

Scottish Courts & Tribunals Service Privacy Notice

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Overview

The Scottish Courts and Tribunals Service (SCTS) provides administrative support to the judiciary, courts, tribunals and the Office of the Public Guardian (OPG) in Scotland. SCTS' administrative functions are set out in Judiciary and Courts (Scotland) Act 2008.

The SCTS processes a variety of personal data, including for law enforcement purposes. The UK General Data Protection Regulations (UK GDPR) and the Data Protection Act 2018 (DPA, 2018) require SCTS to be transparent about how we process that data, what we do with it, how long we intend to keep it, and on what legal basis. This is set out in our privacy notices.

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The Data Protection Principles

The UK GDPR and the DPA, 2018 require the SCTS to comply with the six data protection principles, depending on why the data is being processed. The principles are that data is:

- processed lawfully, fairly and in a transparent manner*
- collected for specified, explicit and legitimate purposes;
- adequate, relevant and limited to what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- processed in a manner that ensures appropriate security

*The requirement for transparency does not apply in the same way to processing of personal data for law enforcement purposes¹ –This is because such disclosure may prejudice these purposes.

Your Rights?

Under UK GDPR and the DPA, 2018 data subjects have a number of rights:

- Right to be informed – you have the right to be informed about how your personal data is processed.
- Right of access – you can make a ‘subject access request’ for a copy of the information we hold about you.
- Right to rectification – you can instruct us to correct any personal data we hold about you that is inaccurate.
- Right to erasure ('right to be forgotten') – you can ask for us to destroy any personal data that we hold about you.
- Right to restrict or object to processing – in some circumstances, you can place restrictions on, for example, who can access your data or who we share it with.

All of the above rights are subject to exemptions that we may apply.

SCTS has subject access, erasure, rectification and objection to processing request forms which can be used to make such requests. These can be found on the [SCTS website](#). Alternatively, you can contact the SCTS using the contact information below.

Further information to help you understand your rights and how you can exercise them can be found in the Know Your Data Protection Rights Guidance.

If you make a request, you will need to submit 2 forms of identification. This ensures we are only providing information to the person that is entitled to it. The documents can be scanned copies if you are sending by email or photocopies if posting them. Please do not send original documents.

¹ defined as the prevention, investigation or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against prevention of threats to public security.

How do I complain if you are not happy?

If you are unhappy with any aspect of this privacy notice, how your personal data is being processed or any response you have received to an individual rights request, please contact the SCTS Data Protection Officer.

You will receive an acknowledgement within one calendar month, and we aim to respond without undue delay.

Data Protection Officer

If you have any questions in relation to data protection you can contact our Data Protection Officer by email at: DPO@scotcourts.gov.uk or write to

O1 Spur
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

If you remain unhappy after contacting the SCTS Data Protection Officer, you have the right to lodge a complaint with the Information Commissioner's Office (ICO):

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

Tel: 0303 123 1113
Email: icocasework@ico.org.uk
<https://ico.org.uk/global/contact-us/>

General Information

Marketing

The SCTS will not share personal data with third parties for marketing purposes.

Research

The SCTS may grant research access to certain pre-approved researchers to historical case data for research purposes (e.g. sociological research on access to justice), subject to suitable protections for the privacy of those featured in the cases. Further information on research can be found in the research access section of the [SCTS website](#)

The SCTS undertakes user research which can include the processing of personal data.

System Development and Testing

SCTS may sometimes use a copy of your personal data to test and develop our systems and products. This is for the purpose of improving your experience, the quality of our services and to make sure our security measures are working properly. Where possible, we will use obfuscated, synthetic or other types of non-identifiable personal data for these purposes. If we require to use personal data a live data compliance authorisation form will be completed.

Processing for such purposes falls under Article 6(1)(e) of UK GDPR.

Consent

The SCTS observes the Information Commissioner's Office (ICO) best practice guidance in not asking persons for consent in relation to the processing of personal data. We may ask for permission to process certain data in limited circumstances where it is completely clear that consent is entirely voluntary. If we use consent as our lawful basis for processing, we will make this clear in the specific privacy notice.

Automated decision making or profiling

The SCTS conducts limited automated decision making or profiling. This occurs in relation to staff recruitment and in relation to selection as a prospective juror. For further information, see the headquarters and jury service sections of this privacy notice.

Website

Information on the use of cookies can be found on the [SCTS corporate website](#)

Data Protection by Design

The SCTS is committed to ensuring that only personal data necessary for the specific purpose identified for the processing are processed.

Where we process your personal data?

All personal data processed by SCTS is hosted within the United Kingdom or the EU. However, it may be necessary to transfer your personal information to countries outside of the United Kingdom or EU. In doing so, we will ensure that adequate safeguards are used to secure the information - for example, by encryption recorded or tracked post and ensuring that suppliers are subject to contract clauses in respect of information security.

Where we communicate with you via email, we may not always be able to identify the destination of your information.

Note: If you choose an email address as your preferred contact please be aware that we may be sending sensitive and personal information to that email address. Email security cannot always be guaranteed. If you choose this method of contact, you are confirming that you accept that risk.

Processing by the Criminal Courts

What is being processed?

Personal data is routinely processed in criminal court cases. This can include information such as:

- personal details such as name and date of birth
- Contact information such as address, email address and phone number
- financial information
- employment, education and family Information
- information about offences or alleged offences committed
- sentencing information

This can also include 'sensitive personal data' e.g. racial or ethnic origin, gender, political opinions, genetic data, biometric data, health data, sex life or sexual orientation.

SCTS will collect and process personal data held in a number of different formats including paper, electronic, audio and digital recordings.

Why is the SCTS processing this information?

Processing of criminal court case information for a law enforcement purpose is *not* regulated by the UK GDPR. The regime followed is instead set out part 3 of the DPA 2018.

This processing is necessary for the performance of a task carried out for a law enforcement purpose by a competent authority in terms of section 35(2) of the DPA 2018. The SCTS, courts and tribunals are "competent authorities" in terms of Part 3 and Schedule 7 of the DPA. The SCTS processes personal data in criminal cases for "law enforcement purposes". This covers the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

This processing of 'sensitive personal data' is strictly necessary for a law enforcement purpose in terms of section 35(5) of the DPA. This processing is strictly necessary for the administration of justice under Schedule 8, Paragraph 2 of the DPA.

The Judiciary and Courts (Scotland) Act 2008, which sets out the SCTS' statutory function to provide administrative support to the judiciary, courts, tribunals and the Office of the Public Guardian in Scotland provides the SCTS' lawful basis for processing personal and sensitive personal data. Various pieces of legislation cover criminal procedures in Scotland, including the Criminal Procedure (Scotland) Act 1995 and the Act of Adjournal (Criminal Procedure Rules) 1996.

To the extent that any processing of criminal court case information by the SCTS is not law enforcement processing, it is considered:

- "necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller" under Article 6(1)(e) of the UK GDPR;
- "carried out only under the control of official authority" under Article 10 of the UK GDPR

- and/or necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity under Article 9(2)(f) of the UK GDPR.

Parties involved in cases should be aware that evidence lodged may be displayed digitally, on screens, within a courtroom to which the public may have access.

Data held within criminal case management systems is interrogated and analysed by the SCTS for management information purposes. It is used to ensure that the actions and decisions of the SCTS are based on high quality information, analysis and evidence (much of this is conducted on an anonymised basis). Management information is published on the SCTS website to meet the needs of justice partners, court users and the media, is anonymised and does not disclose information about specific identifiable individuals. Processing is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR.

What categories of data subjects are you processing?

We process information relating to a variety of individuals including:

- individuals accused of criminal offences
- individuals convicted of criminal offences
- victims
- witnesses
- jurors
- consultants and other professional experts
- legal professionals
- criminal justice partners
- SCTS staff
- judicial office holders

How, when and why does the SCTS share this personal data with others?

When necessary or required for law enforcement purposes

- Crown Office and Procurator Fiscal Services (COPFS)
- Police Scotland
- Specialist Reporting Agencies
- The Scottish Prison Service
- The Parole Board for Scotland
- DVLA
- Criminal Justice Social Work
- Legal Representatives
- Defence Solicitors
- Medical Professionals

In certain circumstances, we will share information, which was initially for a law enforcement purpose with third parties for non-law enforcement purposes:

- the Scottish Children’s Reporter Administration to further its duties under section 66 of the Children’s Hearings (Scotland) Act 2011 and subparagraph 18 of schedule 1 of the DPA, 2018;

- victims (and/or a victim support organisation acting on his or her behalf) where necessary under section 6 of the Victims & Witnesses (S) Act 2014 and subparagraph 18 of schedule 1 of the DPA (Safeguarding of children and of individuals at risk).
- SCTS is legally required to share information with Disclosure Scotland under the Protection of Vulnerable Groups (Scotland) Act 2007, processing is necessary to comply with a legal obligation under Article 6(1)(c) of UK GDPR.
- professional regulatory bodies such as the General Medical Council (GMC), the General Dental Council (GDC), Nursing and Midwifery Council (NMC), for example if a person subject to their professional oversight is convicted of a crime and it is lawful to do so. These regulatory bodies have specific powers to request relevant information such as section 35A(1) of the Medical Act 1983. In such circumstances processing is necessary to comply with a legal obligation under Article 6(1)(c) of UK GDPR.
- professional regulatory bodies such as the Scottish Social Services Council (SSSC) or the General Teaching Council for Scotland (GTCS) if a person subject to their professional oversight is convicted of a crime and it is lawful to do so. Such bodies do not have powers to compel disclosure but can request information under Article 6(1)(e) of UK GDPR, where it is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller”.
- Criminal case information is transferred to police, prosecutors and courts within the EU when required under mutual legal assistance or extradition treaties.

Publication of Decisions

Written judgments produced are published and retained permanently on the SCTS website on behalf of the judiciary, unless the judge decides that there is good reason not to do so for example a requirement not to or it not being in the interests of justice to do so. They are published in the interests of open justice.

Live Streaming

Live streams of some court hearings are made available on the SCTS website, where they are also archived. The Judiciary determine which hearings should be live streamed as part of the principle of open justice and is classed as judicial processing.

The SCTS is a processor and not a controller in relation to the publication of decisions and processing of live streaming.

Please see the [Court Rolls Privacy Notice](#) for information published about upcoming court cases.

How long do you keep my personal data?

Some aspects of every court case are archived permanently by National Records of Scotland (NRS) under public records legislation. The SCTS, Judiciary and NRS become joint controllers in respect of the personal data contained within these records when they are transferred for permanent preservation.

High Court of Justiciary case records are sent in their entirety for permanent archiving to NRS after 10 years.

Sheriff court solemn cases are transmitted in line with the relevant court records schedule after 25 years. The court records schedules can be found on the [SCTS website](#).

Recordings of solemn criminal proceedings and evidence by commissioner hearings are retained for 30 years and 10 years for any other recording in criminal proceedings.

Where do you get my personal data from?

The personal data we hold for criminal court cases will come from the Police, Crown Office and Procurator Fiscal Service, Specialist Reporting Agencies and their equivalents in other jurisdictions. Information may also be collected directly from data subjects, legal representatives and relevant third parties such as witnesses (including expert witnesses), the NHS, local authority social work departments and any other person or organisation involved in a court case. Information required in order to enforce criminal penalties (such as benefits information) is obtained from the Department of Work and Pensions.

Do you use automated decision making or profiling? If so, how do you use my personal data to make decisions about me?

The only automated decision making in criminal courts concerns the selection of potential jurors. No automated profiling is involved in this process as no evaluation is involved. Further information can be found in the jurors privacy notice.

