

Redress Scotland Data Protection Policy

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1. Introduction

This Data Protection policy sets out:

- the responsibilities Redress Scotland has in relation to Data Protection Law;
- the roles and responsibilities of Redress Scotland staff and panel members;
- how Redress Scotland will handle Personal Data and other protected Special Category Personal Data fairly and securely.

Data Protection Law imposes obligations on the use of all personal data held by Redress Scotland, whether it relates to people and their families, employees, complainants, contractors or any other individual who comes into contact with the organisation, defined as 'Data Subjects'.

A glossary of defined terms used throughout this policy is available at the end of this document.

2. Scope

This policy applies to all Personal Data as defined by Data Protection Law whether it is held by Redress Scotland, transferred to or exchanged with third parties, or held by third parties on behalf of Redress Scotland. This applies regardless of whether the data is held in electronic and paper format (and includes, but is not limited to, paper or electronic data, emails, photographs, video and audio).

Redress Scotland is a Data Controller for all Personal Data it processes in relation to its statutory functions. This includes the Personal Data of people who make an application under the Redress Scotland scheme.

Redress Scotland processes the Personal Data of panel members and other professionals working within Redress Scotland in the delivery of its statutory functions. As an employer, Redress Scotland also processes the Personal Data of its staff and Board members, including secondments, contractors and temporary employees. Further details of the types of data processed by Redress Scotland, as well as the lawful basis for Processing, can be found in the Redress Scotland's record of Processing activities.

3. Roles and responsibilities

The Chief Executive, as 'Accountable Officer' has overall responsibility for data protection within Redress Scotland.

The Senior Management Team is responsible for ensuring the appropriate oversight is in place to ensure that Redress Scotland remains compliant with the Data Protection Law. The Senior Management Team approve any changes made to data protection policies and procedures.

The Head of Policy and Improvement is designated as Redress Scotland's 'Senior Information Risk Owner' who owns the data protection policy and procedures and advises the Accountable Officer on information risk.

The Data Protection Officer, who is also the Head of Policy and Improvement, has overall responsibility for ensuring data protection policies and guidance are kept up-to-date. They are responsible for co-ordinating responses to data protection enquiries and Data Subject rights. They support Redress Scotland staff and panel members to comply with their obligations under Data Protection Law and will ensure that adequate training and guidance is provided.

Managers are responsible for ensuring the Redress Scotland data protection policies, procedures and guidance are understood by their staff. They are also responsible for reporting any potential or actual data breaches.

Information Asset Owners (Head of Operations, Head of People, Head of Finance and Resources and Policy and Engagement Lead) are responsible for maintaining, registering and safeguarding information assets. Information Asset Owners also have a responsibility to ensure compliance with data protection law within their business area.

Redress Scotland staff and Panel Members are responsible for complying with Data Protection Law and must ensure they understand and follow the Redress Scotland Data Protection policies and procedures.

4. Compliance

Redress Scotland staff and Panel Members must:

- complete mandatory data protection e-learning on an annual basis; and;
- ensure they follow the Redress Scotland data protection policies and procedures.

Redress Scotland staff and panel members (where applicable) must:

- only process Personal Data as required to carry out their role;
- check the accuracy of any Personal Data when they collect it;
- take all reasonable steps to destroy or update inaccurate Personal Data;

- store data in accordingly and comply with retention period set out in the Redress Scotland retention schedule.

It is a criminal offence for Redress Scotland staff or panel members to deliberately or recklessly disclose personal information without the authority of Redress Scotland. These actions may lead to disciplinary action, in line with the Scottish Government's Civil Service Code and Redress Scotland's associated disciplinary procedures .

