



## PRIVACY NOTICE

### Equality

In accordance with the Equality Act 2010, we make any reasonable adjustments which are necessary to assist those individuals with a protected characteristic or disability to engage fully with us. Please let us know if you need any assistance with this document.

We are a member of Happy to Translate and can, upon request, provide language assistance with this document or make it available in alternative formats.



HAPPY TO TRANSLATE

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### 1.0 Introduction

- 1.1 The UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA) require the Scottish Criminal Cases Review Commission to explain how and why it processes personal data and special categories of personal data.
- 1.2 This privacy notice explains the personal data-processing activities that we carry out.
- 1.3 Personal data identify a living individual, and include information about criminal convictions.
- 1.4 We are the controller of the personal data that we process.
- 1.5 We process personal data for a law enforcement purpose (including sensitive processing for such a purpose), but we also process personal data for recruitment, personnel and procurement purposes and where people contact us for information.
- 1.6 Special categories of personal data include employment, social security and health details.
- 1.7 Sensitive processing for the law enforcement purposes means the processing of data about a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, health data, sex life or sexual orientation.

## 2.0 Appropriate Policy Documents

- 2.1 DPA requires us to produce a policy document in which we explain how we comply with DPA in sensitive processing for the law enforcement purposes and in processing special categories of personal data. You can find our data protection policy [here](#).

## 3.0 Law Enforcement Processing

- 3.1 Part 3 of DPA provides for the processing of personal data by competent authorities for the law enforcement purposes.
- 3.2 The law enforcement purposes are the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.
- 3.3 We are a competent authority within the meaning of s30 of DPA: in Schedule 7 to DPA we are listed as an authority with investigatory functions.

**What is our lawful basis for processing personal data for a law enforcement purpose?**

- 3.4 Our lawful basis for processing such data for such a purpose derives from our functions and powers as set out in the Criminal Procedure (S) Act 1995 (CPSA), s194A–T. Simply put, we process such data for such a purpose so that we can carry out our primary statutory function.<sup>1</sup>

**Whose personal data are we processing for such a purpose?**

- 3.5 The people about whom we process such data (the data subjects) include:
- People convicted of offences
  - Victims
  - Witnesses, including expert witnesses

**What personal data are we processing for such a purpose?**

- 3.8 The types of personal data we process include:
- Personal details, such as names and addresses
  - Information about offences committed
  - Information provided by victims and witnesses

- 3.9 Sensitive processing includes:
- Data about racial or ethnic origin
  - Genetic data

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<sup>1</sup> Which is that we may, on the consideration of any conviction of a person in Scotland or the sentence imposed in such a case, refer the case to the High Court of Justiciary for determination where we believe there may have been a miscarriage of justice and it is in the interests of justice to make such a reference (s194B and C of CPSA).

- Health data
- Data about one's sex life or sexual orientation

For how long do we retain personal data for a law enforcement purpose?

3.10 We retain such data in accordance with our [data retention policy](#).

To whom do we disclose personal data?

3.11 We may disclose such data to:

- The applicant/the accused
- Legal representatives
- Courts
- The Crown Office
- Police Scotland
- Expert witnesses

3.12 The above list is not exhaustive and may vary on a case-by-case basis.

What are your rights?

3.13 DPA sets out certain rights, including the rights of access, rectification and erasure, where a controller is processing personal data for any of the law enforcement purposes.

3.14 Those rights do not apply in relation to the processing of relevant personal data in the course of criminal investigation or criminal proceedings, including proceedings for the purpose of executing a criminal penalty.

3.15 Where we are processing data for a law enforcement purpose, we are processing relevant personal data.

3.16 We make sure, however, that we process your personal data in accordance with the six data protection principles set out in Part 3 of DPA: see our [data protection policy](#).

## 4.0 General Processing

4.1 The purposes and lawful bases for our general processing of personal data, and the types of personal data we process, are set out below.

### Recruitment

4.2 We process personal data in applications for employment positions with us.

4.3 Our lawful basis for such processing is Article 6(1)(e) of UK GDPR (public task).

4.4 Personal and/or special category data provided by the data subject include the person's name, address, date of birth, national insurance number, nationality, employment details and email address.

