

Towards a 21st Century employment injuries system for
today's workers

Response to the Consultation on a proposal for a Bill to
establish a Scottish Employment Injuries Advisory Council
to shape, inform and scrutinise the social security available
to people injured in the course of their employment

Thompsons Solicitors (Scotland)

February 2021

QUESTIONS

ABOUT YOU

(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)

1. Are you responding as:
- an individual – in which case go to Q2A
- X on behalf of an organisation? – in which case go to Q2B**
- 2A. Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose “Member of the public”.)
- Politician (MSP/MP/peer/MEP/Councillor)
- Professional with experience in a relevant subject
- Academic with expertise in a relevant subject
- Member of the public

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:

- 2B. Please select the category which best describes your organisation:
- Public sector body (Scottish/UK Government or agency, local authority, NDPB)
- X Commercial organisation (company, business)**
- Representative organisation (trade union, professional association)
- Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)
- Other (e.g. clubs, local groups, groups of individuals, etc.)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

Thompsons Solicitors are the leading pursuers’ personal injury firm in Scotland, acting for the victims of injury and workplace disease, and having extensive knowledge of the Industrial Injuries Benefit scheme

3. Please choose one of the following:
- X** I am content for this response to be published and attributed to me or my organisation
- I would like this response to be published anonymously
- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**

4. Please provide your name or the name of your organisation. **(Note: The name will not be published if you have asked for the response to be anonymous or “not for**

publication".)

Thompsons Solicitors Scotland

Please provide a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. **(Note: We will not publish these contact details.)**

Contact details: [REDACTED]

5. Data protection declaration

X I confirm that I have read and understood the privacy notice attached to this consultation which explains how my personal data will be used.

YOUR VIEWS ON THE PROPOSAL

Note: All answers to the questions in this section may be published (unless your response is “not for publication”).

Aim and approach

1. Which of the following best expresses your view of establishing in law a new, independent Scottish Employment Injuries Advisory Council (SEIAC)?

- Fully agree
 Fully agree
 Partially agree
 Neutral
 Partially disagree
 Fully disagree
 Unsure

Please explain the reasons for your response:

There needs to be more than a single independent body to scrutinise Scottish social security arrangements. We should recognise the strengths as well as the weaknesses of the present UK social security benefit system and retain those arrangements that work well. Two strengths of the present arrangement are the separate functions of the Social Security Advisory Council (SSAC) and the Industrial Injuries Advisory Council (IIAC). Two independent bodies need to be set up for the devolved benefits: a Scottish Commission on Social Security to advise the Scottish Government on all social security matters; and an independent Scottish Employment Injuries Advisory Council (“SEIAC”) to act as independent expert body advising on work-related injury and disease.

The present UK IIAC is recognised as an extremely capable body and is well respected because of its tripartite nature and quality of its recommendations. SEIAC should be established to provide the Scottish Government with independent and expert scientific advice about industrial injuries. The establishment of such a body is essential because the industrial injuries scheme involves complex and specialised medical and epidemiological evidence to assess occupational causation of disease, particularly to provide advice about the list of prescribed diseases, and thus ensure the industrial injuries scheme keeps pace with the ever changing world of work.

It should be established as an advisory non-departmental public body, on a statutory basis with its remit set out in primary legislation, principally to declare its independence from government but also to ensure its deliberations are transparent and that those using the devolved Employment Injury Assistance scheme, which is to replace the existing industrial injuries benefit system.

2. Which of the following best expresses your view of giving a statutory Scottish Employment Injuries Advisory Council the following functions?

	Fully agree	Partially agree	Neutral	Partially disagree	Fully disagree	Unsure
Scrutinise legislative proposals on the overarching design of the employment injuries assistance (EIA) system and its entitlement policy.	X					
Continually advise and recommend changes to EIA (including on policy design and entitlement)	X					
Investigate and review emerging industrial and employment hazards	X					
Commission its own research and make recommendations	X					

Please explain the reasons for your responses.

The SEIAC will be the main driver for improvements to Scotland’s devolved industrial injuries scheme. Without it, the Employment Injury Assistance scheme risks languishing in the short-term and eventual irrelevance over the longer term. Any changes to the scheme will be driven by the UK IIAC, but on which Scotland will have no formal representation nor right to consult with or to be consulted by. A failure to establish SEIAC will be a lost-opportunity for Scotland’s workforce and signal a lack of vision and ambition to create a modern progressive welfare benefits system responsive to the 21st century workplace.