5. The data protection principles

Article 5 of the UK General Data Protection Regulation outlines the six data protection principles (detailed below) which Redress Scotland must follow when Processing personal data:

Principle	Redress Scotland will:
<p>5(1)(a) – Lawfulness, fairness and transparency Processed lawfully, fairly and in a transparent manner in relation to individuals</p>	<ul style="list-style-type: none"> • ensure that personal information is only processed where a lawful basis applies; • tell people why we need their personal information that is collected about them; • tell people about the ways in which personal information will be used. <p>Redress Scotland will do this by the use of privacy notices to inform data subjects of the following:</p> <ul style="list-style-type: none"> • why Redress Scotland collections personal information; • who personal information will be shared with; • how personal information will be held securely; • how to request a copy of personal information Redress Scotland holds; and • how to make a complaint about the way in which Redress Scotland have processed personal information. <p>Redress Scotland will also establish data sharing agreements with third party organisations to identify the lawful basis for sharing data and outline the roles and responsibilities of each party in respect of personal data being shared or processed.</p>

Principle	Redress Scotland will:
<p>5(1)(b) – Purpose limitation Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further Processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes</p>	<ul style="list-style-type: none"> • collect personal data for specified, explicit and legitimate purposes and inform data subjects what those purposes are via a privacy notice; • not use personal data for any purpose that is incompatible with the original purpose it was collected. <p>This means Redress Scotland will:</p> <ul style="list-style-type: none"> • ensure that staff and panel members are aware of the legal basis and purposes for Processing personal data; and • tell people about any new uses of their personal data (and the relevant lawful basis) before starting the Processing. This will be reflected in data privacy statements and Redress Scotland will consider how to contact data subjects to tell them.
<p>5(1)(c) – Data minimisation Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed</p>	<ul style="list-style-type: none"> • only collect the minimum Personal Data that Redress Scotland needs for the purpose for which it is collected; and • make sure that the data we collect is accurate and relevant. <p>This means Redress Scotland will not collect additional personal information if it is on the basis that it might possibly be useful for an unspecified purpose in the future.</p>
<p>5(1)(d) – Accuracy Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay</p>	<ul style="list-style-type: none"> • ensure that Personal Data is accurate; and • ensure Personal Data is kept up to date where necessary. <p>This means Redress Scotland:</p> <ul style="list-style-type: none"> • may ask data subjects to confirm their personal details when they contact us by telephone, email or post; • will record any new information provided; • consider any challenges to the accuracy of information and ensure that inaccuracies are corrected or deleted.

Principle	Redress Scotland will:
<p>5(1)(e) – Storage limitation Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals</p>	<ul style="list-style-type: none"> • only keep Personal Data for as long as is necessary for the purposes for which it is collected, where we have a business, legal or regulatory reason to do so. <p>This means when Redress Scotland no longer needs Personal Data it will be securely deleted in line with our retention policy and procedures or anonymised (where appropriate).</p>
<p>5(1)(f) – Integrity and confidentiality (security) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful Processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures</p>	<ul style="list-style-type: none"> • ensure that there are appropriate organisational and technical measures in place to protect Personal Data. <p>This means Redress Scotland will:</p> <ul style="list-style-type: none"> • ensure all personal information is securely stored and destroyed, whether in electronic or hard copy format; • implement breach management and reporting procedures; • ensure personal information is transferred to others in a secure manner and with appropriate markings in line with the Scottish Government security classification policy which Redress Scotland has adopted; • ensure only authorised devices are used to access third party platforms that hold personal information. Personal devices will not be used; • ensure staff and panel members only have access to personal information as required in relation to the purpose for which it was

Principle	Redress Scotland will:
	<p>obtained and in relation to the functions that they are performing;</p> <ul style="list-style-type: none"> •
<p>5(2) – Accountability the controller shall be responsible for, and be able to demonstrate, compliance with the data protection principles</p>	<ul style="list-style-type: none"> • keep records of all Personal Data Processing activities and provide these to the Information Commissioner on request; • undertake data protection impact assessments where necessary. <p>This means Redress Scotland will:</p> <ul style="list-style-type: none"> • implement appropriate data protection policies and procedures; • ensure all staff and panel members complete mandatory data protection e-learning on an annual basis; • complete a Data Protection Impact Assessment for any new project to identify any security and privacy risks; • appoint a Data Protection Officer (Head of Policy and Improvement).

6. Processing and use of Personal Data

Redress Scotland processes Personal Data about:

- people who make an application to the Redress scheme;
- Redress Scotland staff and Panel members;
- people who make a complaint to Redress Scotland;
- people who participate in user research activities;
- people who call us or write to us to ask questions or request information;
- organisations and individuals we work with.