Processing by the Civil Courts

What is being processed?

Personal data is routinely processed in civil court cases. Depending on the specific type of civil case, this can include:

- name, address, date or birth
- email address and telephone number.
- education, employment, financial information (including benefit entitlements),
- social and family information.

There is the potential for any aspect of life to be referenced in court documentation and hearings.

Civil courts may also process special category and criminal personal data including gender, health/medical information as well as allegations of criminal conduct.

SCTS will collect and process personal data in a number of different formats including paper, electronic, audio and digital recordings.

Why is the SCTS processing this information?

SCTS provides administrative support to civil court courts and their judiciary under the Judiciary and Courts (Scotland) Act 2008. The personal data processed is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” under Article 6(1)(e) of the UK GDPR.

Where special category data is processed in civil proceedings, it is necessary for the establishment, exercise or defence of legal claims and when courts are acting in their judicial capacity in terms of Article 9(2)(f) of the UK GDPR.

There is a wide range of legislation and civil rules governing civil court processing which can be found on the SCTS website.

Data held within civil case management systems is interrogated and analysed by the SCTS for Management Information purposes. It is used to ensure that the actions and decisions of the SCTS are based on high quality information, analysis and evidence (much of this is conducted on an anonymised basis). Management information is published on the SCTS website to meet the needs of justice partners, court users and the media, is anonymised and do not disclose information about specific identifiable individuals. Processing is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR.

Parties involved in cases should be aware that evidence lodged may be displayed digitally, on screens, within a courtroom to which the public may have access.

Users of our Civil Online service are notified by email of latest changes and improvements to the service. These contact details are processed in terms of Article 6(1)(e) of the UK GDPR as a necessary part of using the Civil Online Service.

How, when and why does the SCTS share this personal data with others?

Please see the Court Rolls Privacy Notice for information published about upcoming court cases.

Some civil court information is shared with partner organisations as (and to the extent) required by legislation. For example, in sequestration cases² the Accountant in Bankruptcy receives intimation of warrants to cite, orders awarding sequestration, orders refusing sequestration, dismissals, appointment of trustee (or interim or replacement trustee), and copies of various other miscellaneous orders. This processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority under Article 6(1)(e) of the UK GDPR.

Details of money decrees and sequestrations are shared with Registry Trust who maintain a public register containing simple procedure, small claims and summary cause decrees granted by sheriff courts. Certain information on court decrees is shared with credit reference agencies in order to allow credit decisions to be made on an informed basis, this processing occurs under Article 6(1)(f) as processing necessary for the purposes of legitimate interests pursued by the controller or by a third party.

Aside from where it is specifically required by legislation, and access provided to the media under the principle of open justice, civil court case information is unlikely to be shared with those not involved in the case unless at the instigation of the court or one of the parties, perhaps as a result of a complaint to the Scottish Public Services Ombudsman or to a regulator such as the Information Commissioner. Personal data about any other party in such a case would not be disclosed. One example of where personal data might be shared at the instigation of the court or the parties is with child welfare reporters for the purpose of providing information to the court in family cases. This processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority under Article 6(1)(e) of the UK GDPR.

Where taxation is required in Court of Session cases, case documentation will be passed to the Auditor of the Court of Session in order to conduct an independent determination of expenses. Case papers will be returned to the court at the conclusion of this process, which is carried out in a judicial capacity.

National Records of Scotland (NRS) will be provided with some case information for statutory registration and archiving purposes to ahead of formal transfer of the case papers under Public Records legislation (see retention section). This processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority under Article 6(1)(e) of the UK GDPR.

Judgements

Written judgments produced are published and retained permanently on the SCTS website on behalf of the judiciary, unless the judge decides that there is good reason not to do so for example a requirement not to or it not being in the interests of justice to do so. They are published in the interests of open justice. This processing is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR.

Live Streaming

² See the [Act of Sederunt \(Sheriff Court Bankruptcy Rules\) 2016](#) and in particular Rule 6.7, Rule 9.3(3) and Rule 11.9(4).

Live streams of some court hearings are made available on the SCTS website, where they are also archived. The Judiciary determine which hearings should be live streamed as part of the principle of open justice and is classed as judicial processing.

SCTS is a processor and not a controller in relation to the publication of decisions and processing of live streaming events.

Publication of Notices on the SCTS website

Notices containing party's names, addresses/previous addresses and case type are published on the SCTS website in accordance with orders made by the court. This is usually done where their current whereabouts of a party are unknown, or in relation to petitions for the appointment of an executor to a deceased.

Processing is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR.

Commissary

Commissary case material is collected by the court as part of the process of obtaining confirmation of a deceased person's estate. The personal data involved consists of information about the executor(s) and beneficiaries. Documentation such as wills and proof of identity are returned once confirmation is granted. The court retains confirmation papers for a period of 6 months after grant of confirmation as a safeguard against documentation being lost (in order to ensure a source of information about the confirmation remains available). This processing is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR.

Access to commissary records is allowed under the Act of Sederunt (Commissary Court Books) 1992 as amended.

Vexatious litigants

The SCTS publishes a list of those that the Inner House of the Court of Session has made a vexatious litigation order against, under sections 100 and 101 of the Courts Reform (Scotland) Act 2014. Section 101(3) of that Act requires a copy of the order to be published in the Edinburgh Gazette. It is considered that maintenance and publication of a list of such orders on the SCTS website is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR. Publication of the list informs solicitors of those designated as vexatious litigants and also acts as a reference aid for staff at other courts, including the UK Supreme Court.

How long do you keep my personal data?

Some aspects of every court case are archived permanently by National Records of Scotland (NRS) under public records legislation. The SCTS, the Judiciary and NRS become joint controllers in respect of the personal data contained within these records when they are transferred for permanent preservation.

All Court of Session case records are sent to NRS in their entirety for permanent archiving 5 years after the date of completion of the case.

Records of sheriff court cases are transmitted in line with the relevant Court Records Schedule after 25 years. The Court Records Schedule can be found on the [SCTS website](#).

Recordings of civil proceedings are retained for a period of 3 years, recordings of civil -family proceedings are retained for 6 years and recordings of Fatal Accident Inquiries are held for 10 years.

What categories of data subjects are you processing?

We process information relating to a variety of individuals including:

- Pursuers/Applicants
- Defenders/Respondents
- Children
- Witnesses
- Children's reporters
- Curator's ad Litem
- Trustees
- Executors
- Benefactors
- Solicitors
- Judiciary
- Court staff

Where do you get my personal data from?

Personal data featured in civil court cases will originate from the parties, their legal representatives or from reporters appointed by the court.

Do you use automated decision making or profiling? If so, how do you use my personal data to make decisions about me?

The only automated decision making in relation to court cases concerns the selection of potential jurors. For civil proceedings this is only in the Court of Session and All Scotland Sheriff Personal Injury Court. No automated *profiling* is involved in this process as no evaluation is involved. An algorithm is run to randomly select potential jurors from the electoral register. Further information can be found in the jurors privacy notice.

Processing by the Fines Enforcement Unit

What is being processed?

For the purposes of collecting and enforcing criminal fines SCTS will collect and process a variety of personal data including but not limited

- Name, date of birth, address
- National Insurance and Criminal Records Office Numbers
- Contact details (telephone/email)
- Benefit/Income/Asset/Debt Details
- Employment Details
- Family, lifestyle and social circumstances

Why is the SCTS processing this information?

SCTS processes this personal data to perform its statutory law enforcement role in executing criminal financial penalties. This role is undertaken by Fine Enforcement Officers (FEO) within the SCTS's Fines Business Unit. FEOs will use the personal data collected to contact fined offenders to provide information and advice to those facing hardship or where necessary take enforcement action to deal with wilful default.

The lawful basis for processing is the FEOs statutory law enforcement role in executing criminal financial penalties under Part 3 of the Data Protection Act, 2018 (DPA, 2018) FEO functions and powers (which are delegated by the Court through an Enforcement Order) are set out in detail in Sections 226A to 226I of the Criminal Procedure Scotland Act 1995 (1995 Act).

SCTS does not routinely process special categories of personal data for fines collection and enforcement, although information from data subjects in relation to health can be processed to provide additional support or information to the judiciary. This processing is strictly necessary for the administration of justice under Schedule 8, Paragraph 2 of the DPA, 2018.

To the extent that any processing of information by the SCTS is not law enforcement processing, it is considered "necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller" in terms of Article 6(1)(e) of the UK GDPR; "carried out only under the control of official authority" in terms of Article 10 of the UK GDPR and/or necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity in terms of Article 9(2)(f) of the UK GDPR.

SCTS lawful basis for processing personal and special category data comes from the Judiciary and Courts (Scotland) Act 2008 which sets out SCTS statutory functions to provide administrative support to Scottish courts. The Criminal Procedure (Scotland) Act 1995 outlines specific FEO functions and powers.

How, when and why does the SCTS share this personal data with others

In order to carry out our law enforcement role SCTS may disclose personal data to a range of recipients. This will include but not limited to those listed as data sources under the section heading 'Where do you get my personal data from?' as well as the judiciary and authorised service providers including sheriff officers or vehicle clamping contractors. SCTS

will only share personal data collected for fine enforcement if there is a lawful and proportionate requirement to do so.

How long do you keep my personal data?

Personal data is stored in the SCTS criminal case management system (COPII). We will only hold information in accordance with the legal requirements applicable to the data or in line with retention periods defined in the Sheriff Court Retention Schedule or Preservation and Destruction of Justice of the Peace Court Records. We will only retain your information for as long as we need to. Court Records Schedule can be found on the SCTS website.

What categories of data subjects are you processing?

- Fined offenders

Where do you get my personal data from?

Data is collected from:

- Penalties issued by criminal courts, Crown Office and Procurator Fiscal Service, Police Scotland as well as penalties transferred to other jurisdictions
- Data subjects
- Representatives including legal advisors
- Credit reference agencies
- Scottish and UK Public Bodies (including HMRC and DWP)
- Employers
- Financial institutions

Information about Jurors

What is being processed?

Information on jurors and potential jurors including name, age (including date of birth), address and contact details. Once a jury is empanelled, each juror is requested to provide their telephone number and an emergency telephone number, should there be any requirement for the court to contact them in the possible event of an emergency.

If a person asks to be excused, they may be asked to provide supporting information which may include special category personal data including health information.

It is possible that if a specific issue has arisen in relation to a particular juror in the course of a court case, the issue will be recorded in the case papers, for example if a juror was taken ill, was alleged to have acted inappropriately during the trial or made a complaint.

List of potential jurors are held by the SCTS containing the names and dates of birth under section 3 of the Jurors (Scotland) Act 1825.

In criminal proceedings in the High Court and sheriff court, hard copy lists of assize are produced by the jury system for specific dates when cases are calling. These hard copy lists contain full details of the name and address of each juror cited, as per section 84 of the Criminal Procedure (Scotland) Act 1995. In terms of Rule of Court 3.1 the Book of Adjournal must also retain “the relative printed list of assize”.

Why are we processing this information?

Processing of juror information in civil cases is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR. In criminal cases, it is necessary for law enforcement purposes in terms of allowing a criminal trial to proceed.

From the special category data processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity in terms of Article 9(2)(f) of the UK GDPR. In criminal cases, this processing of ‘sensitive personal data’ is strictly necessary for a law enforcement purpose in terms of section 35(5) of the DPA. This processing is strictly necessary for the administration of justice under Schedule 8, Paragraph 2 of the DPA, 2018.

