



# Redress Scotland Privacy Notice



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## 1. About this privacy notice

Redress Scotland ("RS", "our", "us") is a statutory body established under the Redress Scotland (Historical Child Abuse in Care) (Scotland) Act 2021. This privacy notice tells you what Redress Scotland does, as a data controller, with the personal data that relating to you when you:

- make an application under the redress scheme and it has been submitted to Redress Scotland;
- visit the Redress Scotland website;
- contact Redress Scotland to ask a question, make a suggestion; or
- make a complaint to Redress Scotland.

This notice does not provide an exhaustive list of all aspects of Redress Scotland's collection and use of personal information.

Scottish Government will give you a copy of its Scotland's Redress Scheme privacy notice as part of the application pack you will receive, which can also be found [here](#).

Redress Scotland's privacy notice covers personal information after applications are passed to Redress Scotland from Scottish Government.

## 2. Key words or phrases

Some of the words and phrases that will be used throughout this notice have been explained below:

Word(s) or Phrases	Meaning
<b>Personal data</b>	This means any piece of data that either by itself or when taken with another piece of data makes you identifiable and relates to you. It can be in any format – for example, your name and home address.
<b>Data controller</b>	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.
<b>Data subject</b>	This is you, the person that the data is about.
<b>Applicant</b>	This is the person making the application. Someone may submit an application on behalf of the applicant.

## 3. Who is the data controller?

Redress Scotland is the data controller for the information we hold about you. This means that once we receive the information listed in the next section,

Redress Scotland is responsible for keeping it safe. Redress Scotland will treat your data sensitively and confidentially.

#### **4. Why does Redress Scotland collect my personal data?**

Most of the personal data Redress Scotland processes is the information from the application form you filled in. This information is given to us by Scottish Government and is used to make decisions on your application.

Redress Scotland will record any information you give us as part of your application pack as this will form part of the evidence we consider during our consideration of your application.

You may also give us your personal information directly if you contact us to raise a question, make a request or make a complaint. Redress Scotland uses this information to keep an accurate record of your contact with Redress Scotland and our handling of that contact. It also enables us to provide you with information in response to questions, requests or complaints you have made.

#### **5. What if I choose not to share my personal information?**

If you do not supply all the information requested by Scottish Government, Redress Scotland may not be able to properly process your application or make a decision about your application for redress.

If you do not supply all the information requested by Redress Scotland when you contact us to make a request for information or raise a complaint, we may be unable to properly consider your request or complaint.

#### **6. The type of personal information Redress Scotland collects from your application.**

Redress Scotland currently collects and processes the following personal information about people who make an application under the Redress Scotland scheme as an applicant, or from those making an application on the applicant's behalf.

The following information is requested in the application form you make under the Redress Scheme and provided to Redress Scotland:

##### **Personal data belonging to the survivor.**

- a)** name
- b)** home address (including postcode)
- c)** correspondence address (if applicable)
- d)** date of birth
- e)** previous name(s) while in care
- f)** applicant name changes since being in care (if applicable)
- g)** preferred contact method (e.g. telephone, email address)
- h)** proof of identity

- i) confirmation of being in care in Scotland
- j) name of care setting(s) and date, year or age when there
- k) details of terminal illness (if applicable)
- l) criminal convictions information (if applicable)
- m) previous payments received related to their abuse from:
  - court awarded damages or an out of court settlement
  - Criminal Injuries Compensation Authority (CICA)
  - Advance Payment Scheme (if applicable)
- n) accessibility preferences (e.g. braille, large print, audio)

**Personal data belonging to a legally appointed representative, mandated representative or a nominated beneficiary (a representative or beneficiary will also see the content of your application if you have provided explicit permission for them to do so):**

- a) name
- b) address
- c) legal firm (only if legal representative is helping with the application)
- d) telephone number
- e) email address
- f) date of birth (nominated beneficiary only)
- g) proof of authority as a legally appointed representative
- h) proof of identity (only required for legal representatives)

### **Sensitive or special categories of personal data**

**7. Some information captured by Redress Scotland is sensitive or falls into a “special category” of personal data. You can find more information on the [Information Commissioner’s Office’s special category data page](#), but in brief “special category” personal data is personal data that needs more protection because it is sensitive. Some examples of this would be racial, or ethnic origin and data concerning health. Why do I need to disclose relevant unspent previous convictions?**

Certain types of serious convictions need to be disclosed as Redress Scotland needs to consider if making a redress payment in certain cases would be against the public interest. The types of offences that need to be disclosed as part of your application are listed below.

