

Lewis Macdonald MSP Data Protection Privacy Notice

This is the Privacy Notice of the office of Lewis Macdonald MSP.

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

It is effective from 25 May 2018.

My office address and contact details are:

Address: The Scottish Parliament, Edinburgh, EH99 1SP

Email: lewis.macdonald.msp@parliament.scot

Phone: 0131 348 5915

Address: 70 Rosemount Place, Aberdeen AB25 2XJ

Email: lewis.macdonald.msp@parliament.scot

Phone: 01224 646333

Notification:

I am registered as a data controller with the UK Information Commissioner and my reference number is: ICO: Z1215086

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), 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 I am using GDPR terminology and requirements.

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/>

Purposes and categories of processing personal data:

I collect and use personal data to fulfil the following functions and associated activities of my office;

- to carry out casework on behalf of my constituents;
- to address local and national issues and campaigns, including the use of casework data to inform national or local trends;
- to invite constituents to public meetings and inform them about matters which they have raised with me;
- to manage and support my staff and to maintain supplier relationships;
- to process expenses, accounts and associated records.

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, information about your housing situation and other matters pertaining to issues you have raised with me. Depending on what views, issues or experiences you wish to discuss with me, you may be sharing “special category” data with me. 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 I 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 my office may include:

- Consent of the data subject (the person whom the personal data relates to.)
- Complying with legal obligations
- Protecting vital interests of individuals
- Pursuing legitimate interests
- Acting in the public interest, including 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).

I process personal data in the following ways:

Processing activity	The legal basis	How long I 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). Or, for special category data: The processing is necessary for reasons of substantial public interest (Art 9(2)(g) GDPR and DPB Sch 1, para 23). The task is the engagement of constituents with their elected parliamentary representative. The accessibility of elected representatives is in the public interest. Furthermore, the data will always be received with the consent of the person who has made the query, either through an online form, email, written or other form of consent.	I will retain information for as long as I am a MSP.	Please refer to Sharing of personal data below.
Receiving, storing and responding to complaints by letter, email or in person			
Receiving and storing data in relation to a personal issue or problem raised by a constituent (casework)			
Analysis of contact from constituents in order to understand trends by area and over time of different issues and concerns, and use of this analysis	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)	I will retain information for as long as I am a MSP.	Please refer to Sharing of personal data below.

	<p>GDPR). Or, for special category data: The processing is necessary for reasons of substantial public interest (Art 9(2)(g) GDPR and DPB Sch 1, para 23). The task is the analysis and subsequent use of that analysis to inform and assist me to perform my role as policy-maker and local representative.</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>The processing is necessary for the performance of a task carried out in the public interest (Art 6(1)(e) GDPR). The task is informing the public about issues that will be of interest to them. The data will be collected using explicit opt-in consent.</p>	<p>I will retain information for as long as I am a MSP.</p>	<p>Please refer to Sharing of personal data below.</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 or for the purpose of a legitimate interest (Art 6(1)(e) GDPR or Art 6(1)(f) GDPR). Furthermore, consent will always be obtained from the person</p>	<p>I will retain information for as long as I am a MSP.</p>	<p>Please refer to Sharing of personal data below.</p>

	photographed or videoed.		
*Engage with constituents using surveys – letter, form, online	The processing is necessary for the performance of a task carried out in the public interest (Art 6(1)(e) GDPR).	I will retain information for as long as I am a MSP.	Please refer to Sharing of personal data below.

Sharing of personal data:

I sometimes may be required to share the personal information I 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 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.
- 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 European Economic Area:

Please note that sending personal data outside the EEA includes using online services) email distribution, survey software etc.) that are based outside the EEA.

I do not 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 support my staff and maintain supplier information, expenses, accounts and associated records. Data may be stored for the duration of the period when I am an elected MSP. Where possible and appropriate, files are electronically archived after a period no later than the start of the previous Parliamentary session with all hard copy documents securely destroyed (shredded). At such point that I am no longer a MSP, all documents (both hard copy and electronic) will be securely destroyed within a set period of time. The exception to this is if you give your prior written consent for your data to be transferred to another Parliamentary (or other) representative.

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, available at 'cookie settings' at www.aberdeenlabour.org.uk

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 and you may contact me 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 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 on the grounds that my use of your personal information is contrary to law or to other legal obligations.

Objecting to how I 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 then, if you ask me to, I will stop using that personal information unless there are overriding legitimate grounds to continue.

Restricting how I 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 to my using your information – Where I use your personal information with your consent you may withdraw that consent at any time and I will stop using your personal information for the purpose(s) for which consent was given.

Please contact me using the contact details provided below.

Changes to my privacy statement

I 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 24th May 2018.

Contact information and further advice

Lewis Macdonald MSP

The Scottish Parliament, Edinburgh, EH99 1SP

lewis.macdonald.msp@parliament.scot

0131 348 5915

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