Scottish Courts and Tribunals Service

Your Data Protection Rights

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Version Control

Date	Version	Author Initials	Description of Change
	V1.0	LJ	Initial published text – effective
30/09/2026	V1.1	SA	Updated to reflect the Information Commission (ICO) terminology under the Data (Use and Access) Act 2025.

Introduction

You have a number of rights in relation to the personal data that SCTS holds about you. The UK GDPR and Data Protection Act 2018 (DPA, 2018) made these rights easier to exercise, however, they are dependent on our justification – or 'lawful basis' – for processing your data.

Our Privacy Notices explain the variety of purposes for which we process personal data, and the lawful basis that justifies each of these activities under data protection law.

Make a Request

If you wish to exercise any of the below rights, please down load and complete either our Subject Access Request form or Individual Rights form found on the SCTS website and post or email it to the address on the form, or hand it in to any SCTS building. You will also need to provide photocopies / scans / photographs of two official documents which confirm your identity and personal details.

There is no requirement to use these forms and you can make a request in any other written form including email or verbally either in person or over the phone. If a request is made verbally, we are likely to require to follow this up in writing to confirm we understand your request and to request identification.

There is usually no fee for making a request, and we aim to respond within one calendar month. If the request is complex or repetitive, we may need to extend this period and/or charge a fee. If this is the case, we will notify you of our decision and the reasons for it.

Complaint

If you are unhappy with the way we have dealt with your request, you have the right to make a complaint to the SCTS Data Protection Officer by email at: DPO@scotcourts.gov.uk or write to

O1 Spur
Saughton House
Broomhouse Drive

Edinburgh
EH11 3XD

An acknowledgement will be issued within one calendar month and a response issued without undue delay.

If you are still not happy after contacting the SCTS Data Protection Officer, you have the right to lodge a complaint with the Information Commission (ICO):

Information Commission
4th Floor, No.3 Circle Square
5 Hawkshaw Street
Manchester
M1 7BL

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

Scottish Data Protection Supervisory Judge

Where in this guidance it states that processing is subject to a judicial exemption which means your rights do not apply. In these circumstances any complaint should be made to the Scottish Data Protection Supervisory Judge (SDPSJ) rather than the Information Commission.

The reason for this that the ICO do not regulate the processing of personal data by a person, court or tribunal acting in a judicial capacity.

You can make a complaint by emailing LPPO@scotcourts.gov.uk

Right to be informed

We must provide accessible, clear and concise information about our use of your personal data, including what data we collect, the reasons for processing it, how long we retain it and who we share it with. This information is provided in our Privacy Notices.

We can in some circumstances limit the provision of information where is it necessary and proportionate to where SCTS is processing personal data for a law enforcement purpose:

- avoid obstructing an official or legal inquiry, investigation or procedure;
- avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;
- protection of public security;
- protect national security; or
- protect the rights and freedoms of others.

This restriction will only apply for criminal proceedings. The restriction needs to be justified, necessary and proportionate, and applied on a case by case basis only.

Right of access

You can make a subject access request for confirmation of whether your data is being processed, and for a copy of the information we hold about you. We may withhold information if it is subject to an exemption under the DPA, 2018.

These exemptions include:

- When the information relates to another individual, unless the requester provides that individual's written consent and proof of their identity
- When the information is subject to confidentiality e.g. employment references and ongoing disciplinary proceedings.

If we withhold some or all of the information requested, we will advise you of this and the reasons for doing so, as well as your right to appeal the decision.

The right of access only applies to your own personal data and does not provide a right for access to copies of documents. SCTS will determine the appropriate format in which to provide you with access to your personal data and this may include extracting personal data from documents into a word document.

Right to rectification

You can ask us to correct or amend any personal data we hold about you that is inaccurate or incomplete. If we are satisfied that the supplied information is correct, we will make the necessary changes, advise (where possible) any organisations that we share your data with, and inform you of the outcome. If we are unsure whether the information supplied is correct, and/or whether the data we hold should be amended, we must restrict the processing of the data until the accuracy can be confirmed. Where this is the case, we will advise you of our decision and the reasons for it.

If we accept your request as valid, we will make the necessary changes, advise (where possible) any organisations that we share your data with, and inform you of the outcome.

SCTS will rectify personal data held in court records if an administrative error as occurred. For example If the outcome of a case has been incorrectly recorded by the clerk of court or tribunal staff member internally on an SCTS Case Management System.

