cases, you may ask me to restrict how I use your personal information. This right might apply, for example, where I am checking the accuracy of personal information about you that I hold or assessing the validity of any objection you have made to my 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 me to delete the data. Where this right is validly exercised, I 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 I 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 me using the contact details provided above.

## **Changes to my privacy statement:**

I keep this privacy statement under regular review and will place any updates on my website. Paper copies of the privacy statement may also be obtained using my contact information.

This privacy statement was last updated on 25 May 2018.

## **Contact information and further advice:**

Can be found on Page 1.

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## **Complaints:**

I seek to resolve directly all complaints about how I 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