



ALBA | CHRUTHACHAIL

Creative Scotland Privacy Notice for its:

- Agency Staff**
- Contractors**
- Secondees**
- Suppliers** (Trade Creditors)

Introduction

We are committed to safeguarding your privacy. In this Privacy Notice we explain how we will handle and use your personal information.

To help clarify some of the wording, a 'Definitions' Section is located at the bottom of this Privacy Notice.

For the purposes of Data Protection Laws, we will be the controller of your personal information and will comply with the Data Protection Laws when handling and using your personal information.

What personal information do we collect about you?	What are our purposes for processing your personal information?	What is our legal basis for handling and using your personal information?	How long will we keep your personal information?
Agency Staff As part of your involvement with CS, CS holds and uses the personal information that you provide to CS and / or other personal information that CS may obtain about you from you and from third	<ul style="list-style-type: none">• meet CS's responsibilities with regard to CS's involvement with you;• comply with reporting, legal and regulatory requirements;• record absences, including the reason(s) for such absences;	Legitimate Interest(s) – a legitimate interest is when we, or a third party on our behalf, has a business or commercial reason to use your information, so long as this is not overridden by your own rights and interests. These interests cover a number of	7 years

<p>parties on an ongoing basis. This may include your:</p> <ul style="list-style-type: none"> • name; • contact information, including emergency contact / next of kin information; • date of birth (if required for any age-restricted CS activities in which you are involved); • gender; • driving licence (if required for any CS activities in which you are involved); • experience and qualifications (if relevant and required for any CS activities in which you are involved); • absence-related information; • sensitive personal information about your racial or ethnic origin, sexual orientation, your physical and / or mental health (including disability), religious or other similar beliefs and / or political opinions (if you choose to share any of this with CS); 	<ul style="list-style-type: none"> • determine your suitability to be involved in specific CS activities; • comply with CS's obligations as part of the data sharing arrangements that it has entered into with other public authorities for e.g. fraud prevention and detection purposes; • deal with complaints involving you; • protect your vital interests, e.g., to notify your next of kin and / or obtain emergency medical assistance in the case of an accident involving you; • deliver education and training; • check driving licence and vehicle status and insurance arrangements (if required for any CS activities in which you are involved); • protect CS's personal information and systems and ensure business continuity; • undertake business management and planning, including accounting and auditing; • protect and defend CS's legal rights in the case of a dispute between you and CS; and • to respond to requests for information received by CS from the media otherwise than under Access to Information Laws. 	<p>aspects of our business operations, including:</p> <ul style="list-style-type: none"> - Information, system, network and cyber security purposes, including the monitoring and protection of our IT systems; - System development and enhancement; - Procuring goods and/or services; - Record management arrangements; - Processing personal information received from a third party source e.g. mailing list information; - Ensuring we are able to keep up to date with our contacts and their requirements including, where relevant, developments in their organisations; and <p>Legal Obligation – processing is necessary for compliance with a legal obligation - to comply with a common law or statutory obligation e.g. health & safety; and</p> <p>protection of your Vital Interests, e.g. to obtain emergency medical assistance in</p>	
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<ul style="list-style-type: none"> • criminal records information, including Disclosure Scotland and Protecting Vulnerable Groups scheme checks (if required for any CS activities in which you are involved); • complaints or conduct issues involving you; • training which you have attended or been involved in at CS; and • time and attendance records. 		<p>the case of an accident involving you.</p> <p>Consent under article 6(1)(a) of the UK GDPR. You have given your consent to the processing of your personal information for the specified purpose.</p>	
<p>Contractors As part of your involvement with CS, CS may process the personal information that you provide to CS which may include your:</p> <ul style="list-style-type: none"> • name; • email address; • telephone number; • postal address; • information about your tax status (such as HMRC records of self-assessment); and • banking information e.g. account number, sort code 	<ul style="list-style-type: none"> • The information that you provide to us is required in order for us to procure goods and/or services from you; • Make payments to you for goods and/or services; • Handle any enquiries we may receive from you; • Complaints (such as gathering evidence in relation to any complaints made by or about you; dealing with legal disputes involving you); • Determining your continued contractor status; 	<p>Contract – processing is necessary for the performance of a contract to which you are a party or in order to take steps at your request prior to entering into a contract; and</p> <p>Legal Obligation – processing is necessary for compliance with a legal obligation - to comply with a common law or statutory obligation e.g. to prevent fraud.</p>	7 years