3. What (if any) do you think would be the main advantages of the proposed Bill?

It will establish an expert independent body with the requisite skills, knowledge and experience of the occupational risks to health to drive progress towards a modern industrial injuries benefit scheme.

It will act as an expert advisory body to assist the Scottish Government implement improvements to an inherited UK industrial injuries benefit scheme which has to a significant extent been allowed to wither and become an irrelevance to most workers.

It would be the expert body to act as the “canary in the coalmine”, identifying emerging risks, diseases and injuries and to recommend necessary changes to the industrial injuries benefit scheme so that it can be more than just an after-the-event “no-fault’ compensation scheme for injury, but to identify and recommend improvements to the system so as to encourage the prevention and/or progression of work related injury.

The Industrial Injuries Benefit scheme was introduced in 1948 to support those who suffered injury or disease because of work. It is a ‘no-fault’ scheme and so the injured do not have to prove negligence on the part of an employer to be entitled to benefit. Industrial Injuries Disablement Benefit (IIDB), the main payment, is paid for ‘loss of faculty’. It represents payment of compensation for the non-pecuniary

consequences of injury (personal injury; or ‘solatium’ in Scottish Civil law). It is paid regardless of fault but since there is no payment for loss of income (for injury on or after 1 October 1990) the main benefit does not provide full compensation for the consequences of injury. IIDB is not intended to help meet the additional costs of disability but is a compensation payment for injury suffered at work and the resulting loss of faculty.

Reduced Earnings Allowance

When the Industrial Injuries Scheme was first set up in 1948, ‘special hardship allowance’ was paid in addition to the main IIDB payment to compensate for impaired earning capacity. The Minister for National Insurance at the time, Jim Griffiths, introduced the allowance to enable workers to relocate and remain in work without suffering financial hardship. In the House of Commons in October 1945, he described the allowance as providing “the foundation upon which a great constructive human service can be built, to restore the injured workman to his old job, or if that is impossible, to care for him and his dependents.” The allowance was subsequently renamed Reduced Earnings Allowance (REA) and paid where, as a result of accident or disease, the injured was unable to continue in or return to their ‘regular occupation’ or work in a job paying the same level of earnings. It was a major feature of the Industrial Injuries Benefit scheme until it was withdrawn in 1990. Although payments continue to be paid, entitlement only arises for injury commencing before 1 October 1990.

The abolition of Reduced Earnings Allowance is an important loss to the Industrial Injuries scheme. Professor Anthony Newman Taylor said of REA in 2016 that “This was arguably the most enlightened part of the scheme. It provided an earnings replacement benefit, to enable those with occupational disease, whose health would be adversely affected by remaining in their job, to move to other less well paid work, providing the means to prevent disease progression to a severe and irreversible level of disability.”

REA is not intended to compensate for the additional costs of disability, but rather for reduction of earning capacity caused by the work related injury.

Work-related diseases

SEIAC can review the operation of the existing scheme, to identify and advise on progressive improvements.

The scheme is riddled with anomalies.

List of Prescribed Diseases

Although criticised by some because it reflects an industrial past heavily benefiting men over women with too high a standard before diseases can be added, for over 70 years the list of prescribed diseases has resulted in the payment of industrial injuries benefits to thousands of workers suffering from occupational disease.

Before a disease may be added to the list of prescribed diseases under the existing UK statutory provisions, the Secretary of State has to be satisfied that the disease:

i. ought to be treated, having regard to its causes and incidence and any other relevant considerations, as a risk of the occupation and not as a risk common to all

persons; and

ii. is such that, in the absence of special circumstances, the attribution of particular cases to the nature of the employment can be established or presumed with reasonable certainty.

A disease can therefore only be added to the list of prescribed diseases if an occupation carries with it a recognised risk of a particular disease, and the link between disease and occupation can be established or reasonably presumed.

“For purposes of prescription a link has to be made in the individual case between diagnosis and occupational exposure. In general the IAC adopts one of two approaches to attribution:

□ Evidence is first sought of distinctive clinical features in the individual that might point strongly to work as the cause (e.g. a challenge test with a specific allergenic agent from the workplace). This is the approach that was recommended by IAC when occupational dermatitis and asthma were incorporated into the scheme

□ But where clinical evidence is not sufficient, epidemiological evidence is sought that would allow attribution on the balance of probabilities (with at least a doubling of risk in defined occupational groups). This has proved possible in situations where sound research has indicated higher risks of a given outcome in workers identifiable by their shared occupational exposure (e.g. chronic bronchitis and emphysema in coal miners working underground for more than 20 years).

