

FINANCIAL REDRESS FOR HISTORICAL CHILD ABUSE IN CARE

THE ADVANCE PAYMENT SCHEME: PRIVACY NOTICE

You and your data

This privacy notice explains your rights under the Data Protection Act 2018 (DPA) and General Data Protection Regulation (GDPR). It describes the type of information we may hold about you, how it may be used and who we might share it with.

Personal data (which we will call 'data' throughout the rest of this notice) means any information that might identify you.

The Advance Payment Team, part of the Scottish Government's Directorate for Children and Families, is responsible for processing applications to the Advance Payment Scheme.

Why do we need your data?

Whether you are the applicant, or have Power of Attorney or Guardian status and are applying on someone's behalf, the data you provide will be used to process your application for an Advance Payment and for internal financial and audit requirements. All your data will be treated sensitively and confidentially.

We will only contact you by the method you chose – email, post or telephone. You can change this at any time by contacting us.

Providing us with your data is voluntary. However, if you are unable to or do not wish to provide your data in the application form, you may not be awarded an Advance Payment.

What data is requested?

The following data is requested in the application form:

Personal data relating to the person who suffered abuse

- Name
- Address
- Date of birth
- Previous name(s) while in care
- Telephone number
- Email address
- Proof of age

- Proof of identity
- Dates, name and location of the place you were in care
- Bank account details

Personal Data relating to the Power of Attorney or Guardian

- Name
- Address
- Telephone Number
- Email address
- Proof of Power of Attorney, Appointee or Guardian
- Proof of identity

What data is requested when I telephone the Advance Payment Team?

Once you have submitted an application form and you are calling specifically to ask questions about your application we will ask you to confirm your name, address and date of birth. We will ask for this information to make sure that we are talking to the right person and your details are secure.

When you call the Advance Payment Team prior to submitting an application form you will be given the option to remain anonymous or give your name, address and date of birth. If you choose to give your details we can open your personal file and record enquiries during the application process.

Sensitive or Special Categories of Personal Data

Time in care

We need this information to help make sure that you are eligible for an Advance Payment. We ask for information about where and when you were in care and a supporting document which shows this.

If you are unable to obtain information relating to your time in care, the Advance Payment Team can refer you to an organisation that helps people trace their records. These organisations will be able to advise you on your specific circumstances and, with your consent, contact others on your behalf.

If you have been to the National Confidential Forum (NCF), with your consent, we will speak to the NCF to confirm that you gave testimony about your time in care.

To validate the document you provide which shows you spent time in care, we will contact the organisation that gave you the document or the care provider named on that document, if different. When we do this we will only share the data that appears on the supporting document along with your current name.

Where a Power of Attorney or Guardian is completing the form on behalf of an applicant, if the applicant is unable to self-declare the abuse that happened then we will require some additional evidence to this effect. This information will only be viewed by Scottish Government staff authorised to do so.

All of the information you provide will only be viewed by authorised people with the Directorate for Children and Families and will be treated sensitively and confidentially.

Medical

For those applying because they have a terminal illness we will require a clinical healthcare professional to sign a form confirming this. We will ask for your permission to do this in the application form. The following information will be requested:

- Name
- Address
- Date of Birth
- Community Health Index Number (CHI)

Further information on how to protect the information contained within medical records is outlined in the Frequently Asked Questions booklet.

How your data will be used?

We will use your data to process your application for an Advance Payment. We will also use your data anonymously to run statistical and financial reports to inform Scottish Government Ministers and senior staff on performance and for budgeting. We will also use Advance Payment data as a whole to help design and develop the statutory redress scheme.

Who will have access to your data?

Your data will be viewed by authorised people within the Directorate for Children and Families and used for the sole purpose of assessing and processing your Advance Payment application.

All applicants will have the option to provide further information. This might include general comments, feedback or information they wish to share. Information provided in this section does not contribute to assessments of eligibility for an Advance Payment.

Please note we will disclose to Police Scotland the identity of anyone that you might mention has abused children. This is so that Police Scotland can assess any risk that person may currently pose to children and/or vulnerable adults. That risk needs to be assessed but it is not for us to assess it. We will contact you before we pass to Police Scotland your name and contact details and the name of anyone you tell us abused you.

How we will keep your data secure?

We are committed to protecting and respecting your privacy. Your data held by the Scottish Government will be managed effectively by the Advance Payment Team and stored in a secure location, and on secure IT systems on secure servers. Your data will not be shared outside the EU.

What is the legal basis for processing your data?

We only use your data where we have a legal basis under the Data Protection legislation. We need your data to:

- process your application and make a payment;
- exercise the Scottish Government's public functions under our official authority or to perform a task in the public interest (this is known as the 'public task' basis).

The public task basis is the relevant lawful basis for processing your data. The basis in law for the Advance Payment Scheme is common law powers. The common law powers in this instance relate to the making of Advance Payments to survivors of in care abuse who may not live long enough to apply to a statutory redress scheme and according to the detailed eligibility guidance provided at the start of the application form. The use of these common law powers is based on there being an urgency in the public interest.

Retention of your data

We will keep your data for the duration of the Advance Payment Scheme. As applicants to the Advance Payment Scheme, and their next of kin, may be eligible to apply to the statutory redress scheme we will also be required to keep your data until the statutory redress scheme closes. The closing date of the statutory redress scheme is not known at this time.

Your rights

If you want to know more about how the Scottish Government use your data, you can read our full privacy notice online: <https://www.gov.scot/publications/contacting-the-scottishgovernment-handling-your-data/>.

You have a right of access to any personal data we hold about you. You can do this by making a Subject Access Request (SAR) to the Advance Payment Team.

In addition, if you believe that the data we hold is inaccurate or incomplete you can ask us to update our records. If you are unhappy with the way in which we process your personal data you can request that we stop or restrict the processing we carry out using your

personal data or ask us to delete the personal data we hold about you. Find out more about your rights on the Information Commissioner's website –

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-dataprotection-regulation-gdpr/individual-rights/>

Complaints

Complaints about data processing can also be made to the Scottish Government's Data Protection Officer:

Data Protection Officer
Victoria Quay
Edinburgh
EH6 6QQ
Email: DataProtectionOfficer@gov.scot

If you feel we have been unable, or unwilling, to resolve your data rights concern, you have the right to lodge a complaint with the Information Commissioner's Office (ICO). The ICO are the supervisory authority responsible for data protection in the UK.

For further information, including independent data protection advice and information in relation to your rights, you can contact the Scottish Regional Information Commissioner's Office at 45 Melville Street, Edinburgh, EH3 7HL. They can be contacted by telephone on 0303 123 1115 or email scotland@ico.org.uk.

Or the Head Office at The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. They can be contacted by telephone on 08456 30 60 60 and their website is www.ico.org.uk.

You can also report any concerns here: <https://ico.org.uk/concerns/handling/>

Advance Payment Team
Scottish Government
December 2019