	<ul style="list-style-type: none"> • To comply with our legal obligations such as to prevent fraud; and • To respond to requests for information received by CS from the media otherwise than under Access to Information Laws. 		
<p>Secondees As part of your involvement with CS, CS holds and uses the personal information that you provide to CS and / or other personal information that CS may obtain about you from you and from third parties on an ongoing basis. This may include your:</p> <ul style="list-style-type: none"> • name; • contact information, including emergency contact / next of kin information; • date of birth (if required for any age-restricted CS activities in which you are involved); • gender; • driving licence (if required for any CS activities in which you are involved); • experience and qualifications (if relevant 	<ul style="list-style-type: none"> • meet CS's responsibilities with regard to CS's involvement with you; • comply with reporting, legal and regulatory requirements; • record absences, including the reason(s) for such absences; • determine your suitability to be involved in specific CS activities; • comply with CS's obligations as part of the data sharing arrangements that it has entered into with other public authorities for e.g. fraud prevention and detection purposes; • deal with complaints involving you; • protect your vital interests, e.g., to notify your next of kin and / or obtain emergency medical assistance in the case of an accident involving you; • deliver education and training; • check driving licence and vehicle status and insurance arrangements (if required for any CS activities in which you are involved); 	<p>Legitimate Interest(s) – a legitimate interest is when we, or a third party on our behalf, has a business or commercial reason to use your information, so long as this is not overridden by your own rights and interests. These interests cover a number of aspects of our business operations, including:</p> <ul style="list-style-type: none"> - Information, system, network and cyber security purposes, including the monitoring and protection of our IT systems; - System development and enhancement; - Procuring goods and/or services; - Record management arrangements; - Processing personal information received from a third party source e.g. mailing list information; 	7 years

<p>and required for any CS activities in which you are involved);</p> <ul style="list-style-type: none"> • absence-related information; • sensitive personal information about your racial or ethnic origin, sexual orientation, your physical and / or mental health (including disability), religious or other similar beliefs and / or political opinions (if you choose to share any of this with CS); • criminal records information, including Disclosure Scotland and Protecting Vulnerable Groups scheme checks (if required for any CS activities in which you are involved); • complaints or conduct issues involving you; • training which you have attended or been involved in at CS; and • time and attendance records. 	<ul style="list-style-type: none"> • protect CS's personal information and systems and ensure business continuity; • undertake business management and planning, including accounting and auditing; • protect and defend CS's legal rights in the case of a dispute between you and CS; and • to respond to requests for information received by CS from the media otherwise than under Access to Information Laws. 	<ul style="list-style-type: none"> - Ensuring we are able to keep up to date with our contacts and their requirements including, where relevant, developments in their organisations; and <p>Legal Obligation – processing is necessary for compliance with a legal obligation - to comply with a common law or statutory obligation e.g. health and safety; and</p> <p>protection of your Vital Interests, e.g. to obtain emergency medical assistance in the case of an accident involving you.</p> <p>Consent under article 6(1)(a) of the UK GDPR. You have given your consent to the processing of your personal information for the specified purpose.</p>	
<p>Suppliers (Trade Creditors) As part of your involvement with CS, CS may process the</p>	<ul style="list-style-type: none"> • The information that you provide to us is required in order for us to procure goods and/or services and make payments to you; 	<p>Legitimate Interest(s) – a legitimate interest is when we, or a third party on our behalf, has a business or commercial reason to</p>	7 years

<p>personal information that you provide to CS which may include your:</p> <ul style="list-style-type: none"> • name; • email address; • telephone number; • postal address; • information about your tax status (such as HMRC records of self-assessment); and • banking information e.g. account number, sort code 	<ul style="list-style-type: none"> • The process of applying for and becoming a supplier (such as making a decision about procuring goods or services; determining the payment terms for your invoices); • Make payments to you for goods and/or services; • Handle any enquiries we may receive from you; • Complaints (such as gathering evidence in relation to any complaints made by or about you; dealing with legal disputes involving you); • Determining your continued supplier status; • To comply with our legal obligations such as to prevent fraud; and • To respond to requests for information received by CS from the media otherwise than under Access to Information Laws. 	<p>use your information, so long as this is not overridden by your own rights and interests. These interests cover a number of aspects of our business operations, including:</p> <ul style="list-style-type: none"> - Information, system, network and cyber security purposes, including the monitoring and protection of our IT systems; - System development and enhancement; - Procuring goods and/or services; - Record management arrangements; - Processing personal information received from a third party source e.g. mailing list information; - Ensuring we are able to keep up to date with our contacts and their requirements including, where relevant, developments in their organisations; and <p>Legal Obligation – processing is necessary for compliance with a legal obligation - to comply with a common law or statutory obligation e.g. to prevent fraud.</p>	
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Who will have access to your personal information?

CS may share your personal information for the above purposes with:

- Disclosure Scotland (with your consent);
- Audit Scotland;
- CS's consultants, advisers and IT service providers;
- CS's solicitors;
- CS's insurers; and
- the Police (in the case of actual or suspected criminal activity).