Section 3(1) of the Jurors (Scotland) Act 1825 requires the sheriffs principal of each sheriffdom to maintain lists of potential jurors containing the names, addresses and dates of birth of potential jurors.

We have considered whether processing of date of birth rather than year of birth is proportionate and have concluded that it is necessary in order to allow persons who have just reached the age of 18 years to be cited for jury service and for those who have reached the age of 71 years to be able to be excused as a right.

What categories of data subjects are you processing?

Jurors

Where do you get my personal data from?

We obtain electoral information from electoral registers held by Scottish local authority electoral registration offices.

We also obtain personal data directly from jurors and potential jurors.

How, when and why does the SCTS share this personal data with others?

Prosecutors and defence agents get a copy of the list of assize – this processing falls under judicial processing.

Juror information is not shared with other organisations, unless – in exceptional circumstances – there was a requirement to share it with the Police for the purposes of a criminal investigation for a law enforcement purpose (the administration of justice).

How long do you keep my personal data?

The latest version of the complete electoral register data is used to update our records. This replaces the entry from the previous year in respect of a person who has not been cited for jury service within the previous 6 years. Entries for those cited within the previous 6 years are maintained with information on whether they have been excused and how long any excusal might last. The latest electoral register information is used to update their address.

No juror or Electoral Register information older than 6 years is retained by the SCTS, with the exception of names, addresses and dates of birth of people permanently excused from jury service.

If a person is excused on ill health grounds, that will be recorded as a reason and retained for 6 years. Any medical certificate provided, as proof of the grounds for excusal will not be retained beyond 8 weeks after the excusal decision. No racial or ethnic origin information is processed.

Do you use automated decision making or profiling? If so, how do you use my personal data to make decisions about me?

Automated decision making occurs in the selection of potential jurors. Selection from the electoral registration office is authorised by law (in particular section 3(1) of the Jurors (Scotland) Act 1825). An algorithm is run to randomly select potential jurors from this. Our records are created and updated from the complete electoral register data published each year by Electoral Registration Officers. Updates from the electoral register with notifications about address changes and deaths are applied at intervals throughout the year.

The consequences of the automated decision-making involved in this system is that randomly selected individuals will be selected as potential jurors for a court case. Many of those selected will not ultimately serve as a juror.

For further information see the Questions about jury service pages on the SCTS website.

Court Rolls – details of upcoming court cases published on the SCTS website

The SCTS publishes details of upcoming court cases on its website. These are called “court rolls”. High level details of cases (the name of the case, often featuring the name of the party and limited information on the type of case) are published in advance.

Cases heard in closed court are not listed.

Criminal court cases

High Court rolls are available for 5 weeks in advance. They are updated at approximately 06:00 and 18:00 Monday to Friday.

Sheriff court rolls are available for five days in the future and are updated twice daily. Monday to Friday. The previous day's court rolls are normally removed at 18:00.

Justice of the Peace Court rolls are available for five days in the future and are updated each day, Monday to Friday.

Publication of the rolls of court is necessary for the performance of a task in the public interest under Article 6(1)(e) of UK GDPR.

Court of Session cases

Court of Session rolls are published daily from Monday to Friday. They contain limited information (case reference numbers, the name of the party or parties in a case and if applicable agents' details) on live cases and are available on the website for a period of 12 weeks after the date of publication. Each day's roll includes a Calling List for that day (except Mondays), a list of unopposed motions granted the previous working day and a list of opposed and granted applications for divorce. Publication of the rolls of court is a requirement of the Rules of the Court of Session (Rule 6.1) and is necessary for the performance of a task in the public interest under Article 6(1)(e) of UK GDPR.

National Personal Injury Court

National Personal Injury court rolls are available for five days in the future and are updated at 14:00 Monday to Friday

Processing by the Scottish Land Court

What is being processed?

The Scottish Land Court is a civil court. It has authority to resolve a range of disputes, including disputes between landlords and tenants, in agriculture and crofting. It also deals with appeals in respect of decisions of the Crofting Commission, decisions of Scottish Ministers about rural payments and some decisions of SEPA on environmental matters. The Court does not have jurisdiction to deal with the question of ownership and heritable title to land (which are dealt with by the ordinary courts, i.e. the sheriff court and the Court of Session or by the Lands Tribunal for Scotland).

The Scottish Land Court therefore processes personal data in relation to disputes and appeals about rights and obligations relating to land. This typically consists of personal data in relation to identity, address, contact details, property rights and obligations. The court receives applications from parties involved in a dispute or an appeal; issues orders guiding and controlling the proceedings; conducts hearings to take evidence and hear the arguments of the parties to the dispute; gives a written decision on the case; reports decisions in the Scottish Land Court Reports and other publications.

The Scottish Land Court very occasionally may receive information about someone's health, e.g. a medical certificate, if they are not well enough to attend a hearing or if a question of wellbeing features in a case.

Why are we processing this information?

Processing of court case information is "necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller" in terms of Article 6(1)(e) of the UK GDPR. The court's present powers are derived mainly from the Scottish Land Court Act 1993, the Crofters (Scotland) Act 1993, the Crofting Reform (Scotland) Act 2010, the Rules of the Scottish Land Court 2014 and the Agricultural Holdings Acts.

It is in the public interest that an accurate official record is maintained of case proceedings allowing people to establish and defend their rights and as a public record. Data held within the papers is analysed by the SCTS for management information purposes. This involves interrogating data about cases to identify trends and patterns to inform court programming requirements. Management information publications are anonymised and do not disclose information about specific identifiable individuals. This processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority under Article 6(1)(e) of the UK GDPR.

Recordings of proceedings are made under Rule 32 of the Rules of the Scottish Land Court 2014.

Where the Scottish Land Court processes special category data the processing occurs in terms of Article 9(1)(f) of the UK GDPR – processing where courts are acting in their judicial capacity. Any medical certificate will be returned to the party who provided it at the conclusion of the proceedings

Where do you get my personal data from?

The Scottish Land Court may receive your data from the following sources:

- You may provide your own data to the court
- Your solicitor or other professional adviser
- Other parties involved in your dispute or their solicitor or professional adviser
- The Crofting Commission
- The Registers of Scotland

How, when and why does the SCTS share this personal data with others?

Personal data may be shared with the Crofting Commission and the Registers of Scotland but otherwise will not be shared with parties not involved in the dispute. Data shared with the Crofting Commission or the Registers of Scotland may consist of copies of Land Court orders, which may contain personal data(names and addresses); application forms and copies of pleadings containing names and addresses and information about the subject of the application; and historical information about cases, containing names and addresses and information about the subject of the case. Data is shared with the Crofting Commission and the Registers of Scotland when required to enable them to comply with an order of the Court (e.g. to modify the Register of Crofts or the Crofting Register) or to assist them in processing applications relating to crofting. This processing is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR. No special category data is shared as a part of this process.

Where taxation of expenses is required in a Scottish Land Court case, case documentation will be passed to one of the sheriff court auditors in order to conduct an independent determination. Case papers will be returned to the court at the conclusion of this process, which is carried out in a judicial capacity.

Selected case judgments are published on the Scottish Land Court website. This is a matter for the court's judiciary and decisions are published in the public interest. Specific judgments are selected for publication as a part of the principle of open justice and to provide a reference point for future cases.

How long do you keep my personal data?

We will only retain your data for as long as necessary to process your case and it is then archived in line with our Retention and Disposal Schedule. All Scottish Land Court case records are sent by SCTS for permanent archiving to NRS after 20 years. (due to be reduced to 15 years).

Processing by the Upper Tribunal for Scotland

What is being processed?

The Upper Tribunal for Scotland (UTS) hears appeals on decisions of the chambers of the First-tier Tribunal. The First-tier Tribunal Chambers are:

- Health and Education Chamber
- Housing and Property Chamber
- Tax Chamber
- General Regulatory Chamber
- Social Security Chamber
- Local Taxation Chamber

Because the Upper Tribunal for Scotland hears appeals from other Chambers, further explanation of the processing of personal data involved is set out in the privacy notice for each individual Chamber.

The Upper Tribunal may publish any of its decisions if it considers it in the public interest so to do, with the manner of publication also at the discretion of the Upper Tribunal.

Why are we processing this information?

Processing of tribunal case information is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR.

Legislation governing processing in the Upper Tribunal for Scotland includes:

- The Upper Tribunal for Scotland (Rules and Procedure) Regulations 2016 as amended.
- The Upper Tribunal for Scotland (Rules and Procedure) Regulations 2018
- The Upper Tribunal for Scotland (Local Taxation Rules of Procedure) Regulations 2022
- The Upper Tribunal for Scotland “Bus Registration Appeals” (Rules of Procedure) Regulations 2024
- Transport (Scotland) Act 2001
- Tribunals (Scotland) Act 2014
- The Scottish Tribunals (Time Limits) Regulations 2016

How long do you keep my personal data?

There is currently no set retention period for case records created by the Upper Tribunal for Scotland. Discussions are on-going with the National Records for Scotland regarding the long-term preservation value of Tribunal records and review of internal case records retention periods.

What categories of data subjects are you processing?

- Applicants / Appellants / Parties
- Respondents
- Representatives
- Witnesses

- Tribunal staff
- Tribunal members

Processing by the First-tier Tribunal for Scotland (Health and Education Chamber)

What is being processed?

The First-tier Tribunal for Scotland Health ((HEC) and Education Chamber currently hears applications under the Additional Support Needs jurisdiction (the ASN Tribunal) only. Under this jurisdiction, the tribunal hears references (appeals) from parents and young people against decisions of education authorities regarding the provision of educational support under the Education (Additional Support for Learning) (Scotland) Act 2004 (the 2004 Act). Children aged between 12 and 15 years who have capacity to make a reference (and where their wellbeing will not be adversely affected) can also make two types of references:

- A reference in relation to a co-ordinated support plan (CSP)
- A reference appealing against the education authority's assessment of the child's capacity or wellbeing

The Equality Act 2010 (the 2010 Act) provides the right to make a claim (appeal) to the ASN Tribunal in respect of disability discrimination relating to pupils in school education. Claims may be made by the parent, the young person or the child (where the child has the capacity to make the claim).

The Tribunal will routinely process special category data in terms of health. It is however possible that other special category data might feature in a particular case.

Why are we processing this information?

Processing of tribunal case information is "necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller" in terms of Article 6(1)(e) of the UK GDPR.

If you have a case at the tribunal it will process your personal data in order to discharge its statutory duties in accordance with the Education (Additional Support for Learning) (Scotland) Act 2004 and the Equality Act 2010 and the First-tier Tribunal for Scotland Health and Education Chamber Rules of Procedure 2018 ('the 2018 Rules') (schedule to SSI 2017/366).

This processing of special category data is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity in terms of Article 9(2)(f) of the UK GDPR.

What categories of data subjects are you processing?

- Young Person
- Parent/Carers
- Legal professionals

Where do you get my personal data from?

The Tribunal may receive your data from the following sources:

- You may provide your own data to the Tribunal
- Parent/Carer

- Education Authorities
- Independent schools
- Advocacy Services
- Legal professionals

How, when and why does the SCTS share this personal data with others?

In terms of the legislation which governs the application process (the First-tier Tribunal for Scotland Health and Education Chamber Rules of Procedure 2018 ('the 2018 Rules') (schedule to SSI 2017/366)), we will send copies of any application, attachments, correspondence and representations to the other parties and their representatives

- In any case type, where the tribunal decides that expert evidence is required to assist in determining the case, relevant data pertaining to the case will be shared with the third party. All parties will be made aware of this at the time, and will receive a copy of any report received by the third party.
- If information comes to light which raise concerns about the safety of an individual, this may be passed on to the appropriate authority for investigation.

