

# Data Protection Policy

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## 1. Introduction

Crown Estate Scotland<sup>1</sup> is required by law to comply with the EU General Data Protection Regulation (GDPR), the Data Protection Act 2018 (DPA) and associated legislation protecting privacy rights.

Crown Estate Scotland is committed to ensuring that all employees comply with GDPR and the DPA to safeguard the personal data held by Crown Estate Scotland, regardless of format.

We need to collect, to process and to keep certain information about our employees and stakeholders to allow us to conduct our business. To comply with data protection law, Crown Estate Scotland must ensure that personal information is collected and used fairly, stored safely, and not disclosed to any person unlawfully. To do this, we will comply with the principles of GDPR and the DPA.

We are committed to meeting our obligations under the law regarding data protection and confidentiality. Consequences of non-compliance can include loss of reputation, loss of public and stakeholder trust, substantial fines and criminal proceedings against the organisation and individuals. It is important to note that individual employees may be identified as liable for a breach of data protection law, whether this is deliberate or through negligence.

## 2. Purpose

The purpose of this policy is to set out Crown Estate Scotland's obligations in relation to data protection law to demonstrate our commitment to compliance with it. The policy aims to fulfil the requirement for fair and lawful processing of personal data created by us and received by us in the course of administering our business.

This policy extends to all staff and to all personal data held by or on behalf of Crown Estate Scotland. This policy sets out the basis on which Crown Estate Scotland will process any personal data collected from data subjects, or that is provided to Crown Estate Scotland by data subjects or other sources.

## 3. Data Protection Principles

Crown Estate Scotland is responsible for, and must be able to demonstrate, compliance with the six principles of data protection set out in the GDPR, which means that information must be collected and used fairly, stored securely and not disclosed to any other person unlawfully.

The six principles state that personal data must be:

- processed lawfully, fairly and in a transparent manner in relation to individuals ("lawfulness, fairness and transparency").
- collected for specified, explicit and legitimate purposes and not be further processed in a manner incompatible with those purposes ("purpose limitation").
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ("data minimisation").

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<sup>1</sup> References in this Policy to "Crown Estate Scotland" are to Crown Estate Scotland (Interim Management), a public corporation established by The Crown Estate Scotland (Interim Management) Order 2017

- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (“accuracy”).
- kept in a form which permits identification of individuals for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of the individual (“storage limitation”).
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organizational measures (“integrity and confidentiality”).

#### **4. Personal Data**

Personal data means any information about a living individual, who is identifiable from that information or who could be identified from that information when combined with other information which Crown Estate Scotland holds or is likely to obtain.

GDPR also refers separately to ‘special categories’ of personal data which includes particularly sensitive personal information such as health details, racial or ethnic origin or religious beliefs. This type of data is subject to more protection.

The definition of ‘processing data’ includes obtaining/collecting, recording, holding, storing, organising, adapting, aligning, copying, transferring, combining, blocking, erasing and destroying the information or data. It also includes carrying out any operation or set of operations on the information or data, including retrieval, consultation, use and disclosure.

The GDPR applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria.

#### **5. Policy Statement and Commitment**

In order to fulfil our obligations under data protection law, Crown Estate Scotland is committed to:

- Making data subjects aware when collecting personal data about them, and outlining the way in which that information will be used;
- Observing fully conditions regarding the fair collection and use of information;
- Meeting out legal obligations to specify the purposes for which information is used;
- Collecting and processing appropriate information only to the extent that it is needed to fulfil operational needs or to comply with any legal requirement;
- Retaining records only for so long as they are needed;
- Ensuring that people about whom we hold information can exercise their rights fully under the

DPA and GDPR;

- Taking appropriate technical and organisational security measures to safeguard personal information;
- Ensuring that personal information is not transferred abroad without suitable safeguards.

This is achieved through:

- The use of privacy notices to information data subjects wherever collection of personal information takes place, outlining the purposes for which it will be used, who it will be shared with, how it will be securely retained and how individuals may access it;
- Notification to the Information Commissioner of all processing of personal data within Crown Estate Scotland (our registration number is: ZA242552);
- The appointment of a Data Protection Officer as having specific, operational responsibility for data protection in Crown Estate Scotland;
- The regular review and operation of comprehensive procedures for the management and security of all Crown Estate Scotland records, regardless of media or format;
- Quick and efficient handling of subject access requests;
- Delivering training to Crown Estate Scotland staff on information management, security governance and compliance and to ensure that every member of staff understands their responsibility under data protection law;
- Regular monitoring, review and audit of the way in which personal information is collected, stored and used by Crown Estate Scotland.

Where and when appropriate, we will:

- share information in line with the Information Commissioner's Data Sharing Code of Practice and establish data sharing agreements with third parties, outlining the terms under which information will be shared;
- complete privacy impact assessments in order to assess privacy risks to individuals, the use and disclosure of personal information;
- carry out privacy compliance checks to assess compliance with data protection law;
- actively communicate privacy notices when collecting sensitive information, processing information in a way which may significantly affect an individual, or sharing information with another organisation which would be unexpected;

## **6. Roles and Responsibility**

All staff within Crown Estate Scotland must comply with the principles set out in the policy. Breaches of this policy and therefore data protection law may lead to disciplinary action. Colleagues must familiarise themselves with, and follow, this policy and familiarise themselves with the implications of data protection in their job.

Crown Estate Scotland as data controller has primary responsibility for ensuring that all collection and processing of personal data within the organisation complies with data protection law and principles. The Data Protection Officer has responsibility for identifying and publicising responsibility for data protection within Crown Estate Scotland.

## 7. Breaches

All actual or potential breaches involving personal data should be reported immediately to the Data Protection Officer in accordance with the provisions of the Information Security Incident Process.

## 8. Monitoring and Review

Compliance with this policy will be monitored by the Data Protection Officer in consultation with the Executive Management Team. It will be reviewed regularly throughout 2018 and then at least annually in order to take account of any new or changed legislation, regulations or practices.

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