The list of prescribed diseases and the standards that are applied before a disease can be added to the list provides two significant benefits:

1. The injured victim does not need to prove their disease has been caused by their occupation. They need only prove they have been employed in a prescribed occupation and developed a prescribed disease.
2. The presumption of injury in such conditions has allowed the industrial injuries scheme to operate as a high-volume, low-cost, no fault compensation system. In its response to the UK Government’s 2007 Consultation the TUC stated that “The administration of the Industrial Injuries Disablement Benefit scheme is currently extremely cost effective. With administrative costs of 2%, it already provides extraordinary value for money.”

Non prescribed diseases

Notwithstanding the significant benefits brought about by the prescribed disease system outlined above, those suffering occupational diseases that are not on the list of prescribed diseases have no entitlement and so unable to claim industrial injuries benefit for their disease.

Harsh and illogical consequences follow for many.

For example, a lifelong non-smoking coal miner with 19 years underground at a mechanised coal face cannot claim for Prescribed Disease D12, chronic bronchitis emphysema because he does not have 20 years underground employment. When adding the condition to the list of prescribed diseases, 20 years was set by the IAC as the qualifying period of employment after which causation could be presumed.

The 20 year limit took into account the risks created by both smoking and underground employment in a coal mine.

Gardeners are exposed to a wide variety of hand held vibrating tools sufficient to cause hand arm vibration syndrome but their occupation is excluded from the list of prescribed diseases for the purposes of Prescribed Disease A11.

In neither example would the injured worker be able to apply successfully for industrial injuries benefit because they are not covered by the prescribed disease qualifying conditions and cannot receive Industrial Injuries Benefits even though, in both cases, there would be reasonable prospects of causation being established under the civil law.

In 1978, the Pearson Royal Commission recommended that the British Government introduce a 'mixed system' i.e., those suffering disease on the list of prescribed diseases would continue to benefit from the presumption their condition had been caused by their occupation, but those suffering a non-scheduled disease should be able to claim industrial injuries benefit but subject to the condition that the onus is on that individual claimant to prove the causative link between occupation and disease. The IIAC gave qualified support to the individual proof method but the recommendation was not accepted by the Government of the day.

Scotland's own advisory council will have responsibility for identifying the ways of addressing the many anomalies and injustices that have prevailed in the UK IIDB scheme for decades.

The SEIAC could, for example, investigate and consider recommendations on the best way to bring about a mixed system for work-related disease in Scotland.

4. What (if any) do you think would be the main disadvantages of the proposed Bill?

Thompsons Solicitors cannot see any disadvantages of the proposed Bill.

5. Which of the following best expresses your view of making it a legal requirement that the SEIAC's membership includes workers with experience of being exposed to the risk of workplace injury, and their representatives, including trade unions?

- Fully agree
- Partially agree
- Neutral
- Partially disagree
- Fully disagree
- Unsure

Please explain the reasons for your response.

Since the dawn of the industrial revolution, trade unions have been central to the implementation of health and safety legislation and in identifying emerging risks and diseases in the workplace. An effective employment injury advisory council requires an effective trade union representation on it.

6. Which of the following best expresses your experience of the current Industrial Injuries Disablement Benefit (IIDB) scheme (personally and/or professionally)?

- Positive experience
- Mixed experience
- Negative experience
- No experience of the scheme

Please explain the reasons for your response.

Please do not provide personal information or highly specific information which might identify you (if you wish to remain anonymous) or any third parties in your answer.

As per the response at Question 3 above, there is much of the existing IIDB scheme that should be preserved. The weaknesses in the existing scheme are well understood by those involved with it and devolution of this benefit scheme to Scotland affords us a real opportunity to make effective and long standing change.

Financial implications

7. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

(a) Government and the public sector

Unsure

(b) Businesses

Unsure

(c) Individuals

Unsure

Please explain the reasons for your response.

8. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

Equalities

9. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation?

Positive

Please explain the reasons for your response.

A specialist Scottish advisory council will be able to identify and advise on necessary changes to extend coverage and take up of employment injuries related benefits across Scotland's workforce.

10. In what ways could any negative impact of the Bill on equality be minimised or avoided?

Thompsons Solicitors Scotland do not see any negatives arising from the Bill.