Right of erasure ('right to be forgotten')

You can ask us to destroy personal data that we hold about you. However, this right is not absolute, and does not apply in the following circumstances:

- When the personal data is processed in order to comply with a legal obligation
- When the data is required to carry out our public task or exercise our official authority
- When the data must be retained as evidence as part of our law enforcement activities.
- When the data is retained for archiving purposes in the public interest. Information on what records are permanently preserved and transferred to the National Records of Scotland can be found in our published court retention schedules.

If we refuse to comply with your request as per the above or for any other reason, we will advise you of our decision and, where appropriate, the reasons for it.

Circumstances where a request would be accepted include:

- When the data is no longer necessary for the purpose for which it was originally processed, e.g. if we have not deleted personal data in line with SCTS retention policies.
- When you object to the processing and there is no overriding basis for it to continue
- When the processing is based on consent, and you withdraw that consent.

If we accept your request, we will make the necessary changes, advise (where possible) any organisations that we share your data with, and inform you of the outcome.

Right to restrict processing

You can ask for restrictions to be placed on the processing of your personal data in the following circumstances:

- you contest the accuracy of your personal data and you are verifying the accuracy of the data;
- the data has been unlawfully processed (i.e. in breach of the lawfulness requirement of the first principle of the UK GDPR) and you oppose erasure and requests restriction instead;
- We no longer need the personal data but you need to keep it in order to establish, exercise or defend a legal claim; or
- You have objected to SCTS processing your data under Article 21(1), which is an objection to processing of personal data carried out on the basis of our public task (article 6(1)(e)) or legitimate interest (article 6(1)(f)) and we are considering whether our legitimate grounds override those of the individual.

If we uphold your request, we will advise you of the actions we have taken to restrict the processing of your personal data. We will also advise (where possible) any organisations that we share your data with and inform you of the outcome.

If we refuse to comply with your request, we will advise you of our decision and the reasons for it.

Right to object to processing

You can object to our processing of your personal data, but only where it is carried out on the basis of our public task or official authority, or our legitimate interests. Similarly, where we process your data on the basis of consent, you have the right to withdraw that consent.

The SCTS Privacy Notices provides further information on our lawful bases for processing which should be reviewed to help determine if you can exercise this particular right.

If you are making a request to object to processing you must give specific reasons why you are objecting. These reasons should be based upon your particular situation.

However, although you have the right to object as above, we do not always have to comply with an objection. In particular, any processing that is necessary for law enforcement purposes is exempt from the right to object, and we may also be able to demonstrate that we have other compelling legitimate grounds for the processing.

If we accept your request, we will advise you of the actions we have taken to stop the processing of your personal data. If we refuse to comply with your request, we will advise you of our decision and, where appropriate, the reasons for it.

Right to data portability

This only applies to personal data you have given us. You have the right to ask that we transfer the personal data you have us from one organisation to another, or give it to you. The right only applies if:

- we are processing information based on your consent
- or under, or in talks about entering into a contract and the processing is automated.

The right to data portability **does not** apply to personal data processed for a law enforcement purpose. SCTS only processes personal data in criminal courts for law enforcement purposes including fine collections.

Automated decision making and profiling

This right applies to:

- automated individual decision-making (making a decision solely by automated means without any human involvement); and
- profiling (automated processing of personal data to evaluate certain things about an individual). Profiling can be part of an automated decision-making process.

SCTS can only carry out this type of decision-making where the decision is:

- necessary for the entry into or performance of a contract; or
- authorised by domestic law applicable to the controller; or
- based on the individual's explicit consent.

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.

SCTS Recruitment

Some of SCTS's employment decisions are based solely on automated decision making. Where high volume recruitment situations are expected, SCTS will utilise online assessments to assess eligibility of candidates. These assessments are provided by a third party who have been invited to tender for the specific business of assessing candidate applications and the platform is called Clevry. The data you enter on the SCTS recruitment system will be shared with the online assessment centre for assessment purposes only.

You will complete multiple assessments to demonstrate suitability for the role. These have a pre-set pass mark which you must meet in order to progress to the application stage.

You will have the right to appeal your results whereby manual intervention and scoring of the assessments is possible. This can be done by emailing the SCTS recruitment team.