Tribunal decisions may be published on its website under rule 55 and rule 101 of the First-tier Tribunal for Scotland Health and Education Chamber Rules of Procedure 2018 ('the 2018 Rules') (schedule to SSI 2017/366). Decisions are published in such a way as to protect the anonymity of the person to whom the decision relates.

How long do you keep my personal data?

Electronic copies of all case papers are stored securely on the HEC case management system. There is currently no set retention period for case records. Discussions are on-going with the National Records for Scotland regarding the long-term preservation value of Tribunal records and review of internal case records retention periods.

Processing by the First-tier Tribunal for Scotland (Housing and Property Chamber)

What is being processed?

The First-tier Tribunal for Scotland Housing and Property Chamber (HPC) deals with applications from parties in the private rented sector relating to evictions, civil proceedings, rent assessments, repairing standard complaints, right of entry, letting agent complaints and other non-criminal private rented disputes. The Chamber also deals with applications from homeowners against their registered property factor. This will include processing the following personal data

- Name, date of birth
- Address, email address, contact telephone number
- Employment information
- Financial information

The tribunal will not routinely process special category data. It is possible that some information about a person's health could feature as part of a complaint about standards of housing in a particular case. This would be noted by the tribunal. It is also possible that deliberations relating to provision of an interpreter could involve some information on ethnicity. Other processing of special category data is highly unlikely.

The clerk to a tribunal hearing may make a digital record of the hearing using a digital recording device in accordance with The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 as stated in Rule 33A. All participants in the hearing will be informed of the recording process and SCTS' retention and access policy. The audio recording is for Judicial use only.

After the hearing, the clerk will upload the audio file to a secure folder on the SCTS network and will be held there for one year after the last date of the hearing before it is deleted, ability to access this folder will be restricted and access to recordings will be at the discretion of the Chamber President.

Why are we processing this information?

Processing of tribunal case information is "necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller" in terms of Article 6(1)(e) of the UK GDPR.

Applications are received under a number of different Acts, including: The Rent (Scotland) Act 1984, the Housing (Scotland) Act 1988, the Housing (Scotland) Act 2006, the Property Factors (Scotland) Act 2011, The Private Rented Housing (Scotland) Act 2011, the Housing (Scotland) Act 2014 and the Private Housing (Tenancies) (Scotland) Act 2016.

Where processing of special category data occurs, this processing necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity in terms of Article 9(2)(f) of the UK GDPR.

What categories data subjects are you processing?

- Applicants / Appellants / Parties
- Respondents

- Representatives
- Witnesses
- Tribunal Staff
- Tribunal Members

Where do you get my personal data from?

The tribunal may receive your data from the following sources:

- You may provide your own data to the tribunal
- Local authorities
- Housing associations
- Legal professionals
- Advocacy services
- Registers of Scotland
- Rent Service Scotland
- Landlord Registration
- Property Factor Register
- Letting Agent Register
- Gas Safe Register
- Select, National Inspection Council for Electrical Installation Contracting (NICEIC) and Napit

How, when and why does the Tribunal share this personal data with others?

In terms of the legislation which governs the application process (The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017), we will send copies of any application, attachments, correspondence and representations to the other parties and their representatives

- For applications under the repairing standard, we are required by law (Housing (Scotland) Act 2006 Section 22A) to notify the Local Authority where the subject property is located that the application has been received. The local authority will then receive a copy of any decision made on the application. Failure to comply with an enforcement order is an offence and notification of the failure is sent to Police Scotland for action.
- For applications under the property factor or letting agent jurisdictions, failure to comply with an enforcement order is notified to the relevant national register – the Property Factor Register or Register of Letting Agents. Failure to comply with an Enforcement Order is an offence and notification of the failure is sent to Police Scotland for action.
- In regulated rent determinations, we are required by law (Rent (Scotland) Act 1984 Schedule 5 Section 10(2)) to notify the rent officer (Rent Service Scotland) of the rent determined by the tribunal.
- In terms of the forgoing Rules of Procedure, at Rule 32 (1) the tribunal may decide to make an order adding, substituting or removing a party to the proceedings. At Rule 32(3) a person who is not a party may make a written application to the Tribunal to be added or substituted as a party.
- In any case type, where the tribunal decides that further information to determine the case can only be provided by instructing a third party report, relevant data pertaining to the case will be shared with the third party. All parties will be made aware of this at the time.

- If information comes to light which raise concerns about the safety of an individual or property, this may be passed on to the appropriate authority for investigation such as where an inspection of a property reveals safety concerns and the local authority are advised, or a gas appliance is unsafe and Gas Safe are contacted.

Tribunal decisions are required to be published on its website under Rule 26(10) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. Decisions under the different jurisdictions may contain the names and address details of the parties. In most cases, only the name or the address is searchable on our website, depending on the jurisdiction.

For rent and repairing standard cases, address details can be searched to find relevant previous tribunal decisions. Property factor and letting agent cases can be searched by the factor/letting agent name or registration number. Eviction, civil proceedings and other private rented sector cases, and Right of Entry cases, can be searched by party name.

How long do you keep my personal data?

We retain hard copy tribunal case papers for a period of 60 days after closure of the case. There is currently no set retention period for case records. Discussions are on-going with the National Records for Scotland regarding the long-term preservation value of Tribunal records and review of internal case records retention periods.

Processing by the First-tier Tribunal for Scotland (Tax Chamber)

What is being processed?

The First-tier Tribunal for Scotland Tax Chamber (TC) decides appeals against Revenue Scotland's decisions relating to devolved taxes. The amount of personal data processed by the Tax Chamber is limited to that in relation to identity, address and contact details of appellants.

The Chamber will occasionally process special category data in terms of health. It is however possible that other special category data might feature in a particular case.

Why are we processing this information?

Processing of tribunal case information is "necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller" in terms of Article 6(1)(e) of the UK GDPR.

The Tax Chamber processes personal data in order to discharge its statutory duties in accordance with the First-tier Tribunal for Scotland Tax Chamber (Procedure) Regulations 2017 and the Scottish Tribunals (Time Limits) Regulations 2016.

If the Chamber is processing special category data, this processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity in terms of Article 9(2)(f) of the UK GDPR

What categories data subjects are you processing?

- Appellants/Parties
- Representatives
- Tribunal staff
- Tribunal members

Where do you get my personal data from?

The tribunal may receive your data from the following sources:

- You may provide your own data to the tribunal
- Your representative(s) may provide data to the tribunal
- Revenue Scotland
- Scottish Environmental Protection Agency

How, when and why does the SCTS share this personal data with others?

Hearings are usually held in public and decisions are published on the Tax Chamber's website. Plainly a decision would include the name of the appellant and the subjects of the appeal (in a Lands Building Transaction Tax appeal). The appellant's address might be capable of identification in certain cases. Information may be shared with Revenue Scotland and the Scottish Environmental Protection Agency if necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller in terms of Article 6(1)(e) of the UK GDPR.

How long do you keep my personal data?

Electronic copies of all case papers are stored securely on our case management system.

There is currently no set retention period for case records. Discussions are on-going with the National Records for Scotland regarding the long-term preservation value of Tribunal records and review of internal case records retention periods.

Processing by the First-tier Tribunal for Scotland Social Security Chamber

What is being processed?

The First-tier Tribunal for Scotland Social Security Chamber (SSC) deals with appeals arising from a decision by the Social Security Scotland Agency acting on behalf of Scottish Ministers.

Data will typically include details of an appellant, their benefit type, evidence which supports their application/re-determination, reasons for the re-determination and reasons for their appeal. The data will be provided by either the appellant themselves, their appointee or by their appointed representative.

The clerk to a tribunal hearing will make a digital record of the hearing using a digital recording device in accordance with the Social Security (Scotland) Act 2018 as stated in Rule 19 of the First-tier Tribunal for Scotland Social Security Chamber (Procedure) Regulations 2018. All participants in the hearing will be informed of the recording process and SCTS' retention and access policy. The audio recording is for Judicial use only.

After the hearing, the clerk will upload the audio file to a secure folder on the SCTS network and will be held there for one year after the last date of the hearing before it is deleted, ability to access this folder will be restricted and access to recordings will be at the discretion of the Chamber President.

From September 2022 appellants will have the option to access the Social Security Chamber Web Application which will allow Appellants to view (only) online, the progress, and current status of the appeal case as well as all data / documentation related to their case. If appellants have provided Social Security Scotland with an email address, mobile telephone number and National Insurance Number they will be contacted by email by the Social Security Chamber with instructions on how to approve and sign into a Web Application account. If a Web Application account is created it will be accessible for 365 days after the disposal of an appeal after which point the account will be deleted.

Why are we processing this information?

Clients who are unhappy with their initial entitlement decision can request that Social Security Scotland (“the Agency”) perform a re-determination. During a re-determination, the Agency will put aside the original determination and a different, independent officer from another team in the Agency will go through the process of making a new determination. If the client is still dissatisfied, they can request that their case is considered by the First-tier Tribunal for Scotland Social Security Chamber. To facilitate this, Social Security Scotland will send the client's appeal request to the Tribunal, along with all of the data which was collected in the initial application processes and the re-determination. After the appeal has been lodged with the tribunal, Social Security Scotland will have 31 days to send a submission, in their capacity as a party to the appeal. This submission will contain their reasoning for the decisions which have been made in relation to the client's entitlement.

There is an alternative appeals process for clients who wish to dispute a process decision. In this case clients will send their request for an appeal directly to the First-tier Tribunal for Scotland Social Security Chamber. More information on this process can be found in the Social Security Directorate Programme DPIA.

Processing of SSC case information is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR.

If you have a case the tribunal will process your personal data in order to discharge its statutory duties in accordance with the Social Security (Scotland) Act 2018 and The First-tier Tribunal for Scotland Social Security Chamber (Procedure) Regulations 2018.

This processing of special category data is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity in terms of Article 9(2)(f) of the UK GDPR.

What categories of data subjects are you processing?

- Applicants / Appellants / Parties
- Respondents
- Representatives
- Tribunal staff
- Tribunal members

Where do you get my personal data from?

The tribunal may receive your data from the following sources:

- You may provide your own data to the tribunal
- Your representatives may provide data to the tribunal
- Social Security Scotland
- Other government agencies
- Local authorities
- Advocacy services
- Legal professionals
- Other professionals

How, when and why does the SCTS share this personal data with others?

Case information will be accessed by SCTS administrative staff, members of the First-tier Tribunal for Scotland and Social Security Scotland to the extent necessary to facilitate a hearing and to support the work of the tribunal. Tribunal hearings are open to the public. Access to case information or audio recordings will only be granted to parties of the hearing where the Chamber President believes that this will support access to justice.

In any case type, where the tribunal decides that expert evidence is required to assist in determining the case, relevant data pertaining to the case will be shared with the third party. All parties will be made aware of this at the time and will receive a copy of any report received by the third party.

If information comes to light which raise concerns about the safety of an individual, this may be passed on to the appropriate authority for investigation.

How long do you keep my personal data?

We do not retain hard copy tribunal case papers. In line with our records management plan, electronic copies of all case papers are stored securely on our case management system for a period of 6 years.

Processing by the First-tier Tribunal for Scotland Local Taxation Chamber

What is being processed?

The First-tier Tribunal for Scotland Local Taxation Chamber (LTC) determines appeals against decisions made by Scottish assessors, Local Authorities and Levying Authorities in relation to non-domestic rates and council tax for a property. Personal data processed includes: name, date of birth, National insurance number, property address, email address, telephone number, rateable and net value of property and council tax band.