Sustainability

11. Do you consider that the proposed bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes

Please explain the reasons for your response.

General

12. Do you have any other comments or suggestions on the proposal?

HOW TO RESPOND TO THIS CONSULTATION

You are invited to respond to this consultation by answering the questions in the consultation and by adding any other comments that you consider appropriate.

Format of responses

You are encouraged to submit your response via an online survey (Smart Survey) if possible, as this is quicker and more efficient both for you and the Parliament. However, if you do not have online access, or prefer not to use Smart Survey, you may also respond by e-mail or in hard copy.

Online survey

To respond via online survey, please follow this link:

<https://www.smartsurvey.co.uk/s/EmploymentInjuriesCouncil/>

The platform for the online survey is Smart Survey, a third party online survey system enabling the SPCB to collect responses to MSP consultations. Smart Survey is based in the UK and is subject to the requirements of the General Data Protection Regulation (GDPR) and any other applicable data protection legislation. Any information you send in response to this consultation (including personal data) will be seen by the MSP progressing the Bill and by staff in NGBU.

Further information on the handling of your data can be found in the Privacy Notice, which is available either via the Smart Survey link above, or at the end of this document.

Smart Survey's privacy policy is available here:

<https://www.smartsurvey.co.uk/privacy-policy>

Electronic or hard copy submissions

Responses not made via Smart Survey should, if possible, be prepared electronically (preferably in MS Word). Please keep formatting of this document to a minimum. Please send the document by e-mail (as an attachment, rather than in the body of the e-mail) to:

mark.griffin.msp@parliament.scot

Responses prepared in hard copy should either be scanned and sent as an attachment to the above e-mail address or sent by post to:

Mark Griffin MSP
Room M1.20
Scottish Parliament
Edinburgh EH99 1SP

Responses submitted by e-mail or hard copy may be entered into Smart Survey by my office or by NGBU.

If submitting a response by e-mail or hard copy, please include written confirmation that you have read and understood the Privacy Notice (set out below).

You may also contact my office by telephone on (0131) 348 6398.

Deadline for responses: 1 February 2021

All responses should be received no later than **1 February 2021**. Please let me know in advance of this deadline if you anticipate difficulties meeting it. Responses received after the consultation has closed will not be included in any summary of responses that is prepared.

How responses are handled

To help inform debate on the matters covered by this consultation and in the interests of openness, please be aware that I would normally expect to publish all responses received (other than “not for publication” responses) on my website <http://www.markgriffinmsp.org.uk/content/seiac/>. Published responses (other than anonymous responses) will include the name of the respondent, but other personal data sent with the response (including signatures, addresses and contact details) will not be published.

Where responses include content considered to be offensive, defamatory or irrelevant, my office may contact you to agree changes to the content, or may edit the content itself and publish a redacted version.

Copies of all responses will be provided to the Scottish Parliament’s Non-Government Bills Unit (NGBU), so it can prepare a summary that I may then lodge with a final proposal (the next stage in the process of securing the right to introduce a Member’s Bill). The Privacy Notice (below) explains more about how the Parliament will handle your response.

If I lodge a final proposal, I will be obliged to provide copies of responses (other than “not for publication” responses) to the Scottish Parliament’s Information Centre (SPICe). SPICe may make responses available to MSPs or staff on request.

Requests for anonymity or for responses not to be published

If you wish your response to be treated as anonymous or “not for publication”, please indicate this clearly. The Privacy Notice (below) explains how such responses will be handled.

Other exceptions to publication

Where a large number of submissions is received, particularly if they are in very similar terms, it may not be practical or appropriate to publish them all individually. One option may be to publish the text only once, together with a list of the names of those making that response.

There may also be legal reasons for not publishing some or all of a response – for example, if it contains irrelevant, offensive or defamatory content. If I think your response contains such content, it may be returned to you with an invitation to provide a justification for the content or to edit or remove it. Alternatively, I may publish it with the content edited or removed, or I may disregard the response and destroy it.

Data Protection

As an MSP, I must comply with the requirements of the General Data Protection Regulation (GDPR) and other data protection legislation which places certain obligations on me when I process personal data. As stated above, I will normally publish your response in full, together with your name, unless you request anonymity or ask for it not to be published. I will not publish your signature or personal contact information. The Privacy Notice (below) sets out in more detail what this means.

