

FREEDOM OF INFORMATION

Introduction

During the course of managing a Freedom of Information request The State Hospital will collect, store and process personal information provided to us by you.

We recognise the need to treat personal data in a fair and lawful manner. No personal information held by us will be processed unless the requirements for fair, transparent and lawful processing can be met. This privacy notice provides a summary of how we will ensure that we do that, by describing:

- The categories of personal data we may handle.
- The purpose(s) for which it is being processed.
- The person(s) it may be shared with.

This notice also explains what rights you have to control how we use your information. Please read it carefully to understand what we do.

What laws are relevant to the handling of personal information?

The law determines how organisations can use personal information. The key legislation governing the use of information is listed below:

- Data Protection Act 2018.
- UK General Data Protection Regulation.
- Freedom of Information (Scotland) Act 2002.

The State Hospital is the 'Controller' (the holder, user and processor) for this information.

What types of personal information do we handle?

In order to provide Freedom of Information services, we handle data in relation to:

- Your name.
- Your contact address.
- Details of the request you have made.
- Information you have provided to us.

What is the purpose of processing data?

Your personal data is collected by The State Hospital for the purposes of:

- Managing Freedom of Information requests.
- Managing Freedom of Information reviews.
- Managing Freedom of Information appeals.
- Cooperation with a regulator.

Legal basis for using your information

We are required by law to comply with the Freedom of Information (Scotland) Act 2002 and therefore we use your information because it is necessary for compliance with a legal obligation [UK GDPR Article 6(1)(c)].

Can I make a Freedom of Information without giving my personal details?

No, we are required under the statutory requirement of Section 8(1)(b) of the Freedom of Information (Scotland) Act 2002 to collect:

- Your name.
- Contact address.
- Details of the request you have made.

If this information is not provided to us a Freedom of Information request would not be considered a valid request and we do not need to provide you an answer.

Sharing your information

There are a number of reasons why we share information. This can be due to our:

- Obligations to comply with legislation.
- Duty to comply with any Court Order which may be imposed.

Any disclosures of personal data are always made on case-by-case basis, using the minimum personal data necessary for the specific purpose and circumstances and with the appropriate security controls in place.

In order to comply with our obligations, we may need to share your information as follows:

Reasons why we share your personal information	Who we share your information with
Management of a Freedom of Information request	The Scottish Information Commissioner
Cooperation with a regulator	The Scottish Information Commissioner
Freedom of Information appeal	The Scottish Information Commissioner
Court Order	As directed by the order

How do we collect your information?

You provide the information to us as part of a Freedom of Information request.

Where is your information stored?

Your information will be stored in an electronic filing system on The State Hospital's IT network.

Retaining information

We only keep your information for as long as it is necessary to fulfil the purposes for which it was collected. This includes for the purpose of meeting any legal, accounting or other reporting requirements or obligations.

We may, instead of destroying or erasing your personal information, make it anonymous so that it cannot be associated with or tracked back to you.

We retain Freedom of Information case files as follows:

Description	Retention period
Requests answered with a full disclosure	3 years
All other requests	10 years

Your rights

You have a number of rights about how your personal information is used, you can:

- Ask for your information to be erased in certain circumstances.
- Require us to rectify inaccurate information about you.
- Restrict our use of your information in certain circumstances.
- Access the information we hold about you.

You should direct any request to the Data Protection Officer – details can be found on page 4.

Information about the rights of individuals under the Data Protection Act can be found online at: <https://ico.org.uk/your-data-matters/>

Complaints about how we process your personal information

In the first instance, you should contact the Data Protection Officer – contact details can be found on page 4.

You may lodge a complaint with the Information Commissioner's Office – contact details can be found on page 4.

How to contact us

Please contact us if you have any questions about our privacy notice or the information we hold about you:

Email: tsh.dataprotection@nhs.scot

Data Protection Officer
The State Hospital
Carstairs
Lanark
ML11 8RP

01555 840293

How to contact The Information Commissioner's Office

Please contact the Information Commissioner's Office if you wish further information about data protection or if you wish to complain about how we use your information. Our registration number is: Z567052X.

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

www.ico.gov.uk
0303 123 1113