7. Lawful basis for Processing Personal Data

Article 6 of the UK GDPR sets out the lawful bases for Processing Personal Data.

Redress Scotland relies on the following lawful bases for Processing Personal Data:

- Consent: the individual has given clear consent for their Personal Data for a specific purpose;

- Public task: the Processing is necessary to perform a task in the public interest or for Redress Scotland official functions, and the task or function has a clear basis in law.

8. Lawful basis for Processing Special Category Personal Data

Redress Scotland processes certain Special Category Personal Data in connection with our functions as an employer and to perform certain statutory and regulatory obligations. The legal bases for Processing Special Category Personal Data are:

	UKGDPR		DPA 2018
Personal Data (name, address, contact etc.)	Article 6 6(1)(E) Public task, under Redress for Survivors Act	and	N/A
Special Category data (health info, equalities monitoring info)	Article 9 9(2)(b) - employment, social security and social protection Or 9(2)(g) - substantial public interest	and	Condition from Schedule 1 Part 2 Paragraph 6 DPA 2018 Special category data ICO Data Protection Act 2018 (legislation.gov.uk)
Criminal offence data (criminal records)	Article 10 TBC "Under the control of official authority" Criminal offence data ICO	or	Condition from Schedule 1 Criminal offence data ICO
Law enforcement Processing	N/A		Basis from Schedule 8 Conditions for sensitive Processing ICO

9. Privacy notices

Redress Scotland will inform individuals of the lawful basis for Processing Personal Data within Redress Scotland privacy notice and Scotland's Redress Scheme privacy notice as well as the rights individuals have in respect of the Personal Data.

10. Data sharing

Data sharing agreements

Personal Data will only be shared where there is a legal basis for doing so.

Where Redress Scotland have identified a legal basis for sharing information with an organisation, a data sharing agreement will be developed. This will set out the purpose of sharing Personal Data and the steps which will be taken to protect the information.

Disclosure of personal data

Redress Scotland may receive requests to disclose Personal Data, without the consent of the Data Subject, from certain third party organisations, such as Police, for the purpose of a criminal investigation. These requests should be made in writing and should include:

- what information is required;
- why the information is needed;
- how the investigation would be prejudiced without the information.

This requirement can be set aside where the request is made in an emergency – i.e. a person is in immediate and imminent risk of serious harm.

Redress Scotland must check the validity of all requests for the disclosure of Personal Data without the consent from the data subject. The identity of those requesting the data and their legal right to request or demand information must be validated.

Redress Scotland may be required to disclose Personal Data without the consent of a Data Subject if the information is required:

- in relation to the prevention, detection, investigation and reporting of a crime; or
- where disclosure is required by law or for legal proceedings.

The exemptions above allow Redress Scotland to disclose Personal Data without the consent of a Data Subject. Every request will be considered on a case by case basis.

11. Data Protection Impact Assessments (DPIAs)

Redress Scotland will carry out a DPIA where it identifies that the Processing of Personal Data likely to result in a high risk to individuals to assess:

- If the Processing is necessary and proportionate
- The risks to individuals; and
- What measures can be implemented to address those risk.

12. Record Keeping

Redress Scotland will maintain written records of its Processing activities as required by Data Protection Law, including:

- Details of Redress Scotland as a Data Controller
- The purpose of any Processing activities
- Description of categories of Data Subjects and Personal Data Processed
- Recipients of any Personal Data shared by Redress Scotland
- The envisaged retention period of Personal Data
- A description of technical and organisation measures used to protect Personal Data

Redress Scotland will also maintain records of:

- Privacy notices made available to Data Subjects
- Records of consent to Processing where provided
- Data processor agreements entered in to with third party service providers
- DPIAs
- Any data breaches, whether reportable or not.

13. Review of Processing and relevant procedures

Redress Scotland will periodically review its Processing activities to ensure it is acting in compliance with its documented policies and procedures. Such reviews will include periodically testing the capability of its technical and organisational measures to ensure the integrity and confidentiality of Personal Data, as well as ensuring that said policies and procedures are fit for purpose.