I may also edit any part of your response which I think could identify a third party, unless that person has provided consent for me to publish it. If you wish me to publish information that could identify a third party, you should obtain that person’s consent in writing and include it with your submission.

If you consider that your response may raise any other issues under the GDPR or other data protection legislation and wish to discuss this further, please contact me before you submit your response. Further information about data protection can be found at: www.ico.gov.uk.

Freedom of Information (Scotland) Act 2002

As indicated above, NGBU may have access to information included in, or provided with, your response that I would not normally publish (such as confidential content, or your contact details). Any such information held by the Parliament is subject to the requirements of the FOISA. So if the information is requested by third parties the Scottish Parliament must consider the request and may have to provide the information unless the information falls within one of the exemptions set out in the Act. I cannot therefore guarantee that any such information you send me will not be made public should it be requested under FOISA.

Further information about Freedom of Information can be found at:

www.itspublicknowledge.info.

Privacy Notice

This privacy notice explains how your ***personal data** which may be included in, or is provided with, your response to a MSP's consultation on a proposal for a Member's Bill will be ****processed**. This data will include any personal data including *****special category data** that is included in responses to consultation questions, and will also include your name and your contact details provided with the response. Names and contact details fall into **normal category data**.

***Personal data** is information that relates to an identified or identifiable individual.

****Processing** of personal data refers to any operations carried out in relation to the data such as collecting, storing, sharing and deletion of the data.

*****Special category data** includes information about an individual's race; ethnic origin; political or religious views; sex life or sexual orientation; trade union membership; physical or mental health; genetic or biometric data.

Collecting and holding Personal Data

The Scottish Parliamentary Corporate Body (SPCB) processes any personal data you send to it, or that the MSP whose consultation you respond to shares with it (under a data-sharing agreement) according to the requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

The SPCB will hold any personal data securely, will use it only for the purposes it was collected for and will only pass it to any third parties (other than the MSP whose consultation you respond to) 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/>

Purpose of the data processing

The purpose of collecting, storing and sharing personal data contained in consultation responses is to enable Members to consider the views of respondents to inform the development of the Bill, with the support of NGBU. Personal data contained in consultation responses will not be used for any other purpose without the express consent of the data subject.

The legal basis

The legal basis for collecting, holding, sharing and publishing your personal data is that the processing is necessary for the performance of a task carried out in the public interest (for normal category data), or in the substantial public interest (for special category data), in accordance with Art 6(1)(e) GDPR and section 8(d) DPA (for normal category data), or Art 9(1)(g) GDPR and section 10 of and paragraph 6 of Schedule 1 DPA (for special category data). The task is to support Members seeking to introduce Members' Bills to the Parliament. This is a core task of the SPCB and therefore a Crown function. The adequate support of the Members Bill process and the ability to seek, use and temporarily store personal data including special category data is in the substantial public interest.

If the person responding to the consultation is under the age of 12 then consent from the parent or guardian of the young person will be required to allow the young person to participate in the consultation process (however, the legal basis for the processing of the personal data submitted remains as the public interest task basis identified above).

Sharing Personal Data

The data collected and generated by Smart Survey will be held by the Non-Government Bills Unit (NGBU), a team in the Scottish Parliament which supports MSPs progressing Members' Bills, and shared with the MSP who is progressing the Bill and staff in the MSP's office. Data submitted by other means (e.g. by email or hard copy) will be held by the MSP's office and shared with NGBU for the purposes of producing a summary of responses to the consultation. The MSP and NGBU are joint data controllers of the data. Under a data-sharing agreement between the MSP and the Scottish Parliament, access to the data is normally limited to NGBU staff working on the Member's Bill/proposal, the MSP and staff in the MSP's office working on the Member's Bill/proposal; but data may also be shared by NGBU with the Scottish Parliament's solicitors in the context of obtaining legal advice.

Publishing Personal Data

"Not for publication" responses will not be published and will only be referred to in the summary of consultation responses in the context of a reference to the number of "not for publication" responses received and, in some cases, in the context of a general reference that is considered by you to be consistent with the reasons for choosing "not for publication" status for your response.

Anonymous responses will be published without your name attached, your name will not be mentioned in the summary of consultation responses, and any quote from or reference to any of your answers or comments will not be attributed to you by name.

Other responses may be published, together with your name; and quotes from or references to any of your answers or comments, together with your name, may also be published in the summary of consultation responses.