CS may also share your personal information:

- Where the law requires us to;
- For any court proceedings in which we are involved;
- To protect our legal rights;
- For the purposes of fraud prevention; and
- To obtain emergency medical assistance in the case of an accident involving you.

Do we send your personal information outside the United Kingdom?

We will comply with Data Protection Laws if handling and using your personal information in accordance with this Privacy Notice requires us to transfer your personal information to organisations in countries outside the United Kingdom.

Where your personal information is transferred outwith the United Kingdom, we will provide you with information regarding the safeguards that we have put in place with the recipient country to protect your personal information.

What will happen if you do not provide the information we require?

We may not be able to communicate with you or continue our involvement with you. We may also be prevented from complying with the laws that apply to CS, e.g., to ensure your health and safety.

It may be obligatory for you to supply us with your personal information e.g. visitor information. If you do not supply your personal information for this purpose, it may be that we are unable to ensure safety and security or manage incidents or emergencies. We may also be unable to allow you to access our non-public spaces as a visitor or contractor.

How will we keep your personal information secure?

We will take reasonable technical and organisational precautions to prevent the loss, misuse or alteration of your personal information and will store your personal information on secure servers.

Please be aware that sending information over the internet is inherently insecure, and we cannot guarantee the security of your personal information if you send it to us over the internet.

What rights do you have in relation to the personal information that we handle and use about you?

You have the right to:

- **Be informed** about the collection and use of your personal data e.g. this Privacy Notice. This is a key transparency requirement under the UK GDPR;
- **Request access to your personal data** (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you. This right always applies, although there are some exemptions which means you may not always receive all the information we process. You can request access to your personal data by contacting our Data Protection Officer (contact details are provided below);
- **Request correction of the personal data that we hold about you.** This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us. This right always applies;
- **Request erasure of your personal data.** This enables you to ask us to delete or remove personal data in certain circumstances. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request;
- **Object to processing of your personal data where we are relying on a legitimate interest or the process forms part of our public task** and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms;
- **Request restriction of processing of your personal data.** This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data’s accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or

defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it;

- **Request the transfer of your personal data to you or to a third party.** We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you;
- **Withdraw consent at any time where we are relying on consent to process your personal data.** However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

You can read more about your individual rights on the [Information Commissioner's Website](#).

No fee usually required

You will not usually have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

Information about other individuals

If you provide Creative Scotland with content, materials, information that contains personally identifiable information about other individuals, you must comply with Data Protection Laws when providing their personal information to Creative Scotland.

What about links to third party websites?

Our website includes hyperlinks to, and details of, third party websites. We have no control over, and are not responsible for, the privacy policies and practices of such third parties.

Changes to this Privacy Notice

Any changes we may make to this Privacy Notice in the future will be posted on this page and, where appropriate, notified to you by e-mail. The date last updated should be visible at the top of this Privacy Notice.

Making a complaint

If you have any concerns with how we have handled and used your personal information, you should contact our Data Protection Officer in the first instance, as we would welcome the opportunity to work with you to resolve any complaint.

The contact details for our Data Protection Officer are as follows:

Data Protection Officer
Creative Scotland
2-4 Waterloo Place
Edinburgh
EH1 3EG

Telephone: 0330 333 2000

Email: dataprotection@creativescotland.com

If you are still dissatisfied, you can submit a complaint to the Information Commissioners Office (ICO) either by telephone or by completing an online form. The ICO's contact details are as follows:

Telephone: 0303 123 1113

Website link: <https://ico.org.uk/concerns/>

Definitions:

We, Us, Our	Creative Scotland
You, Your, Yourself	means the living individual who the personal information is about
Special Category Data	means the following personal data that needs more protection because it is sensitive: <ul style="list-style-type: none">• Racial or ethnic origin• Political opinions• Religious or philosophical beliefs• Trade union membership• Genetic data• Biometric data• Health• A person's sex life• A person's sexual orientation
Access to Information Laws	includes the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 and any legislation supplementary thereto introduced in Scotland
Data Protection Laws	means the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (EU GDPR) as it forms part of the domestic law of the United Kingdom by virtue of section 3 of the European Union (Withdrawal) Act 2018 and as amended by Schedule 1 to the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (the "UK GDPR"); together with the Data Protection Act 2018 and any other national legislation intended to enact, implement or supplement the UK GDPR (or any part thereof); the

Privacy and Electronic Communications (EC Directive) Regulations 2003 ("PECR") and, from the date of its becoming applicable, any legislation intended to replace the PECR and all applicable laws and regulations relating to the privacy, protection or processing of personal data, including where applicable guidance and codes of practice issued by the ICO and, as applicable, the equivalent of any of the foregoing in any relevant jurisdiction

Controller

determines how and why personal information is handled and used

Personal Information

means information relating to a living individual who can be identified