

Scottish Child Abuse Inquiry

PO Box 24202 | Edinburgh | EH3 1JN

e-mail: information@childabuseinquiry.scot

Protocol on information

This protocol is about what types of information we hold and what we do with it. This protocol provides detail on some issues covered by our privacy notice.

What information does the Inquiry hold?

1. We obtain information about people, living and dead.
2. We may hold some of the following types of information about you:
 - name
 - date of birth
 - contact details
 - financial information and bank account details (e.g. to enable the reimbursement of reasonable expenses)
 - family background
 - sex life and sexual orientation
 - employment status and history
 - details of abuse experienced
 - allegations of abuse by you
 - details of criminal convictions
 - health problems and lifestyle.
3. People contact the Inquiry for many different reasons and, as a result of that contact, we may hold information about them. A person may get in touch to:
 - ask us about how to give evidence
 - provide evidence or documents to the Inquiry
 - apply for a job with the Inquiry
 - provide a service to the Inquiry
 - talk to us because they represent a witness
 - ask the Inquiry to pay their travel expenses or their lawyer's fees.

Who is responsible for this information?

4. The Secretary to the Inquiry is our 'data controller'. This means that she is responsible in law for all our information. She is responsible for how it is held and how it is used or destroyed.
5. Each year the Inquiry registers with the Information Commission – which supervises the Data Protection Act in the UK. A copy of our current registration certificate is available [here](#).
6. Everyone who works for the Inquiry must use the information we hold correctly and must keep it secure at all times.

Why does the Inquiry hold this information?

7. We obtain, and hold, information as part of our work. Our work is outlined in our [Terms of Reference](#), which require us to look into the abuse of children in care in Scotland over a period from within living memory to 17 December 2014.
8. In carrying out our tasks, we need to get information from many people, including those who:
 - tell us they were abused
 - have information about others having been abused
 - have been accused of abuse, or convicted of abuse
 - worked in places where children in care lived during our time period
 - worked for the organisations that provided care for children, or arranged for care to be provided
 - have access to any records about places where children in care lived
 - supervised and/or inspected places where children in care lived
 - were responsible for local government and central government policies about children in care.
9. We meet people who tell us they were abused at what we call ‘private sessions’ where we hear what they have to tell us about their experiences. We record these sessions. These recordings help us prepare full and accurate witness statements. Once a person has signed their witness statement we destroy the recording. We occasionally allow members of our statement taking team to listen to recordings before they are destroyed, but only for training purposes.

Making information public

10. The Inquiry will not generally redact to protect the identities of people who are not protected by the General Restriction Order. This is because the Chair has a duty to make a record of the evidence given to the Inquiry available to the public, subject only to the General Restriction Order or any specific restriction orders she makes.
11. Any person who wishes to have their identity protected because they are not protected by the General Restriction Order must make an application as soon as possible. See the [Protocol on Restriction Orders](#) for more information.

People who tell us they were abused

12. The Chair has issued a [General Restriction Order](#) to protect, among others, the identities of people who tell us they were abused. It means that their identities will not normally be published or disclosed without their consent.
13. There are some exceptions to this general rule. For more information see our [Protocol on Restriction Orders](#) which describes when we may have to

disclose information, on a confidential basis, to organisations or people named as abusers, to organisations which hold records which could assist the Inquiry with its investigations, to experts, or to the police.

People named as abusers

14. The Inquiry will generally keep confidential the identity of people who have been named as abusers by others unless they have been found to have abused children in care.

Redaction – what does this mean?

15. 'Redaction' means blacking out any words in documents which could reveal a person's identity to the general public.
16. For more information see our [Protocol on Redaction and the Inquiry Transcript](#) which explains when the Inquiry uses redaction.

What happens at the end of the Inquiry?

17. The Inquiry requires to create and keep a record of its work. At the end of the Inquiry that record will be transferred to the Keeper of the Records of Scotland to be archived.
18. This means that we must retain some information and records, even if they are not publicly available, to transfer to the Keeper.