Contact details (e.g. your e-mail address) provided with your response will not be published, but may be used by either the MSP's office or by NGBU to contact you about your response or to provide you with further information about progress with the proposed Bill.

Where personal data, whether relating to you or to anyone else, is included in that part of your response that is intended for publication, the MSP's office or NGBU may edit or remove it, or invite you to do so; but in certain circumstances the response may be published with the personal data still included.

Please note, however, that references in the foregoing paragraphs to circumstances in which responses or information will not be published are subject to the Parliament's legal obligations under the Freedom of Information (Scotland) Act 2002. Under that Act, the Parliament may be obliged to release to a requester information that it holds, which may include personal data in your response (including if the response is "not for publication" or anonymous).

Use of Smart Survey software

The Scottish Parliament is licensed to use Smart Survey which is a third party online survey system enabling the Scottish Parliament to collect responses to MSP consultations, to extract and collate data from those responses, and to generate statistical information about those responses. Smart Survey is based in the UK and is subject to the requirements of data protection legislation.

Any information you send by email or in hard copy in response to a consultation on a proposal for a Member's Bill may be added manually to Smart Survey by the MSP's office or by NGBU.

The privacy policy for Smart Survey is available here:

<https://www.smartsurvey.co.uk/privacy-policy>

While the collected data is held on Smart Survey, access to it is password protected. Where the data is transferred to our own servers at the Scottish Parliament, access will be restricted to NGBU staff through the application of security caveats to all folders holding consultation data.

Access to, retention and deletion of personal data

If a summary of consultation responses is published within six months of the consultation period ending, all of your data will be deleted from Smart Survey as soon as possible after the summary is published. If, six months after the consultation period has ended, a summary has not been published, then responses may be downloaded from Smart Survey and saved (with all the information that would normally not be published – including contact details – removed) to Scottish Parliament IT systems and retained until the end of the session of the Parliament in which the consultation took place. When that is done, all responses will normally be deleted from Smart Survey; but in exceptional circumstances, your data may be retained in Smart Survey beyond the end of the six month period if that is necessary for the purpose of preparing a summary for future publication. All data will be deleted from Smart Survey at the end of the session of the Parliament during which it was collected. If the MSP lodges a final proposal, he/she is required to provide a copy of your response (unless it was "not for publication"), together with your name (unless you requested anonymity), but not your contact details, to the Scottish Parliament Information Centre (SPICe), where it will be retained permanently in line with the collection management policy.

Your rights

Data protection legislation sets out the rights which individuals have in relation to personal data held about them by data controllers. Applicable rights are listed below, although whether you will be able to exercise data subject 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.

For example, the rights allowing for deletion or erasure of personal data (right to be forgotten) and data portability do not apply in cases where personal data is processed for the purpose(s) of the performance of a task carried out in the public interest. The right to object to the processing of personal data for the purpose of a public interest task is restricted if there are legitimate grounds for the processing which override the interest of the data subject. This would be considered on a case by case basis and depends on what personal data is involved and the risks further processing of that data would pose to you.

The following rights will apply:

Access to your information – You have the right to request a copy of the personal information about you that we hold.

Correcting your information – We want to make sure that your personal information is accurate, complete and up to date and you may ask us to correct any personal information about you that you believe does not meet these standards.

Objecting to how we may use your information – Where we use your personal information to perform tasks carried out in the public interest then, if you ask us to, we 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 us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information about you that we hold or assessing the validity of any objection you have made to our 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 us to delete the data. Where this right is validly exercised, we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Please contact us in any of the ways set out in the *Contact information and further advice* section if you wish to exercise any of these rights.

Changes to our privacy notice

We keep this privacy notice under regular review and will place any updates on this website. Paper copies of the privacy notice may also be obtained using the contact information below.

This privacy statement was last updated on **24 October 2019** and will be reviewed within 12 months if not updated prior to that.

Contact information and further advice

If you have any further questions about the way in which we process personal data, or about how to exercise your rights, please contact:

The Head of Information Governance
The Scottish Parliament
Edinburgh
EH99 1SP
Telephone: 0131 348 6913 (Text Relay calls welcome)
Textphone: 0800 092 7100
Email: dataprotection@parliament.scot

Complaints

We seek to resolve directly all complaints about how we handle personal information, but you also have the right to lodge a complaint with the Information Commissioner's Office:

<https://ico.org.uk/make-a-complaint/>

By phone: 0303 123 1113

Please contact us if you require information in another language or format.