

## Your Rights

You have legal rights about the way Children's Hearings Scotland (CHS) handles and uses your data. Some of these rights are absolute and some only apply in certain circumstances. All your rights relating to your personal information are laid out below. You do not need to quote your rights, or any part of the legislation, to enact them. To make sure that your request is processed properly, or to find out more you should contact the *Data Protection Officer*, whose details are listed on our website.

### Right of Access

You can ask for confirmation that CHS is processing your information. You can also ask to see the information we hold about you. A request for your own information is often called a Subject Access Request. You can make a Subject Access Request verbally, in writing, or by emailing us at [information@chs.gov.scot](mailto:information@chs.gov.scot). Accessing a copy of your information from us will normally be free of charge and provided to you within one month. If this won't be the case we will let you know as soon as possible.

### Right to Rectification

If we hold information about you that is incorrect or incomplete you can ask us to correct it. If we have shared the incorrect information with other Data Controllers we will tell them to correct it too. We should have your information corrected within one month of your request.

### Right to Erasure

In some circumstances you can ask CHS to delete or remove information we hold about you. This right applies if:

- We no longer need your information for the purpose we originally collected or processed it for.
- You gave your consent for us to use your personal information and you decide to withdraw it.
- We are using your information unlawfully.
- We need to delete your information to comply with a legal obligation CHS is subject to.

Our Retention and Disposal Schedule outlines where we have to keep certain types of information for a specific length of time by law. To fulfil our legal obligations we may not be able to delete your information, but we will always explain why not if that is the case.

## Right to Restriction of Processing

In some circumstances you can tell CHS if you want us to stop processing your information. When processing is restricted CHS can store your information but cannot process it any further. This right applies if:

- You have exercised your right to have your information rectified
- You have exercised your right to object to the processing of your information
- CHS no longer needs your information for the purpose it was collected

If CHS decides to lift a restriction on the processing of your information we will let you know.

## Right to Data Portability

In some circumstances you can ask us to give you a copy of your information for you to reuse, or ask us to send a copy to someone else on your behalf. CHS will ensure the information provided is in a machine-readable format. This right applies in the following circumstances:

- With information you have directly given us
- When the basis on which CHS is processing your information is your explicit consent
- When CHS is processing your information as part of a contract between you and CHS

## Right to Object

In some circumstances you can tell us if you disagree with how we are processing your information. This right applies in the following circumstances:

- When CHS is processing your information for the performance of a task in the public interest or in the exercise of official authority
- If CHS is directly marketing to you
- When CHS is processing your information for historical research and statistical purposes

If you choose to exercise your right to object we will stop processing your information unless we are able to demonstrate that the reason for processing overrides your reason for objecting, or if the processing is being done to establish, exercise, or defend a legal claim.

## Right to not be subject to automated decision making

Automated decision-making is when a computer or programme solely makes an important decision about you without a human being involved in the process of making that decision.

Your right not to be subject to a decision does not apply to all automated decisions. You would not be able to exercise this right when it's necessary for entering into or for the performance of a contract with CHS. We will always tell you if CHS is using automated decision making or

profiling to make decisions about you in our privacy notices, which you can read on our website.

## Further Information

### Data Protection Officer

If you would like further information on how we handle personal data, to ask a question, or share a concern about how your data is handled, you can contact our Data Protection Officer.

Danielle Metcalfe

[information@chs.gov.scot](mailto:information@chs.gov.scot)

T: 0131 460 9569

3<sup>rd</sup> Floor

Thistle House

91 Haymarket Terrace

Edinburgh

EH12 5HE

### Information Commissioner's Office (ICO)

If you feel that CHS has mishandled your information to an extent that cannot be adequately investigated or resolved 'in house' you can always contact the Information Commissioner directly.

To report the organisation, or register a concern about how your data has been managed, you can use the ICO's web forms: <https://ico.org.uk/make-a-complaint/>

For advice on data protection and your rights, you can send all queries to:

Information Access Team

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Or call them on: 0303 123 1113