Your personal data

19. We process personal data that we hold as a result of or for the purposes of our investigations for special purposes, and so we do not need to tell you that we are processing your personal data and we may not be able to give you access to it. For further information, see the privacy notice which is appended to this protocol.

Contact and complaints

20. If you wish to contact us about the terms of this protocol, please write to information@childabuseinquiry.scot

If you wish to make a complaint about how the Inquiry has handled your personal data, you can contact the Information Commission online [here](#), by calling their helpline on **0303 123 1113**, or by writing to them:

UK Information Commission
Wycliffe House
Water Lane
Wilmslow
Cheshire

Privacy notice

This notice explains our approach to collecting and handling your personal data.

We are an independent public inquiry and we exercise statutory functions under the Inquiries Act 2005, in the public interest. Our [Terms of Reference](#) require us to investigate the nature and extent of abuse of children in residential care in Scotland.

We publish various documents relating to our investigations and findings, and sometimes these may include some personal data. We need to process personal data to enable us to carry out our work.

We explain in this notice in general terms how we collect and handle personal data.

Why we process your personal data

We process your personal data for a number of reasons, all of which help us to perform our duty under the law.

How we collect personal data

If you contact us by telephone, email, or letter, using the contact form on our website, or in any other way, we will retain any personal data you provide to us in doing so, and we may use it to contact you about the work of the Inquiry. We may also use it to help us with our investigations and to help us decide which institutions or organisations need to be investigated.

We may approach you to ask you to provide evidence to the Inquiry, in which case we will retain any personal data in the evidence you provide to us and we may use it to contact you about the work of the Inquiry.

If you provide us with evidence, for example by meeting with us to provide a statement, or in writing in response to a statutory notice under section 21 of the Inquiries Act 2005, or by attending an Inquiry hearing to give evidence in person at a hearing, or in any other way, we will retain any personal data you provide in doing so. We will also retain any personal data you provide in any communications we have with you. We will use any such personal data to help us do the work we need to do to fulfil our [Terms of Reference](#).

The law also allows us to recover records and information and we regularly require to do so. These can include personal data from a range of sources, including providers of residential care for children, local authorities, Police Scotland, the Crown Office and Procurator Fiscal Service, and the Scottish Government.

When someone visits our website we collect information to measure the use of the website. We do not collect information that identifies anyone but we do track how many individuals have viewed different pages so we know what information appears to be of most interest. Further information is provided in our [Terms and conditions](#).

What sort of data we collect

We collect data about children in care, data about the abuse of children in care, and data about the impact of such abuse. We collect and retain contact details, data known as special category data, and information about criminal convictions.

The records we recover might contain personal data which could include sensitive data ('special category data') such as data relating to a person's racial or ethnic origin, health, or sexual orientation. Personal data might also include data relating to a person's criminal convictions ('criminal offence data').

How personal data is held

We keep your personal data secure and only share it with those who need to see it.

Personal data is held in secure encrypted electronic storage systems which are only accessible by individuals working for or on behalf of the Inquiry. Any hard copy information is held in secure conditions within premises to which members of the public do not have access.

All personal data we receive is handled fairly and lawfully in line with data protection legislation.

Who personal data will be shared with

We may have to disclose your personal data, on a strictly confidential basis, to organisations that provide(d) or arrange(d) residential care for children, to people who are alleged to have abused children in care, to organisations that hold records that could assist the Inquiry with its investigations, to experts instructed by us, or to the police.

In some cases, we may publish your data to allow us to fulfil our [Terms of Reference](#). However, we are extremely careful about what data is made public and only publish it where we are satisfied, having had regard to data protection and inquiries legislation and any restriction orders issued by the Chair, that it is necessary and appropriate to do so.

Some people's identities are protected by the Chair's [General Restriction Order](#) and, unless they have expressly waived their anonymity, their identities will usually be protected by appropriate redaction (blacking out of certain words in evidence that could identify that person to the general public) before publication. Details of those who are entitled to such protection are set out in the Chair's [General Restriction Order](#).

