

How we use your personal data Current and prospective Core Participants

We, the Sheku Bayoh Public Inquiry, are the controller of the personal data that we process about you as a Core Participant or a prospective Core Participant in the Inquiry. This means that we are legally responsible for how we process personal data about you. It also means that we are required to comply with data protection laws when processing your personal data. This includes providing you with the details contained within this Notice of how we process your personal data, who we may share it with and your rights in relation to your personal data.

We have appointed a Data Protection Officer (“DPO”), Thornton’s Law. If you have any questions about this Notice or how we process your personal data, please contact the DPO by e-mail at dataprotectionshekubayoh@thorntons-law.co.uk.

You can contact us by e-mail at enquiries@shekubayohinquiry.scot.

1. What personal data do we process about you?

As a Core Participant or a prospective Core Participant, we process the personal data that you provide to us as part of your application for designation as a Core Participant and / or other personal data that we may obtain from you on an ongoing basis during the course of the proceedings of the Inquiry, including:

- your name;
- your contact information, including your address, telephone number and e-mail address;

- particulars of your organisation, including your occupation, your job title and / or role / position within the organisation;
- your date of birth;
- your images and voice recordings as part of streaming the proceedings of the Inquiry;
- the content of your Core Participant application, including how you satisfy the criteria to be designated as a Core Participant, and particulars of your legal representative from time to time, if you choose to be legally represented at the Inquiry;
- your participation in the Inquiry and any personal data that you provide in relation to the terms of reference of the Inquiry, including: disclosure of the identity of any third parties who hold information that might be relevant to the terms of reference of the Inquiry; any evidence or documents that you provide or produce to the Inquiry (whether orally or in writing); your suggestions regarding the list of issues to be considered by the Inquiry and the list of witnesses who will give evidence to the Inquiry; your opening and closing statements at hearings of the Inquiry; your suggested questions or lines of questioning to ask of witnesses submitted to Counsel to the Inquiry; the questions you ask of witnesses when such witnesses are providing oral evidence to the Inquiry (with the Chair to the Inquiry's permission); and your comments on the Inquiry's interim report (if an interim report is delivered by the Inquiry);
- your application to the Chair of the Inquiry for an award to be made for assistance with the costs of legal representation, if required;
- any special category data that you choose to disclose to the Inquiry;
- any other personal data that you provide when you otherwise engage with us; and
- images captured by our CCTV when you attend the Inquiry.

2. Why do we process this personal data about you?

We process such personal data:

- for the purposes of the proceedings of the Inquiry in accordance with the terms of reference and the legislation applicable to inquiries, including the Inquiries Act 2005 ("2005 Act") and the Inquiries (Scotland) Rules 2007 ("2007 Rules");

- to permit the Chair to determine whether to designate you as a Core Participant (with your consent);
- to permit the Chair to determine your application for an award for assistance with the costs of legal representation which are to be incurred;
- to permit the Solicitor to the Inquiry to determine your application for an award for assistance with the costs of legal representation which have already been incurred;
- as part of any dispute regarding the amount of an award for assistance with the costs of legal representation, including referrals to the Auditor of the Court of Session;
- to publish your designation as Core Participant on the Inquiry's website;
- as part of streaming the proceedings of the Inquiry;
- to prepare, deliver and publish the report of the Inquiry (including any interim report);
- when disclosing or publishing evidence and documents given, produced or provided to the Inquiry; and
- for security purposes and prevention and/or detection of crime when using CCTV at the Inquiry.

3. What is our legal basis for processing your personal data?

Data protection laws require us to have a legal basis for processing your personal data.

Our legal bases for processing your personal data are 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 Chair of the Inquiry in accordance with the 2005 Act;
- to comply with legal obligations to which we are subject regarding the proceedings of an inquiry contained in the 2005 Act and the 2007 Rules; and
- our legitimate interests of maintaining security at the Inquiry and prevention and/or detection of crime when using CCTV.

Our legal basis for processing your special category data and personal data relating to criminal convictions and offences are as follows:

- it is necessary for reasons of substantial public interest; and
- it is authorised by domestic law by virtue of the 2005 Act.

Data protection laws require further substantial public interest conditions for our processing special category and criminal convictions and offences data. Our processing is necessary for statutory and government purposes as part of the exercise of functions conferred on the Chair of the Inquiry by the 2005 Act and the 2007 Rules.

4. Who do we share your personal data with?

We may disclose your personal data to the following organisations for the purposes described in section 1 of this Notice:

- assessors appointed to the Inquiry;
- your legal representative;
- expert witnesses appointed by the Inquiry;
- our service providers, including our IT service and document management system providers, for the purposes of storing, reviewing and analysing documents and information;
- our solicitors, professional advisers and consultants for advice on matters concerning the Inquiry;
- the Auditor of the Court of Session, if you dispute the amount of an award for assistance with the costs of legal representation and a referral to the Auditor is required;
- the public via the Inquiry's website or within the report of the Inquiry, subject to appropriate redactions being made;
- the press and other interested parties, subject to appropriate redactions being made;
- the Police or other law enforcement agency to assist with a criminal investigation; and
- the Keeper of the Records of Scotland.

5. Will your personal data be sent outside the UK?

Our IT service and document management service providers may be based or may make use of data storage facilities that are located outside the United Kingdom. Their handling and use of your personal data will involve us and/or them transferring it outside the United Kingdom. When we and/or they do this, we will ensure similar protection is afforded to it by:

- only transferring it or permitting its transfer to countries that provide an adequate level of protection for personal data under data protection laws; or
- using specific contracts with such organisations, which are approved for use in the United Kingdom, and which give your personal data the same protection it has in the United Kingdom after it is transferred.

Please contact our DPO for further information on the specific mechanism used by us when transferring your personal data outside the United Kingdom.

6. How long do we keep your personal data?

We will keep your personal data until the end of the Inquiry, at which point, some of the personal data (where it is to form part of the historic record of the Inquiry) will be transferred to the Keeper of the Records of Scotland.

7. What rights do you have in relation to your personal data that we process?

It is important that the personal data that we process about you is accurate and current. Please keep us informed of any changes by contacting our DPO. Under certain circumstances, the law gives you the right to:

- Access a copy of your personal data and to check that we are processing it in accordance with legal requirements.
- Correct any inaccurate or complete any incomplete personal data that we process about you.
- Delete your personal data where there are no grounds for us continuing to

process it. You also have the right to ask us to do this where you object to us processing your personal data.

- Restrict our processing of your personal data, for example, if you contest the accuracy of your personal data.
- Object to us processing your personal data where we rely on public task or legitimate interests.

Please contact our DPO if you wish to make any of the above requests. When you make a request, we may ask you for specific information to help us confirm your identity for security reasons. You will not need to pay a fee when you make any of the above requests, but we may charge a reasonable fee or refuse to comply if your request for access is clearly unfounded or excessive.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.

8. Feedback and complaints

We welcome your feedback on how we process your personal data, and this can be sent to our DPO.

You have the right to make a complaint to the Information Commissioner's Office ("ICO"), the UK regulator for data protection, about how we process your personal data. The ICO's contact details are as follows:

Telephone: 0303 123 1113

Website: <https://ico.org.uk/concerns/>

If you would like to receive this Notice in alternative format, for example, audio, large print or braille, please contact us.

9. Updates

We may update this Notice at any time, and we will provide you with an updated version when we are required to do so by law.

Last updated September 2023