14. Data Breach reporting

The Redress Scotland Information Asset Owners Handbook sets out the actions which must be taken by staff and panel members in the event of a Data Breach.

If a member of Redress Scotland staff or panel member becomes aware of an actual or potential breach in relation to Personal Data, they must report it immediately and inform their line manager by completing a Data Breach reporting form.

Redress Scotland will assess the risk presented by any reported data breach in accordance with its documented procedures, and report this to a supervising authority or data subject where it is required to do so by law.

15. International transfers

Personal Data will not be transferred to any organisation in a country or territory outside the United Kingdom (UK) unless that country or territory is subject to an adequacy regulation, indicating that country or territory has been assessed as providing adequate protection for Data Subjects' rights and freedoms. In the absence of an adequacy regulation, Redress Scotland will ensure that appropriate safeguards permitted by Data Protection Law are in place to protect the rights and freedoms of Data Subjects in relation to the Processing of Personal Data.

16. Data Subjects' rights

Under Data Protection Law, you (as a Data Subject) have rights which relate to your Personal Data which include:

Your right to access - You have the right to ask Redress Scotland for copies of your personal information.

Your right to rectification - You have the right to ask Redress Scotland to rectify personal information you think is inaccurate.

Your right to erasure - You have the right to ask Redress Scotland to erase your personal information in certain circumstances.

Your right to restriction of Processing - You have the right to ask Redress Scotland to restrict the Processing of your personal information in certain circumstances.

Your right to object to Processing - You have the the right to object to the Processing of your personal information in certain circumstances.

Your right to data portability - You have the right to ask Redress Scotland to transfer the personal information you gave us to another organisation, or to you, in certain circumstances.

17. How Data Subjects request Personal Data held about them

Data Subjects have a right to access information that Redress Scotland holds about them. Requesting a copy of Personal Data in this way is known as a subject access request.

Redress Scotland has set out how individuals can request Personal Data in the Redress Scotland subject access request procedure.

18. Complaints

If a Data Subject has any questions or concerns about Redress Scotland's management of their Personal Data, they should contact the Redress Scotland Data Protection Officer:

Melanie Lowe, Head of Policy and Improvement: Data Protection Officer

Email: melanie.lowe@redress.scot

If the Data Subject is unhappy with the response they receive from Redress Scotland, they have the right to contact the Information Commissioner's Office using the details below:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113

Website: <https://www.ico.org.uk>

19. Further information

For further information about Redress Scotland's data protection policy, please contact:

Redress Scotland Data Protection Officer: melanie.lowe@redress.scot

20. Monitoring and review

This policy shall be regularly monitored and reviewed, at least every 2 years.

Appendix A – Glossary

Data Protection Law	The UK General Data Protection Regulation (UK GDPR) together with the Data Protection Act 2018 and all relevant UK data protection legislation governs the Processing of Personal Data. Data Protection Law requires that Personal Data including Special Category Personal Data, which is regarded as more sensitive, must be processed by Data Controllers in accordance with the data protection principles set out in the UK GDPR.
Data Breach	A breach of security that leads to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure or, or access to, Personal Data transmitted, stored or otherwise processed.
Data Controller	This is the organisation or authority that takes responsibility for the data you provide. They can ask other organisations or authorities to help process it, but they are responsible for ensuring that it is managed and stored safely. Redress Scotland is a Data Controller.
Data Processor	Any person who processes the data on behalf of the Data Controller.
Data Subject	This is the technical term for the individual whom particular Personal Data is about.
Personal Data	Information about a particular living individual. This means any piece of data that either by itself or when taken with another piece of data makes you identifiable. It can be in any format – for example, your name and home address. It doesn't cover truly anonymous information – but if you could still identify someone from the details, or by combining it with other information, it will still count as Personal Data.
Processing	Almost anything you do with data counts as processing; including collecting, recording, storing, using, analysing, combining, disclosing or deleting it.
Special category Personal Data	Personal Data revealing: <ul style="list-style-type: none"> • racial or ethnic origin; • political opinions; • religious or philosophical beliefs; • trade union membership;

	<ul style="list-style-type: none">• genetic data and biometric data;• data concerning health;• data concerning a living person's sex or sexual orientation.
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