The Tribunal will not routinely process special category data. It is however possible that special category data might feature in a particular case.

Why are we processing this information?

Processing of Tribunal case information is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR.

Processing of any special category data is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity in terms of Article 9(2)(f) of the UK GDPR.

The Local Taxation Chamber must digitally record any hearings of non-domestic rates appeals in accordance with rule 12 of the First-tier Tribunal for Scotland Local Taxation Chamber (Rules of Procedure) Regulations 2022. A digital audio recording of all hearings will be taken by the hearings clerk using a digital recording device. All participants will be informed of the recording process at the beginning of the hearing. The audio recording is for judicial use only.

The Local Taxation Chamber processes personal data in order to discharge its statutory duties in accordance with the Lands Valuation (Scotland) Act 1854, the Valuation of Lands (Scotland) Amendment Act 1879, the Local Government (Scotland) Act 1966, the Local Government (Scotland) Act 1975, the Local Government Finance Act 1992, the Council Tax (Alteration of Lists and Appeals) (Scotland) Regulations 1993, the Water Services Charges (Billing and Collection) (Scotland) Order 2010, the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012, the Non-Domestic Rates (Scotland) Act 2020, the Council Tax Reduction (Scotland) Regulations 2021, and the First-tier Tribunal for Scotland Local Taxation Chamber (Rules of Procedure) Regulations 2022.

What categories of data subject are you processing?

- Appellants
- Representatives
- Rating agents
- Tenants, proprieties and owners of business and residential properties

- Tribunal staff
- Tribunal members

Where do you get my personal data from?

The Tribunal may receive your data from the following sources:

- You may provide your own data to the tribunal
- Your representative(s) may provide data to the tribunal
- Local authorities
- Levyng Authorities
- Scottish assessors
- Legal professionals
- Advocacy services

How, when and why does the Tribunal share this personal data with others?

In terms of the legislation which governs the appeal process (the First-tier Tribunal for Scotland Local Taxation Chamber (Rules of Procedure) Regulations 2022), we will send copies of any appeal, attached supporting documentation, correspondence and representations/evidence to the other party and their representatives.

If information comes to light which raise concerns about the safety of an individual, this may be passed on to the appropriate authority for investigation.

The Local Taxation Chamber is required to publish its decision in writing in accordance with the First-tier Tribunal for Scotland Local Taxation Chamber (Rules of Procedure) Regulations 2022. Hearings of the Local Taxation Chamber must be held in public in accordance with the First-tier Tribunal for Scotland Local Taxation Chamber (Rules of Procedure) Regulations 2022. Tribunal decisions are published on its website and may contain the names and address details of the parties or a property. A decision may be published in an edited form including the deletion or redaction of special category or sensitive data and information as the Chamber considers appropriate, taking into account any written representations provided in advance of the decision being published.

A hearing may be held in private at the discretion of the Chamber or following an application by an appellant. The Local Taxation Chamber publishes details of upcoming public hearings on its website which may contain the names of parties and their representatives and the property to which the appeal relates.

How long do you keep my personal data?

The Local Taxation Chamber does not retain hard copy appeal papers. In line with our records management plan, electronic copies of all appeal papers are stored securely on our case management system for a period of 6 years.

Audio recordings are held for one year after the the appeal has concluded.

Processing by the First-tier Tribunal for Scotland General Regulatory Chamber- Charity Appeals

What is being processed?

The First-tier Tribunal for Scotland General Regulatory Chamber's Charity Appeals (GRC-CA) jurisdiction deals with appeals against decisions made by the Office of the Scottish Charity Regulator (OSCR); the body which regulates charitable activity in Scotland. The amount of personal data processed by the Charity Appeals is limited to that in relation to identity, address and contact details of appellants. The Tribunal will not routinely process special category data. It is however possible that special category data might feature in a particular case.

Why are we processing this information?

Processing of tribunal case information is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR.

The Charity Appeals process personal data in respect of their powers as governed by section 76 of The Charities and Trustee Investment (Scotland) Act 2005.

The Chamber is required to maintain a register of appeals in accordance with the First-tier Tribunal for Scotland General Regulatory Chamber Charity Appeals (Procedure) Regulations 2017. The Chamber publishes the Charity Appeals register on its website and entries may contain the name of the appellant, the details of any hearings and the decision of the Tribunal.

What categories of data subjects are we processing?

- Appellants
- Representatives
- Tribunal staff
- Tribunal members

Where do you get my personal data from?

The Tribunal may receive your data from the following sources:

- You may provide your own data to the Tribunal
- Office of the Scottish Charity Regulator
- Legal Professionals (your representative(s) may not necessarily be a legal representative)
- Advocacy Services

How long do you keep my personal data?

The Chamber does not retain hard copy papers.

Electronic copies of all case papers are stored securely on the SCTS network. There is currently no set retention period for case records. Discussions are on-going with the National Records for Scotland regarding the long-term preservation value of Tribunal records and review of internal case records retention periods.

Processing by the First-tier Tribunal for Scotland (General Regulatory Chamber)- Transport Appeals

What is being processed?

The Transport Appeals jurisdiction of the First-tier Tribunal for Scotland General Regulatory Chamber determines appeals against decisions made by local authorities to issue penalty charge notices in relation to decriminalised parking enforcement and low emission zone contraventions, and charge notices in relation to bus lane enforcement contraventions. Personal data processed includes: name, address, telephone number, email address, details of the vehicle relevant to the appeal (including vehicle registration), and details of the penalty charge notice, or charge notice relevant to the appeal.

This means that the Tribunal will handle some personal data. The personal data held by the Tribunal includes the details of the appellant, evidence which supports their appeals, reasons for the decision a statement of decision in respect of an application for permission to appeal and any decision after a review.

The Tribunal will not routinely process special category data. It is however possible that special category data might feature including health data.

A digital audio recording of the hearing may be taken by the hearing clerk using a digital recording device in accordance with Rule 4 of The First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Appeals (Rules of Procedure) Regulations 2020 ("the Rules"). All participants will be informed of the recording process at the beginning of the hearing. The audio recording is for judicial use only.

Why are we processing this information?

Processing of personal data in an appeal is "necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller" in terms of Article 6(1)(e) of the GDPR.

Where the Tribunal process special category data, the processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity in terms of Article 9(2)(f) of the UK GDPR.

The Chamber is required to maintain a register of appeals and decisions in accordance with the First-tier Tribunal for Scotland General Regulatory Chamber Parking and Bus Lane Appeals (Rules of Procedure) Regulations 2020. The register must be open for inspection during reasonable hours by any person without charge and may be kept in electronic form. Entries in the register may contain the name of the appellant, the vehicle registration, the location of the contravention, the details of any hearings and the decision of the Tribunal.

What categories of data subjects are we processing?

- Appellants
- Representatives
- Tribunal staff
- Tribunal members

Where do you get my personal data from?

The Tribunal may receive your data from the following sources amongst others:

- You may provide your own data to the Tribunal
- Your representative(s) may provide data to the Tribunal
- Other Government Agencies
- Local Authorities
- Advocacy Services
- Other professionals

How, when and why does the SCTS share this personal data with others?

As we are required to do in terms of the Rules, we will send copies of any relevant documentation in the appeal to parties and their representatives, if any. If the Tribunal decides that expert or independent evidence is required to assist in determining the appeal, relevant data relating to it will be shared with the third party. All parties will be made aware of this at the time and will receive a copy of any report provided. If information comes to light which raises concerns about the safety of an individual, this may be passed on to the appropriate authority for investigation.

How long do you keep my personal data?

Any hard copy Tribunal case papers received are destroyed three months after receipt.

Electronic copies of all case papers are stored securely on our case management system. There is currently no set retention period for case records. Discussions are on-going with the National Records for Scotland regarding the long-term preservation value of Tribunal records and review of internal case records retention periods.

Audio recordings of hearings are held for one year after the appeal has concluded.

Processing by the Pensions Appeal Tribunal

What is being processed?

The Pensions Appeal Tribunal Scotland decides appeals made by ex-military service personnel and currently serving military personnel in relation to the War Pensions and Armed Forces Compensation Schemes operated by the Ministry of Defence. Personal data processed will include Name, date of birth, address, telephone number, email address, national insurance number, AGCS member number (if applicable), serving status, details of any health conditions or injuries relating to the appeal, grounds for appeal.

The Tribunal will routinely process special category data in terms of health. The Tribunal may process special category data such as race/ethnicity and gender. It is however possible that other special category data might feature in a particular case. A digital audio recording of the hearing may be taken by the hearing clerk using a digital recording device. All participants will be informed of the recording process at the beginning of the hearing. The audio recording is for judicial use only.

Why are we processing this information?

Processing of tribunal case information is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR.

Where the Tribunal process special category data, the processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity in terms of Article 9(2)(f) of the UK GDPR.

The Pensions Appeal Tribunal Scotland processes personal data in respect of their functions as governed by:

- Pension Appeals Tribunals Act 1943
- Pensions Appeals Tribunals (Scotland) Rules 1981
- The Pension Appeal Tribunals (Scotland) Amendments 2017
- Armed Forces and Reserved Forces Compensation Scheme Order 2005
- The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011
- The Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2011
- The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006
- The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) Order 2006
- The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions (Amendment) (No.2) Order 2006

What categories of data subjects are you processing?

- Appellants
- Representatives
- Tribunal staff
- Tribunal members

Where do you get my personal data from?

Personal data handled by the Tribunal can originate from Veterans UK (an executive agency of the Ministry of Defence, which provides the source documents for each case) as well as from individuals who have submitted an appeal and / or their representatives

How, when and why does the SCTS share this personal data with others?

In terms of the legislation which governs the appeal process, we will send copies of any appeal, attached supporting documentation, correspondence and representations/evidence to the other party and their representatives.

In any case type, where the tribunal decides that expert evidence is required to assist in determining the case, relevant data pertaining to the case will be shared with the third party. All parties will be made aware of this at the time and will receive a copy of any report received by the third party.

If information comes to light which raise concerns about the safety of an individual, this may be passed on to the appropriate authority for investigation.

How long do you keep my personal data?

Electronic copies of all case papers are stored securely on our case management system. There is currently no set retention period for case records which are currently held indefinitely. Discussions are on-going with the National Records for Scotland regarding the long-term preservation value of Tribunal records and review of internal case records retention periods.

Audio recordings of hearings are held for one year after the appeal has concluded.

Processing by the Lands Tribunal for Scotland

What is being processed?

The Lands Tribunal for Scotland has statutory power to deal with various types of dispute involving land or property. The Lands Tribunal for Scotland has statutory power only to deal with certain types of disputes. At the request of parties, it can also act as an arbiter to deal with any type of dispute. However, if there is no such agreement it can only hear cases covered by the statutes listed at Specific Statutory Jurisdictions.

Although the tribunal's jurisdiction is related to land issues, most disputes about rights to land (for example, disputes over ownership or succession) are dealt with by the ordinary courts: the sheriff court or the Court of Session. The Scottish Land Court also has jurisdiction to deal with some land cases.

The Lands Tribunal for Scotland therefore processes limited personal data in relation to certain land disputes. This typically consists of personal data in relation to identity, address, contact details, property rights and obligations. The tribunal receives applications from parties involved in a dispute; carries out property register research pertaining to those applications; issues orders guiding and controlling the proceedings; conducts hearings to take evidence and hear the arguments of the parties to the dispute; and gives a written decision on the case. It also publishes its decisions on its website.

Why are we processing this information?