- 4.5 Personal data provided by a person to whom the data do not relate include employment references.
- 4.6 We also process personal data for equality and diversity monitoring. Our lawful basis for such processing is Article 9(2)(a) and (b) of UK GDPR (explicit consent/obligations in the field of employment).
- 4.7 Personal and/or special category data provided by the data subject for equality and diversity monitoring include the person's age, gender, nationality, racial/ethnic origin, sexual orientation and religious beliefs.

#### Personnel

- 4.8 We process personal data for the purposes of employment, including employment contracts, termination of contracts, retirement and ill-health.
- 4.9 Our lawful bases for such processing are Article 6(1)(b) (performance of a contract) and Article 9(2)(a) and (b) of UK GDPR (explicit consent/obligations of a controller in the field of employment).
- 4.10 Personal and/or special category data provided by the data subject include the person's name, address, date of birth, national insurance number and health information.
- 4.11 Personal data provided by a person to whom the data do not relate include the employee's next of kin, doctor's lines and occupational health reports.

#### Procurement

- 4.12 We process personal data for the purposes of contract tenders and awards.
- 4.13 Our lawful basis for such processing is Article 6(1)(b) of UK GDPR (performance of a contract or to take steps before entering into a contract).
- 4.14 Personal data provided by the data subject include the person's name, address, telephone number, email address and job title.

#### Contacting the Commission

- 4.15 We process personal data where a person contacts us for information.
- 4.16 Our lawful basis for such processing is Article 6(1)(a) and (1)(e) of UK GDPR (consent/public task).
- 4.17 Personal data provided by the data subject include the person's name, telephone number and email address.
- 4.18 We retain personal data for all general processing in accordance with our **data retention policy**.

## General Processing – Your Rights

**Right of access** – you may request to see the data that we hold about you (although there are exceptions to this); this is known as a ‘subject access request’.

You can make a subject access request either by completing the form on our website, at [www.sccrc.co.uk/contact-us](http://www.sccrc.co.uk/contact-us), emailing [info@sccrc.org.uk](mailto:info@sccrc.org.uk), telephoning 0141 270 7030, or writing to the Scottish Criminal Cases Review Commission, 4<sup>th</sup> Floor, Portland House, 17 Renfield Street, Glasgow G2 5AH.

**Right to rectification** – we must correct, without delay, the data that we hold about you which is inaccurate. There are exceptions to this right, but we shall tell you where those exceptions apply where you contact us. Where it is not possible to establish the accuracy of your personal data, we shall restrict who can see your data, or to whom we disclose your data.

**Right to erasure** – you may request that we delete your personal data, but we shall do so only where we are not legally required to keep your data. It may be more appropriate for us to restrict how we process your personal data by restricting who can see your data, or to whom we disclose your data.

**Right to object** – you may object to the processing we carry out where our legal basis for processing your personal data is for carrying out a task in the public interest, exercising our lawful duty or we believe it is in our legitimate interests.

**Right to withdraw consent** – where we process your personal data on the basis of your consent, you may withdraw your consent. Where you withdraw your consent, we shall destroy your personal data on our receipt of your withdrawal-of-consent notification, unless there is an overriding purpose for continuing to process your personal data.

Where you wish us to correct or delete your personal data, or where you wish to object to our processing your data, or where you wish to withdraw your consent, you can tell us either by completing the form on our website, at [www.sccrc.co.uk/contact-us](http://www.sccrc.co.uk/contact-us), emailing [info@sccrc.org.uk](mailto:info@sccrc.org.uk), telephoning 0141 270 7030, or writing to the above-mentioned postal address.

If we decide not to comply with your requests under the above-mentioned rights, you may ask the Information Commissioner’s Office (ICO) to check whether our decisions are correct.

If you are not content with how we have processed your personal data, you may complain to the ICO.

You can contact the ICO either by way of its website, at [www.ico.org.uk](http://www.ico.org.uk), telephoning 0303 123 1113, or writing to the ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

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