Foysol Choudhury MSP Data Protection Privacy Notice

This the Privacy Notice of the office of Foysol Choudhury MSP

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

My office address and contact details are:

Address: M1.14 The Scottish Parliament, Edinburgh, EH99 1SP

Email: Foysol.Choudhury.MSP@Parliament.scot

Phone: 0131 3486896

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 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 inform issues and campaigns I am involved in;
- to maintain supplier relationships;
- to process expenses, accounts and associated records.
- to employ my staff;
- to support volunteers, trainees and those undertaking work experience.

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 with me. For example, this could include details about race or ethnic origin, political or religious views or sexual orientation, trade union membership, physical or mental health.

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.

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.

Casework

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. 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 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:

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) 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 I am an MSP	With other parties necessary for carrying out the request you have asked for my help 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)	As long as I am an MSP	With other parties necessary for carrying out the request you have

	GDPR). The task is the engagement of constituents with their elected parliamentary representative. The accessibility of elected representatives is in the public interest.		asked for my help with.
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 accessibility of elected representatives is	As long as I am an MSP	With other parties necessary for carrying out the request you have asked for my help with.

	in the public interest. For special category data: 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).		

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).	As long as I am an MSP.	Constituents and others who have expressed an interest in my work as an MSP
Take, store and use photos and videos in connection with my engagements and events I attend in my capacity as a MSP.	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 keep photographs and videos as long as they support my work as an MSP. For example for use in a newsletter online media supporting my library of work.	I will share pictures and videos on media, social media including my website and newsletters including my annual report to support my work as an MSP

Surveys and consultations perhaps	(Art 6(1)(e) GDPR)	Until the survey is complete and the data can be processed and anonymised. Unless a response is required in which case I will handle the data as I do with all casework	With other parties necessary for carrying out the request you have asked for my help with.

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

Any other organisation if I am legally obliged to.

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
- any other relevant organisation with your express consent

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., which are based 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: (Link TBC)

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 in which:

- 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 to continue.

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 do not 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 withdrawthat 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 this website. Paper copies of the privacy statement may also be obtained using the contact information above.

This privacy statement was last updated on 05 August 2021.

Contact information and further advice

M1.14

The Scottish Parliament

Edinburgh

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Foysol.Choudhury.MSP@Parliament.scot

Telephone: 0131 3486896

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