If you are concerned or unsure about whether your personal information may be made public, you can ask our witness support team about whether you are protected by the [General Restriction Order](#).

Data controller

The Chief Executive of the Inquiry is our 'data controller'. As data controller, (s)he is obliged by law to determine the purposes for and means by which we process all

and any data including how it is held, how it is used, and when and/or how it is destroyed.

Each year the Inquiry registers with the Information Commission, which supervises compliance with data protection legislation in the UK. A copy of our current registration certificate is available [here](#).

Data retention

If you contact us by telephone, email, or letter, or if we contact you, we will retain any personal data that, in doing so, you provide to us. We will do so solely to enable us to carry out our work. We will generally retain the data for the duration of the Inquiry.

Under our [Terms of Reference](#) we are required to create a national public record. The Inquiries Act 2005 and the Inquiries (Scotland) Rules 2007 require the Chair to keep a comprehensive record of the Inquiry. That means we must, at the end of the Inquiry, transmit certain records we hold, including personal, special category, and criminal offence data, to the Keeper of the Records of Scotland.

The lawful basis for processing personal data

We process personal data because, as a public inquiry established under statute, we require to do so. We process personal data lawfully in compliance with the General Data Protection Regulation (GDPR) and all other UK data protection legislation.

Our lawful basis, as defined by the GDPR, for the majority of personal data we process, is that 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 data controller (Article 6(1)(e) UK GDPR). In this case that is the work which SCAI is required to do to fulfil its [Terms of Reference](#).

In relation to some other data we process, for example data protection requests from individuals, the lawful basis for processing your personal data is that it is necessary to comply with a legal obligation placed on us as the data controller (Article 6(1)(c) UK GDPR).

Under data protection laws, the processing we carry out must be necessary for the performance of a task in the public interest or in the exercise of official authority vested in the Chair of the Inquiry. In our case, all that we do is for the benefit of the public, the Inquiry having been established because the Scottish Ministers were satisfied it was appropriate to do so, given public concerns about the long-term and continuing abuse of children in residential care in Scotland or whose care was arranged in Scotland, and the need to seek recommendations for the protection of children in care in the future.

Complying with our legal obligation means we process your personal data because it is necessary for us to comply with the law that applies to us. In our case our legal obligations as a public inquiry are set out in the Inquiries Act 2005 and the Inquiries (Scotland) Rules 2007. The Inquiries Act empowers a government minister to set up a public inquiry; it sets out what we, as a public inquiry, must do and what we have the power to do. The Inquiries Rules make further detailed provisions that we must follow.

We also process personal data in pursuit of our legitimate interests, meaning that we carry out necessary processing for the purpose of our interests in fully carrying out our investigations, in creating a comprehensive public record of the work of the Inquiry including of the nature and extent of abuse of children in care in Scotland, in writing findings and reports, in issuing findings and reports and in deciding on and drafting appropriate recommendations.

We rely on these bases for processing only when we believe our interests are not overridden by your fundamental rights and freedoms.

The lawful basis for processing sensitive personal data

Sensitive personal data (also known as special category data) is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health, or data concerning a natural person's sex life or sexual orientation.

The legal basis for processing any sensitive personal data, or data about criminal convictions, where we receive it, is that it is necessary for reasons of substantial public interest for the exercise of a function conferred on a person by an enactment, or the exercise of a function of a Minister of the Crown (para 6, schedule 1, Data Protection Act 2018). The function is the work the Inquiry requires to do to fulfil its [Terms of Reference](#).

Your rights in respect of your personal data

You have the right to request:

- access to the personal data we hold about you
- that incorrect information we hold about you be corrected
- that we stop or limit the processing of data we hold about you
- that we erase the information we hold about you.

Your rights may be subject to exemptions or limitations. Requests are dealt with on a case-by-case basis.

In all cases we will consider your request very carefully. In some cases, if we consider that your information falls within one of the exemptions set down in the Data Protection Act 2018, we may have to decline your request.