Processing of tribunal case information is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR. The main authority for operation of the Tribunal is to be found in the Lands Tribunal Act 1949.

What categories of personal data are you processing?

From the special categories of data listed in Article 9(1) of the UK GDPR, the Lands Tribunal does not process personal data in relation to any of the special categories of personal data. The only anticipated circumstance would be in a situation where a person sought a discharge of a hearing on grounds of ill-health and provided a soul and conscience doctor's letter in support. This would be retained with the case papers. Any such processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity in terms of Article 9(2)(f) of the UK GDPR.

Where do you get my personal data from?

The Lands Tribunal for Scotland may receive your data from the following sources:

- You may provide your own data to the Tribunal
- Local Authorities (and Assessors of valuation joint boards and Valuation Appeal Committees)
- Registers of Scotland
- Landlords and other property owners
- Advocacy Services
- Companies House (re. title research)

How, when and why does the Lands Tribunal share this personal data with others?

Personal data may be shared with other property owners and Registers of Scotland where this is required by law. Part 9 of the Title Conditions (Scotland) Act 2003 makes provision for the Tribunal to notify the owner or holder of an affected title condition in certain circumstances. This may consist of notifying those with rights to enforce title conditions of an application to the tribunal to vary or discharge a title condition. Registers of Scotland will be notified of a change to a title condition by the applicant where this is required to give effect to a Tribunal decision.

All decisions are published on Land Tribunal Scotland website

How long do you keep my personal data?

We will only retain your data for as long as necessary to process your case and it is then archived in line with our Retention and Disposal Schedule. The retention period for case records is 15 years.

Processing by the Mental Health Tribunal for Scotland (MHTS)

Why are you processing my personal information?

Processing of tribunal case information is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR.

The Mental Health Tribunal for Scotland is processing your data in order to discharge its statutory duties in accordance with the Mental Health (Care and Treatment) (Scotland) Act 2003 (**the 2003 Act**).

What categories of personal data are you processing?

From the special categories of data listed in Article 9(1) of the UK GDPR, the tribunal will be processing data on health, and racial and ethnic origin in every case. It is, however, possible that any of the other special categories of personal data could feature in any one case. Processing of this data is necessary in terms of Article 9(2)(f), which provides that “processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity”.

Recordings of hearings

The Mental Health Tribunal for Scotland requires the clerk to the tribunal to make a digital recording of the hearing using a digital recording device. All participants in the hearing will be informed of the recording process. The audio recording will be held for three years after the hearing. The audio recording is for judicial use only.

Where do you get my personal data from?

The Tribunal may receive your data from the following sources:

- You may provide your own data to the tribunal (via letters of appeal, emails, other representations or orally via telephone or at tribunal hearings)
- Local authorities (such as mental health officers who can make applications and submit representations to the tribunal)
- NHS (e.g. responsible medical officers who can make applications and submit representations to the tribunal)
- Legal professionals (these may be legal representatives whom you have appointed to act on your behalf who can submit letters of appeal or other representations on your behalf)
- The Mental Welfare Commission for Scotland (via references to the tribunal)
- Advocacy services (via reports or statements)
- The Scottish Ministers (who may submit references to the tribunal)

Do you share my personal data with anyone else?

To allow the tribunal to discharge its duties in accordance with the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003, the tribunal may share your data with following organisations/people:

- Local authorities (such as mental health officers)
- NHS (such as responsible medical officers)
- Legal professionals (these may be legal representatives whom you have appointed to act on your behalf)
- The Mental Welfare Commission
- Advocacy services
- The Scottish Ministers

How long do you keep my personal data?

We will only retain your data for as long as necessary to process your case and it is then archived in line with our Retention and Disposal Schedule.

Contact Details for the Data Controller

The President's Office
Hamilton House
Caird Park
Hamilton
ML3 0QA

MHTSPresidentsOffice@scotcourttribunals.gov.uk

Processing by the Office of the Public Guardian

What is being processed?

Data is processed only so far as to allow the Public Guardian to comply with her statutory remit under the Adults with Incapacity (Scotland) Act 2000 (the “AWI Act”). In that respect, the Office of the Public Guardian (OPG) processes personal data in regard to parties involved in applications and appointments made under the AWI Act.

This includes information concerning:

- persons who have granted a continuing and/or welfare power of attorney (PoA) and their attorney(s);
- those persons appointed to manage the financial affairs of incapable adults (these being withdrawers, guardians or interveners) and other relevant persons, for example the nearest relative and primary carer of the adult;
- persons implicated in investigations carried out into the property and financial affairs of an incapable adult including the subject of the investigation and the complainer.
- Information includes financial, property and personal data including in some cases about the health, home and family life of incapable adults.

Individuals submitting a PoA for registration can choose to tell OPG what they consider their ethnic origin to be. This is entirely optional. Medical reports establishing capacity/incapacity are processed in relation to applications for access to funds, guardianship orders, intervention orders and investigations. It is possible that within a court application for a guardianship or intervention order intimated on OPG, a supporting report may disclose information about an incapable adult's religious preferences.

Why are we processing this information?

Processing of information in relation to the AWI Act is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR.

Where special category personal data is processed, this is considered necessary in accordance with Article (9)(2)(b) of the UK GDPR- 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.

Occasionally the Public Guardian will use your personal data to contact you to ask you to offer feedback to us on how you have found our service. Processing of this information is carried out for the purposes of a legitimate interest in terms of Article 6(1)(f) of the UK GDPR (and is not processing carried out by the OPG in the performance of its tasks).

What categories of data subjects are you processing?

- Grantor of POA
- Attorney(s) and sub-attorney(s) – POA
- Solicitors/applicants
- Guardian(s) and sub-guardian(s)
- Intervenor(s)
- Withdrawers(s) – AFT
- Incapable adults in AWI cases
- Formal interested parties

- OPG staff

How, when and why does the OPG share this personal data with others?

The OPG is required by law to share information with partner organisations i.e. local authorities (LAs) and the Mental Welfare Commission for Scotland (MWC) for example in relation to cases or matters where it appears there is common interest or where the provision of information or assistance is needed to facilitate an investigation in respect of an incapable adult.

Section 5 of the Adult Support and Protection (Scotland) Act (the “ASP Act”) places a duty on the Public Guardian to co-operate and provide information to the LA when enquiries are being made by them where it is known or believed that an adult is at risk or where intervention may be required.

There is also a requirement to notify the LA and/or MWC when certain appointments made under the Act are registered, are renewed or when they come to an end.

Personal data may be shared with third parties such as fundholders, pension providers, the Accountant in Bankruptcy, the Department of Work and Pensions and Social Security Scotland but only as deemed sufficient to allow the Public Guardian to fulfil her statutory supervision and safeguarding functions in relation to an incapable adult.

The Public Guardian is required by law to maintain and make available to members of the public, registers of all appointments made under the AWI Act. The person enquiring does not have to show due locus to access this information. The information disclosed from the register is strictly limited and does not for example include addresses, documents or any financial or sensitive personal information.

Information will be shared with the police as may be required as part of the Public Guardian’s statutory function. This processing will occur for the purposes of a criminal investigation for a “law enforcement” purpose (the administration of justice) in terms of the DPA.

Other than above, case information is unlikely to be shared with third parties unless at the instigation of one of the parties, perhaps as a result of a complaint to the Scottish Public Services Ombudsman or to a regulator such as the Information Commissioner. Personal data about any other party in such a case would not be disclosed. Processing of this information is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR.

Where do you get my personal data from?

Information provided to the OPG as part of an application which comes within our statutory authority e.g. information within a power of attorney submitted for registration or within a guardianship order appointed by the court.

Information from third parties e.g. a bank or other fundholder, the local authority or DWP so far as this is necessary for us to fulfil our statutory functions.

How long do you keep my personal data?

We will only retain your data for as long as necessary to process your case and it is then archived in line with our Retention and Disposal Schedule. Personal data is retained within

the OPG case management system. Records are retained for 4 years after closure of a case.

After a record is destroyed, limited information is retained such as numbers of applications, age ranges, local authority area and ethnicity (where disclosed) to allow for statistical reporting.

Paper records are retained only for the period required or no more than one year after closure and are either shredded or disposed of via confidential waste.

Processing by the Accountant of Court

What is being processed?

Accountant of Court (AoC) cases invariably involve a substantial amount of personal data in respect of the parties and other persons involved in any case. This will include basic personal identifiers such as name, date of birth, address and other contact information. It could also include information about inheritance, benefit entitlements, court orders, disputes, compensation claims, liquidations, financial affairs, family matters: potentially any aspect of life could be referenced in court papers or in an application to AoC.

The AoC does not process data in respect of any of the special categories of personal data.

Why are we processing this information?

Processing of Accountant of Court information is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR.

The AoC processes personal data in respect of their functions as governed by;

- The Children (Scotland) Act 1995. (“CSA Act”)
- The Court of Session Consignation (Scotland) Act 1895.
- The Proceeds of Crime Act 2002.
- Various pieces of legislation governing the judicial factory process, some dating back as far as the Judicial Factors Act 1849, and the numerous Acts and subsequent amendments, since then.
- Until 1st October 2017, in terms of The Child Trust Funds Act 2004 (though some records will be retained in line with our Records Management Policy).

The AoC has a remit under the proceeds of crime legislation in relation to the supervision of individuals (enforcement administrators) who are appointed by the Court with the duty of ingathering assets of criminals who have failed to pay back their proceeds of crime. To this extent – in the execution of criminal penalties – the AoC processes data for law enforcement purposes rather than under the UK GDPR.

How, when and why does the SCTS share this personal data with others?

Case information may be shared with partner organisations in certain circumstances. This might be where legislation set out a specific right for a particular organisation to access certain case material. In other cases, a data disclosure agreement will document the extent and circumstances in which certain information will be shared. For example, we may share personal data with enforcement agencies for the prevention or detection of crime.

Case information is unlikely to be shared with third parties unless at the instigation of one of the parties, perhaps as a result of a complaint to the Scottish Public Services Ombudsman or to a regulator such as the Information Commissioner. Personal data about any other party in such a case would not be disclosed.

In relation to the administration of property belonging to children (under the CSA Act) the AoC may have to report parents for misappropriation, which involves sharing information and evidence with Police Scotland. This processing is for law enforcement purposes rather than under the UK GDPR

How will my personal data be retained?

Electronic records, in whatever media, are retained for one year after closure of the case. Paper records are retained until closure of the case.

What categories of data subjects are you processing?

- Parties
- Shareholders and creditors
- Children
- Parent or guardian
- Legal proxy
- Executor or trustee
- AoC staff
- Solicitors/applicants

Where do you get my personal data from?

Personal data featured in civil court cases and in application made directly to the AoC, will originate from the parties.

Personal data featured in criminal court cases will originate from the police, Crown Office and Procurator Fiscal Service and any other person or organisation involved in a court case.

How long do you keep my personal data?

We will only retain your data for as long as necessary to process your case and it is then archived in line with our Records Management Policy:

- 3 years after the discharge of the judicial factor or write off of the case.
- 3 years after the discharge of an enforcement administrator or write off of the case.
- 5 years after the discharge of a case under the Children (Scotland) Act 1995.
- 3 years after full and final payment to the beneficiaries, of all monies consigned with the AoC or alternatively 10 years after remission of funds held, to Queen's & Lord Treasurers Remembrancer (QLTR).
- 3 years after the child reaches the age of 18 in child trust fund cases which were closed or relinquished ahead of the transfer of responsibility to The Share Foundation on 1st October 2017 (paper/electronic records).
- 1 year after the transfer of responsibility to The Share Foundation, for all child trust fund cases which were live and transferred on 1st October 2017 (electronic records).