Juror Service

Automated decision making occurs in the selection of potential jurors. An algorithm is run to randomly select potential jurors from data collected from the electoral registeration office. 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 persons will be selected as potential jurors for a court case. As part of the juror procedure you have the right to request an excusal and also in some circumstances you can request to be permanently excused. A request for excusal can be made by contacting the relevant court on your juror citation letter.

Exemptions

Judicial Exemption: Court and Tribunal Case Records

The following rights are limited in relation to Court and Tribunal Case records:

- Right of Access
- Right of Rectification
- Right of Erasure
- Restriction of processing
- Right to object to processing (is not a right under law enforcement processing)

This includes personal data contained in:

- A judicial decision
- Judicial notes
- In another document created by or on behalf of a court or other judicial authority in connection with:
    - a criminal investigation; or
    - criminal proceedings, including proceedings for the sentencing of an offender.

Provision of Exemptions to Court and Tribunal Case Records.

Rights	Length of Exemption/Exception	Relevant Notes
Right of Access	This exemption/exception only applies to court records until court proceedings including any appeal has concluded. Applies to Judicial notes in perpetuity.	Only provides access to a data subjects own personal data. You will not get a copy of an entire court case file by making a right of access. There is currently no specific legislation which provides a right of access to court or tribunal records to parties in a case after court proceedings have concluded. The only relevant legislative provision to make a 'specification of documents' via the ….

Right of Rectification	Exemption applies in perpetuity	**SCTS will** rectify personal data held in court records if an administrative error as occurred. For example, If the outcome of a case has been incorrectly recorded by the clerk of court or tribunal staff member internally on an SCTS Case Management System but the paperwork is accurate. Court and Tribunal rules provide allow the accuracy or evidence submitted to be challenged. A right of rectificaton cannot be used to try and have information correct after court proceedings have concluded.
Right of Erasure	Exemption applies in perpetuity	
Right to Restrict processing	Exemption applies in perpetuity	
Right to Object to processing	Exemption applies in perpetuity	

The judicial processing exemption is outlined under section 43 of DPA, 2018 in relation to personal data processed for law enforcement purposes and under Schedule 2, paragraph 14 section 2 of the DPA, 2018 for processing of personal data under UK GDPR.

The reason for judicial processing exemption is to preserve the courts' control over court records. It was not the intention that data protection legislation should provide indirect access to personal data in court records or provide a way to challenge or change court decisions.

The greater public interest is considered to lie in the preservation of the courts' own procedures for considering disclosure, challenges on evidence submitted and court decisions. The rules of court already provide a comprehensive code governing the disclosure of court records and documents served in the course of proceedings, as well as the right to appeal court decisons.

Requests relating to published decisions on the SCTS website

Decisions published on SCTS and Tribunal websites are published on behalf of judicial office holder including Tribunal Presidents. The judicial office holder is the Data Controller for the purpose of publishing decisions. SCTS is a processor and provides administrative support in the form of publishing decision on the relevant SCTS website and responding to individual rights request.

Requests made for removal of published decision from any SCTS website will be refused on the grounds that it falls under the judicial processing exemption and a right to erasure does not apply. The Justiciary have determined that published decisions should be available permanently as a matter of open justice.

Office of the Public Guardian (OPG)

The Adults and Incapacity (Scotland) Act 2000 provides the OPG certain powers to investigate concerns and take steps to safeguard financial matters. Investigations may result in an application to court for the removal of a legal proxy such as an attorney. Guardian, Intervener or Withdrawer, or to information being provided to Police Scotland where OPG believes that a criminal offence may have been committed. The OPG can restrict the following rights:

- Right of Access

- Right of Rectification
- Right of Erasure
- Restriction of processing
- Right to object to processing

The OPG may rely on the exemption under the DPA, 2018 to protect the public against serious improper conduct (or unfitness, or incompetence). Individual rights including the right of access do not apply to the extent that complying with these rights would likely to prejudice the proper discharge of the functions of the OPG, so we may not, for example, be able to provide information that would identify the person who raised a concern.

Manifestly unfounded or excessive

SCTS may refuse to response to any individual rights if we believe a request is manifestly unfounded or excessive, alternatively, we could charge a reasonable fee for dealing with the request.

A request may be manifestly unfounded if the person clearly has no intention to exercise their right or if the request is malicious in intent. They may also use the request to harass an organisation, with no real purpose other than to cause disruption or try to seek change to a judicial decision.

Manifestly excessive is based on whether the request is proportionate when balanced with the burden of cost involved with dealing with the request