You will need to provide more information as part of your application for redress if you have a relevant unspent previous conviction (whether the offence was committed in the UK or elsewhere in the World) if you:

- have been found guilty of rape or murder; or

- have received a sentence of imprisonment of five years or more for a violent or sexual offence.

You will provide this information to Scottish Government as part of your application. You do not need to include information about any other convictions. Further information can be found on the [Scottish Government website](#).

See Redress Scotland's [Appropriate Policy Document](#) on the processing of special category personal data and criminal offence data.

## **8. What personal information will I be asked to share when I contact Redress Scotland?**

Redress Scotland collects and processes personal information from questions, queries or feedback you leave, including your email address if you contact us by email, post or telephone.

If you contact Redress Scotland by telephone, you will be asked to leave a voicemail. This will allow us to identify the most appropriate person to return your call. We will collect the reason for your call, in brief, your name and contact details and any other information you provide. We use this information to return your call and to record the contact you have made with us.

When returning your phone call, we will ask you to confirm some of this identifying information to make sure we are speaking to the correct person.

If you called Redress Scotland to ask a general question, we will ask you to confirm your name and telephone number.

If you phoned about your application, Redress Scotland will ask you to confirm your full name, address and date of birth. We will ask you for these details if you are calling to ask:

- if Redress Scotland has received your application from Scottish Government; or
- if you are asking for an update on the progress of your application; or
- if you are asking for more information about the decision Redress Scotland made about your application.

## **9. Where will Redress Scotland store my personal information and for how long?**

Your information is securely stored in an electronic records management system and is only accessed by those Redress Scotland staff and panel members who need to do so.

We only keep your information for as long as it is needed. We will keep your information electronically for the duration of Scotland's redress scheme plus seven

years. This is in alignment with the Scottish Government's Scotland's Redress Scheme [privacy notice](#).

Hard copy documents will be scanned.

Hard copy documents will be kept in secure storage for no longer than 90 days after an application is determined or withdrawn, unless it needs to be kept for longer e.g. for fraud investigation.

## **10. Who will view the personal information collected from you?**

Your personal information will be viewed by authorised people within Redress Scotland for the purposes outlined below.

Only those who need to see your personal information for the purposes set out in this notice will be allowed to do so.

## **11. How will the personal information collected be used?**

Your personal information will be used to:

- a) make decisions on your application made under Scotland's Redress Scheme;
- b) produce management and statistical information to monitor and improve the services Redress Scotland provide to you;
- c) run statistical and financial reports to inform Scottish Government Ministers and senior staff on performance and for budgeting (this data is shared anonymously);
- d) help review and improve the redress scheme; and
- e) publish anonymised statistical data on the scheme.

## **12. Will Redress Scotland share my personal information?**

Redress Scotland will only share your personal data in limited circumstances and where it is necessary for us to do so. We share your data with:

- Scottish Government
  - this is to provide our decision about your redress application and to allow a redress payment to be made by Scottish Government, where appropriate;
  - we may also share your personal information with Scottish Government in other circumstances if it is necessary for the purpose of making a decision about your application for redress;
- your appointed representative if you have permitted someone to act on your behalf;
- our suppliers or service providers where it is necessary to do so, such as our IT service providers (basic identifying information only) or;

- in limited circumstances, with Police Scotland where it is necessary to prevent or investigate a crime reported to us.

Redress Scotland may also share personal information with other organisations if we have a legal requirement to do so. Reasons for doing so may include:

- to raise a concern about the safety or welfare of a person; or
- to properly investigate a complaint or concern you may have raised.

Occasionally, we may need to share information with our external professional advisors or auditors. We only share information with third parties where appropriate safeguards are in place to protect your data.

### **13. Sharing feedback with Redress Scotland**

Redress Scotland will collect any feedback you give us and store it in the same way as your personal information. Redress Scotland will use this feedback to make improvements to the part of the scheme we are responsible for.