How do you use my personal data to make decisions about me?

As part of our supervisory role in Children Scotland Act 1995 cases, a credit check may be carried out on any individual(s) who have applied to administer the funds of a child. The result of this check will be a factor in deciding whether they are suitable for that role. The credit check does not impact on the individual's credit rating and the results are not retained by the AoC

Processing by SCTS Headquarters and administratively within courts and tribunals

What is being processed?

1. Information requests

In order to respond to information requests, we will require a requesters name, address and email. Depending on the type of request we may require additional personal data to identify relevant information including date of birth, we will also process any other personal data you have given us.

If you are making a request about your personal data or are acting on behalf of someone making such a subject access request, then we'll ask for information to satisfy us of your identity. If it's relevant, we'll also ask for information to show you have authority to act on someone else's behalf.

We may process special category data or criminal conviction data to respond to information requests

2. Correspondence and complaints

Correspondence includes general enquiries and correspondence sent by members of the public or on behalf of members of the public from councillors, MP's and MPS or other bodies acting on an individual's behalf.

We will collect personal data including name, address and email and other personal data given to us including the nature of a complaint.

If we receive correspondence or complaints sent on an individual's behalf, we'll also ask for information to show you have authority to act on someone else's behalf.

We may process special category data or criminal conviction data to respond to correspondence and complaints.

3. Managing Customer Contact and Unacceptable Actions

SCTS may impose a restriction on your access to our services if it's necessary to protect our staff from unacceptable behaviour as explained in our Unacceptable Actions Policy. We will process names, addresses and data in relation to unacceptable actions

We may process special category data to respond to information requests.

4. CCTV footage

All SCTS buildings have CCTV recording in place. If you visit one of our buildings, your image will be recorded on CCTV. Access to CCTV is limited and all recordings are destroyed after 30 days.

5. Procurement

Personal data is processed to allow individuals to engage in our procurement process and to ensure we can facilitate the procurement process before entering a contract.

If you take part in one of our procurement processes, then we collect your information, including your personal data. This includes your name and contact details - including in your capacity as a representative of a business - and other information you supply as part of the process, such as CVs, professional history, bank account details, conflicts of interest information.

6. System Development and Testing

SCTS may sometimes use a copy of your personal data to test and develop our systems and products. This is for the purpose of improving your experience, the quality of our services and to make sure our security measures are working properly. Where possible, we will use obfuscated, synthetic or other types of non-identifiable personal data for these purposes. If we require to use personal data a live data compliance authorisation form will be completed.

7. Contact lists

The Judicial Office for Scotland and SCTS communications teams maintain contact lists of journalists and justice partners for the purposes of communicating key developments which includes processing names and email addresses.

8. Justice of the Peace data

Headquarters and court staff /Sheriffdom Business Management Team process personal data of individual Justices of the Peace (JPs) in the form of names, dates of birth, contact details, bank details, formal occupation, and appointment/resignation/retirement dates.

Access controls are in place to ensure that only those with a need to access information do so.

Why are we processing this information?

1. Information requests

We process your personal data so we can fulfil your information request to us.

The lawful basis for this is article 6(1)(c) of the UK GDPR, which relates to processing necessary to comply with a legal obligation to which we are subject.

We do not explicitly request any special categories of personal data, for example health information. However, depending on the nature of the request and the information the requester chooses to give us, it is possible that some special categories of personal data may be processed. To the extent that we use any special categories of data as part of our complaints handling work, we do so under article 9(2)(g) substantial public interest as defined by the DPA, Schedule 1, Part 2, Section: Statutory and government purposes.

Legal obligations we are subject to include:

- UK General Data Protection Regulations
- DPA, 2018
- Freedom of Information (Scotland) Act 2002
- Environmental (Scotland) Regulations 2004

2. Correspondence and complaints

We process your personal data for the purposes of resolving your complaint. The lawful basis for this is article 6(1)(c) of the UK GDPR, which relates to processing necessary to comply with a legal obligation to which we are subject in relation to The Scottish Public Services Ombudsman Act 2002.

We process your personal data for the purposes of responding to enquiries and correspondence. The lawful basis for this is Article 6(1)(e) of the UK GDPR: "necessary for

the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller”.

We do not explicitly request any special categories of personal data, for example health information, from people making complaints to us but, depending on the nature of the complaint and the information the complainant chooses to give us, it is possible that some special categories of personal data may be processed. To the extent that we use any special categories of data as part of our complaints handling work, we do so under article 9(2)(g) substantial public interest as defined by the Data Protection Act 2018, Schedule 1, Part 2, Section: Statutory and government purposes.

3. Managing Customer Contact and Unacceptable Actions

SCTS may impose a restriction on your access to our services if it's necessary to protect our staff from unacceptable behaviour as explained in our Unacceptable Actions Policy.

The lawful basis we rely on to process your personal data is article 6(1)(e) of the (UK GDPR), which allows us to process personal data when this is necessary to perform our public tasks as a public body.

If we feel that your behaviour is unacceptable or unreasonably persistent, we may issue you with a warning in the first instance. If we issue you with a warning, or if we do impose a restriction on your access to our services, we'll explain to you why we feel it's necessary and any restriction we have applied. We'll create a record of warnings and restrictions for administration purposes, so relevant staff members know about any warnings or restrictions that are in place. This will include your name, contact details and a description of why we have issued a warning or imposed a restriction.

The decision to impose a restriction will be taken, and reviewed, by a senior manager. We'll write to you explaining why we've applied the restriction. We'll review the restriction periodically. We'll remove it if we feel your behaviour has changed or if you no longer communicate with us.

4. CCTV footage

CCTV systems are used by the SCTS to promote and ensure security across the estate. Recorded images can assist if there is a report of a crime or of an attempt to pervert the course of justice on or near SCTS premises. “Routine monitoring” (e.g. a security officer continually monitoring live camera footage, ordinarily from a control room in a larger court) will only occur as necessary to ensure security and safety in the building.

The lawful basis for processing in these circumstances is

- Article 6(1)(c) to comply with our legal obligations around health and safety
- Article 6(1)(e) for the performance of our public tasks around crime prevention, public safety, and functions related to our strategies, plans, and policies.

The SCTS may on occasion access CCTV footage for the purposes of carrying out its obligations and specific rights in the field of employment law. The lawful basis for this is Article 6(1)(e) of the UK GDPR: “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller”.

5. Procurement

Personal data is processed to allow individuals to engage in our procurement process and to ensure we can facilitate the procurement process before and after entering a contract.

The lawful basis for processing for this is article 6(1)(b) of the UK GDPR, which relates to processing necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

6. System Development and Testing

SCTS may sometimes use a copy of your personal data in order to test and develop our systems and products. This is for the purpose of improving your experience, the quality of our services and to make sure our security measures are working properly. If SCTS require to use personal data the lawful basis for this processing is article 6(1)(e) of the (UK GDPR), which allows us to process personal data when this is necessary to perform our public tasks as a public body.

7. Contact lists

The Judicial Office for Scotland and SCTS communications teams maintain contact lists of journalists and justice partners for the purposes of communicating key developments. This is in the interests of transparency, journalism and facilitating the operation of the justice system and processing contact data is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR.

8. Justice of the Peace data

Processing of this information is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR.

This is in relation to keeping JPs informed of hearing dates, court rotas, appointment of appraisals, facilitating out of hours applications, arranging appropriate training and receiving and processing expenses.

How, when and why does the SCTS share this personal data with others?

This personal data will not be routinely shared with third parties and access controls are in place to ensure that only staff with a need to access information do so.

The main circumstance in which sharing might occur is if it were suspected that a crime had been committed and needed to be reported to the Police. Access by police and prosecutors is for “law enforcement purposes”: the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security in terms of Part 3 of the DPA, 2018. Immediate access to CCTV footage by emergency services may be provided if processing is necessary in order to protect the vital interests of the data subject or of another person (under Article 6(1)(d) of the UK GDPR).

Apart from security contractors conducting “routine monitoring” of live CCTV footage for security purposes, all access to CCTV footage must be targeted to a specific incident or concern. All requests and instances of access to recorded CCTV footage – whether for SCTS purposes or at the request of another - are documented along with a note of the reason for granting access.

Access to CCTV footage may be permitted for a civil matter (e.g. an insurance or other legal claim), if justified as necessary for the purposes of the legitimate interests of the requestor in terms of Article 6(1)(f) of the UK GDPR. Access will be refused if the rights of other persons featured (especially children) outweigh the need for access.

If we receive a request from a regulatory body such as the Information Commissioners Office or the Scottish Public Services Ombudsman, we may be required to share copies of correspondence and other information with them to allow them to undertake their statutory functions in relation to being a regulator. The lawful basis for sharing and personal data would be article 6(1)(c) of the UK GDPR, which relates to processing necessary to comply with a legal obligation to which we are subject in relation to:

- UK General Data Protection Regulations
- Data Protection Act 2018
- Freedom of Information (Scotland) Act 2002
- Environmental (Scotland) Regulations 2004
- The Scottish Public Services Ombudsman Act 2002.

In undertaking our administrative functions to support Justices of the Peace, personal data consisting of names and contact details will be shared with local authorities, Police Scotland, Crown Office and Procurator Fiscal Service and Scottish Government to ensure the administration of justice - for law enforcement purposes and to allow authorities to carry out their duties under relevant legislation. Updated information will be provided when JPs resign/retire.

What categories of data subjects are you processing?

- Service users
- Data subjects
- Complainants
- Suppliers
- Journalists
- JPs
- SCTS staff
- Judicial office holders

Where do you get my personal data from?

In almost all situations the personal data will be obtained from individuals directly, however there are some circumstances in which relevant data will be provided from another source. This could be where one person complains about another, where we receive information that a member of staff may have acted inappropriately or has committed an offence. In such circumstances we would ask for the source of the personal data originates from, and whether it came from public accessible sources.

How long will this personal data be retained?

We will only retain your data for as long as necessary to process your case and in line with our Retention and Disposal policy (correspondence, complaints and Fol files are retained for 4 years, individual rights case files are retained for 6 years).

General SCTS policy is for all CCTV recordings to be digitally retained for 30 days unless a request has been received by the SCTS to otherwise preserve it. In that instance the recording will be retained until it is deemed to be no longer required and then securely destroyed as per the SCTS data security policy. Destruction should occur after 6 months at the latest after a matter is closed (e.g. 6 months after a final regulator or court or tribunal decision. This also applies where the recording has been preserved pending further

information/justification in relation to the request – although consideration should be given to reducing that period to avoid recordings been retained for longer than necessary in such circumstances. If there is a requirement for the material to be held beyond 6 months the reason for this should be recorded and a review date set. A period of 3 years applies where CCTV footage is held as a result of an internal staffing matter.

In some locations the nature of the recording hardware and/or software may necessitate a different period depending on the technical capabilities of the equipment used. Where an area operates a different retention period this should be set out in the area's Information Asset Register and on local notices in relation to CCTV.

Contact List are updated on an on-going basis.

Justice of the Peace details are retained for a period of six years after the end of the financial year of the final expenses claim, in accordance with the SCTS Finance Records Retention Schedule.

Thereafter JPs will be asked if they would like contact details to be retained in order to update them on matters of interest. (This processing is carried out on the basis of consent in terms of Article 6(1)(a) of the UK GDPR.)

Names, dates of appointment and dates of resignation/retiral will be retained permanently.

User Research

What is being processed?

The Scottish Courts and Tribunals Service (SCTS) will use contact information such as email or postal address collected as part of users' interaction with the SCTS to establish if they would like to participate in user research.

If you choose to participate in research through a survey, interview or other method SCTS may collect the following types of personal information:

- Personal and contact details, such as name, email address, and/or telephone number
- Organisation related details, such as your job role and name of organisation/employer
- IP address
- Responses to survey questions, which could include personal identifiable information.
- The date and time when you undertook a survey or participated in an interview

Special categories of personal data such as personal data revealing racial or ethnic origins or data concerning health may be processed in the course of user research depending on the research being undertaken. We will only retain special category data where there is a specific requirement to do so.

For the purpose of research and surveys SCTS will collect your personal data in a variety of ways including by email, online surveys, interviews and online meetings or focus groups. Collection of personal data may also include the use of audio or video recordings.

Why are SCTS processing this information?

We are conducting research because we want to improve our digital services to ensure our systems are intuitive, accessible and user friendly.

The information you provide will be anonymised and used to gain insight into the behaviour, preferences and opinions of participants. These insights will be used to inform the design of new services and improvements to existing services.

We will only collect and use your personal data if you have agreed to participate in the survey, interviews, focus groups prototype, or usability testing.

We will use your personal data to:

- Contact you regarding participation in research activities
- Contact you regarding any follow up questions in relation to research you have been involved in
- Undertaking research activities
- Analyse information from research initiatives
- Contact you regarding future research activities, if you have agreed to being contacted about these.
- Ensure research is being undertaken ethically by auditing the use of personal information

SCTS may engage the services of a third party provider to undertake research on our behalf or use a third party survey platform to gather information.

Processing of service user contact details within SCTS case management systems to inform them about user research is considered processing for SCTS own legitimate interests under Article 6(1)(f).

Processing of personal data once a participant agrees to participate in user research is considered necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller under Article 6(1)(e) of the UK GDPR.

We may also need to process personal data if it is necessary for the purposes of a legal obligation, such as the disclosure of information required by law.

Where SCTS processes special category data the processing is necessary under Article 9(2)(g) “substantial public interests” and supplemented by Schedule 1, Part 2 Section 6 of the Data Protection Act, 2018 “statutory etc. and government purpose”.

How, when and why do SCTS share this personal data with others?

Your personal data may be shared internally with staff and business areas involved in research activities and externally if we are undertaking research in collaboration with external partners or the Scottish Government.

SCTS will only share personal data if it is necessary. Where possible SCTS will anonymise personal data or use pseudonymisation techniques when sharing information with third parties. We will never share your personal data for commercial purposes or for reasons out with SCTS's business purposes.

How will personal data be retained?

We only retain personal data for the period necessary for us to gain useful insights from the information collected and fulfil the uses described in this privacy notice. Generally, we do not retain personal data for any longer than 2 years from the start of a project – unless we have a legal reason requiring us to retain it for longer.

Personal data retained will be reviewed from time to time to ensure their relevance whilst factoring in any withdrawal requests.

What categories of data subjects are you processing?

- Service users
- Research participants

Where do you get personal data from?

Personal data is gathered initially from individuals through their interaction with SCTS as a court, tribunal or OPG user. Additional personal data will be collected directly from individuals when they participate in user research.

Digital Expenses Payment System

What is being processed?

The Digital Expenses Payment System is used by the SCTS to enable processing of expense claims by court jurors and tribunal hearing appellants in order to process claims, the Digital Expenses Payment System (DEPS) will request from a service user the following limited personal information:

- A citation reference (for jurors) or a case reference number (for appellants)
- Surname
- Date of birth

The data is not stored on the DEPS but is instead used to query existing systems (the Court Juror System and the Tribunals Case Management System) to enable ID verification and validation of claims to be carried out during the application stage.

Details of the claims are then passed to SCTS operational colleagues to check and approve, as part of this process additional personal data may be collected and stored in DEPS to process a claim:

- Amounts being claimed for (per category)
- Travel (including receipt evidence)
- Subsistence (including receipt evidence)
- Loss of earnings (including employment evidence, dates of absence and amount lost, tax return document, VAT no etc.)
- Childcare / carer certification- (name of care provider, registration/contact details, dates care was provided, amount)

For higher rate payments, SCTS will need to confirm that the claimant meets the required criteria for a higher rate payment. SCTS will do this by asking a claimant to confirm they meet one of the criteria for obtaining the higher rate. SCTS does not require any additional information. If additional information is provided, we will remove it from any correspondence before saving the correspondence to the claim file.

Once a claim has been approved it will be routed to one of two payment fulfilment services for final payment to service users.

Data passed to third party payment providers consists of payee name and validated claim amount. Bank account number and sort code will be processed and handled via the payment provider not SCTS and users will only enter details once at the point of choosing account to be paid into.

The DEPs system will send update notifications to service users on the progress of their expenses claim. This will be done by email or text. Email and mobile number are collected when a expense claim is submitted.

Further anonymised data (web analytic data) is generated and stored by the DEPS for the purposes of management information, volumetric, and measurement against defined project KPIs. This data is used to inform management decisions and continuous improvement cycles to the solution.

Why are we processing this information?

Processing personal data for the purpose of paying claims and expenses is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the UK GDPR.

What categories of data subjects are you processing?

- Court jurors
- Tribunal hearing appellants
- SCTS staff

Where do you get my personal data from?

You will provide personal data. This data will be validated against data already held within the existing case management systems within SCTS (the Court Juror System and the Tribunals Case Management System) in order to verify the identity of service users (claimants) and validate their claims during the assessment stages.

How, when and why does the SCTS share this personal data with others?

SCTS will only share claimants name and validated claim amount with our third party payment providers.

Data will also be shared internally with SCTS integrated systems to aid management information reporting and account reconciliations. No other personal data will be shared beyond this.

How long do you keep my personal data?

Personal information held in the DEPS is held for the lifecycle of the claim to support account reconciliation by SCTS finance department and is stored for a maximum of seven years. After this, the data is deleted.

MS Teams Recording

This privacy notice covers how SCTS (as a data controller) will collect, use and share your personal data for the purposes as advised by the meeting organiser who will also notify you that the meeting is being recorded prior to any recording taking place.

What is being processed

The categories of personal data being collected are:

- Name and email address
- Video and photo: recording a meeting means that if you have your picture or video image on screen, that recording will include that and also whatever you have in the background which may be your home or your office. Background filters are recommended that place an image in the background or blur the background
- Audio: recording a meeting means any audio within the meeting will also be included
- Shared documents / desktop sharing: Any documents or desktop sharing will be captured within the recording.
- Chat

Why are we processing this information?

We collect and use your personal data so that we can allow recordings to be shared more widely with those who are unable to attend scheduled meetings, or, for training purposes.

We have determined that recordings can be made for the following limited purposes:

- Departmental communications e.g. town hall sessions
- Training videos
- Webinars
- Procurement – bidder interviews and tendering management meetings
- Technical requirements elicitation
- Knowledge transfer sessions
- Lunch and learn sessions
- Community of practise sessions e.g. intranet site owners
- Show & tell sessions
- Guest speakers
- Senior management cascades
- Third party vendor presentations

The relevant condition for recording will be related to the specific service and the data being processed. For the majority of recordings, we will be relying on Article 6(1)(f) of UK GDPR: legitimate interests. There may be occasions where we may rely on Article 6(1)(c) of UK GDPR: Consent. In such circumstances, you will be asked to give clear consent for us to process your personal data for a specific purpose.

We may also need to process your personal data to comply with a request made under disclosure legislation. The processing of your personal data in these circumstances would be:

- Article 6 (1)(c) Legal obligation: the processing is necessary for us to comply with the law:
 - UK General Data Protection Regulations

- Data Protection Act 2018
- The Scottish Public Services Ombudsman Act 2002.
- Article 6 (1)(e) Public task: the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.

What categories of personal data are we processing?

No special category personal data is processed.

What categories of data subjects are we processing?

- SCTS staff
- Judicial officeholders
- Suppliers
- Participants
- External participants

Where do you get my personal data from?

The personal data that is processed in a MS Teams recording will relate to the individuals attending the meeting through their attendance.

Choices regarding your personal data

You have the choice to attend a meeting which is recorded. If you decided to attend a meeting which is recording you can limit what personal data is processed by:

- Turning your camera off
- Use a background filter to limit what personal data is captured in the background.
- Mute your microphone
- Use chat to ask questions

How, when and why does the SCTS share this personal data with others?

MS Teams recordings may be shared internally within SCTS or, in some instances, externally, for example if the recording relates to an external training event.

In accordance with the user policy and guidance, the meeting chair/organiser will inform the participants who the recording is likely to be shared with.

How long do you keep my personal data?

All recordings apart from those created for training purposes are retained for 30 calendar days before being automatically deleted. Recordings made for training purposes are retained until superseded.

PayYourFine Payment Portal ([PayYourFines](#))

What is being processed?

The PayYourFines payment portal is used by SCTS to facilitate the processing of fine payments for individuals subject to fine enforcement by Police Scotland, the Crown Office and Procurator Fiscal Service (COPFS), and SCTS. In order to process and collect this fine, the payment portal will request from a service user some of the following limited personal information:

- Reference number (PS Ticket number, COPFS reference number and SCTS account number)
- Surname
- Contact details (Email/Telephone)
- Driver licence number
- Date of birth
- Vehicle registration number

This data is not stored on the payment portal but is used to check and validate user details and fine details with SCTS and DVLA systems. Once details are confirmed users will be routed to one of two payment fulfilment services (Ekashu/World pay) for the payment to proceed.

A payment notification will be sent to the user after a successful payment, provided they have entered their email address. The email notification will include some of the following information:

- Name
- Vehicle registration number
- Penalty points added
- Reference number (PS ticket number, COPFS reference number and SCTS account number)
- Payment amount
- Outstanding balance
- Payment reference number
- Payment date

Further anonymised data (web analytic data) is generated and stored on SCTS Azure storage for the purposes of management information, volumetric, and measurement against defined project KPIs. This data is used to inform management decisions and continuous improvement cycles to the solution.

Why are we processing this information?

Processing personal data for the purpose of receiving payment of criminal fines is necessary for the performance of a task carried out for a law enforcement purpose by a competent authority in terms of section 35(2) of the DPA, 2018. The SCTS, courts and tribunals are “competent authorities” in terms of Part 3 and Schedule 7 of the DPA, 2018. The SCTS processes personal data for “law enforcement purposes”: the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

Other relevant legislation determining the processing includes:

- Criminal Procedure (Scotland) Act, 1995

- Road Traffic Offenders Act 1988
- Road Traffic Act, 1988

What categories of data subjects are you processing?

- Individuals who chose to pay their fine/fixed penalty online.

Where do you get my personal data from?

Data is collected from

- Penalties issued by criminal courts, Crown Office and Procurator Fiscal Service and Police Scotland
- Licence information obtained from DVLA

The system user will also provide personal data, which will be validated against data already held within SCTS Criminal Case Management System.

How, when and why does the SCTS share this personal data with others?

For the purpose of collecting fine payments online, SCTS may disclose personal data to a range of recipients. This will include but not limited to the disclosures to those listed as data sources under the section heading 'Where do you get my personal data from?' as well as the payee name and fines amount with our third party payment providers.

Data will also be shared internally with SCTS integrated systems to aid management information reporting and account reconciliations.

How long do you keep my personal data?

Personal data is stored in the SCTS criminal case management system. We will only hold information in accordance with the legal requirements applicable to the data or in line with retention periods defined in the [Sheriff Court Retention Schedule](#). The retention period for fines records is 6 years.