### **14. What is the lawful basis for processing your information?**

Redress Scotland only use your data where we have a lawful basis under the UK General Data Protection Regulation. The legal framework governing the Redress Scheme is contained in the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 ("the Act").

We will need to process your personal data in the exercise of public functions under our official authority or to perform a task in the public interest to process your application as part of the redress scheme and exercise our public functions in administering the redress scheme.

We may also need to process your personal data to process your application and make a payment, or where you ask us to do something for you, depending on what that is, under one or more of the following:

- you have freely given your valid consent to the processing for the specific purpose;
- the processing is necessary for the performance of an agreement with you;
- the processing is necessary for compliance with a legal obligation to which we are subject.

In performing our functions as the statutory body established to administer Scotland's Redress Scheme, we also need to process special category personal data as defined in Article 9(1) of the UK GDPR and criminal offence personal data as defined in Article 10 of the UK GDPR.



Our legal bases for processing special category and criminal offence personal data of applicants to the Redress Scheme are to be found in Article 9(2)(a), (b), (c), (f), (g) and (j), as set out below:

(a) where the data subject has given explicit consent to the processing of those personal data for one or more specified purposes.

(Please note, where we process personal data on the basis of explicit consent, we take steps to ensure that this consent meets the stringent requirements of valid consent under the UK GDPR, including that it is freely given, specific, informed, unambiguous and signified by a clear affirmative act.)

(b) where processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law;

(c) where processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;

(f) where processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

(g) where processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

(j) where processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject. (Although we may process personal data for this purpose, we will take steps to remove identifying details from such data, where possible, before information is processed for this purpose.)

Where the lawful basis for processing special category and criminal offence data requires us to identify a Schedule 1 GDPR condition for processing, we may process this data under one or more of the following conditions:

Para 1(1): the processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on RS or the data subject in connection with employment, social security or social protection.

Para 2(1): the processing is necessary for health or social care purposes.

Para 6(1) and (2)(a): processing for statutory etc and government purposes: the exercise of a function conferred on a person by an enactment or rule of law.

Para 8(1): processing to ensure equality of opportunity or treatment.

Para 10(1): processing is necessary for preventing or detecting unlawful acts.

Para 18(1): processing necessary for safeguarding of children or individuals at risk

Para 29: where the data subject has given consent to the processing.

Para 33: in respect of legal claims, where the processing is necessary for the purpose of, or in connection with, any legal proceedings, for obtaining legal advice or otherwise to establish, exercise or defend legal rights. Substantial public interest basis.

More information to enable applicants to understand how RS processes their special category personal data and/or criminal offence personal data for different purposes, and how long RS will retain this data for, can be found in our [Appropriate Policy Document](#) for the processing of special category and criminal offence data and our [Retention and Disposal policy](#).

## 15. Your data protection rights.

Under data protection law, you 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 through submitting a [Subject Access Request](#).

**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 by withdrawing your consent to its use at any time.

**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.

You are not required to pay any charge for exercising your rights. If you make a request, Redress Scotland have one month to respond to you. Due to our statutory obligations, it is not always possible to completely erase your data. Where this is the case, Redress Scotland will explain why.

Please contact Redress Scotland at [Information@redress.scot](mailto:Information@redress.scot) if you wish to make a request to exercise your rights. You can find out more information about the Redress Scotland subject access request process [here](#).

## 16. How to complain to Redress Scotland about the use of your personal information

If you have any concerns about Redress Scotland's use of your personal information, you can make a complaint to us at [complaints@redress.scot](mailto:complaints@redress.scot).

You can also complain to the Information Commissioner's Office if you are unhappy with how Redress Scotland has used your data.

You can contact the Information Commissioner's address using by post or by telephone using the details below:

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

**Helpline number:** 0303 123 1113

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

## 17. How to contact Redress Scotland

If you have any questions about the information in this notice, please contact Redress Scotland using the following contact details:

**Email address:** [Information@redress.scot](mailto:Information@redress.scot)

**Address:** Redress Scotland  
PO Box 27177  
Glasgow  
G2 9NL

**Telephone:** 0300 244 9090

## 18. Reviewing the privacy notice

Redress Scotland will keep this privacy notice under regular review and will update and explain what changes have been made and when.

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## Document control

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	2.0 – 13 June 2023. Broken link within document amended.
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Survivors are at the  
heart of our process



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