

Current and prospective Core Participants

The Eljamel Inquiry (“the Inquiry”) is the data controller of the personal data that we process about individuals when carrying out the Inquiry. This privacy notice is aimed at Core Participants or prospective Core Participants. Where a Core Participant or prospective Core Participant is a corporate body, this privacy notice is intended to explain how we may use any personal data we may collect about the representative(s) of the Corporate Body, or any other data subject referred to in any information given to us by the Corporate Body. For the purpose of this privacy notice, these individuals are referred to as ‘you’.

This privacy notice sets out what personal data we may collect, what we use it for, who we share it with, your rights in relation to your personal data and other information we are obliged to inform you about under data protection legislation.

We have appointed a Data Protection Officer (“DPO”): Thorntons Law LLP. If you have any questions about this Notice or how we process your personal data, please contact the DPO by e-mail at dpo@eljamelinquiry.scot Otherwise, you can contact us by e-mail at enquiries@eljamelinquiry.scot

What personal data do we process about you?

We may collect personal data about you directly from you or from other providers of evidence. This will be during the course of applying for designation as a Core Participant or at other times during the Inquiry process. The personal data we may process about you includes (to the extent necessary):

- 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 we have recorded if you have given oral evidence;
- 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 opening and closing statements at hearings of 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.

Why do we process this personal data about you?

Purposes of Processing	Legal Basis
For the purposes of the Inquiry and fulfilling the Terms of Reference.	<ul style="list-style-type: none"> • Compliance with law under the Inquiries Act 2005 (“2005 Act”) and the Inquiries (Scotland) Rules 2007 (“2007 Rules”). • 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 permit the Chair to determine whether to designate you as a Core Participant.	<ul style="list-style-type: none"> • Compliance with law under the 2005 Act and 2007 Rules. • Performance of a task carried out in the public interest or in the exercise of

	<p>official authority vested in the Chair of the Inquiry in accordance with the 2005 Act.</p>
<p>To permit the Chair to determine your application for an award for assistance with the costs of legal representation which are to be incurred.</p>	<ul style="list-style-type: none"> • Compliance with law under the 2005 Act and 2007 Rules. • 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.
<p>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.</p>	<ul style="list-style-type: none"> • Compliance with Law under the 2005 Act and 2007 Rules. • 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.
<p>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.</p>	<ul style="list-style-type: none"> • Compliance with Law under the 2005 Act and 2007 Rules. • 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.
<p>To publish your designation as Core Participant on the Inquiry's website.</p>	<ul style="list-style-type: none"> • Compliance with Law under the 2005 Act and 2007 Rules. • Performance of a task carried out in the public interest or in the exercise of

	<p>official authority vested in the Chair of the Inquiry in accordance with the 2005 Act.</p>
<p>As part of streaming the proceedings of the Inquiry on the website, YouTube or other publicly accessible platform and thereafter making these available on our website, YouTube or other publicly accessible platform to ensure the Inquiry is accessible and transparent as possible.</p>	<ul style="list-style-type: none"> • Compliance with law under the 2005 Act and 2007 Rules. • 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.
<p>To prepare, deliver and publish the report of the Inquiry (including any interim report).</p>	<ul style="list-style-type: none"> • Compliance with law under the 2005 Act and 2007 Rules. • 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.
<p>When disclosing or publishing evidence and documents given, produced or provided to the Inquiry.</p>	<ul style="list-style-type: none"> • Compliance with law under the 2005 Act and 2007 Rules. • 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
<p>For security purposes and prevention and/or detection of crime when using CCTV at the Inquiry.</p>	<ul style="list-style-type: none"> • our legitimate interests of maintaining security at the Inquiry and prevention and/or detection of crime when using CCTV.

Special Category Data and Criminal Data

We sometimes need to process special category data and personal data relating to criminal convictions and offences when fulfilling the above purposes. When we do this we do so for reasons of substantial public interest; this being the public interest in the Inquiry fulfilling its duties under the 2005 Act and to allow the Chair to exercise their duties conferred on them by law. We understand this type of personal data is higher risk and we will only use this personal data where necessary and in line with our Appropriate Policy Document.

Who do we share your personal data with?

We may disclose your personal data to the following organisations/platforms for the purposes described above:

- 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, YouTube and/or similar video hosting platforms 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;
- other Core Participants where necessary, subject to suitable redactions being made;
- the Police or other law enforcement agency to assist with a criminal investigation; and
- the Keeper of the Records of Scotland.

Will your personal data be sent outside the UK?

Any information published on our website, YouTube and/or similar video hosting platforms will naturally be accessible outside of the UK. Otherwise, all personal data will be kept within the UK.

How long do we keep your personal data?

We can keep your personal data for as long as we need to for the purposes described in this Notice, including to meet any legal requirements. To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we handle and use your personal data and whether we can achieve those purposes through other means, and the applicable legal or other requirements.

Data which forms part of the historic record of the Inquiry will be transferred to the Keeper of the Records of Scotland. All other data that is not part of the record will be deleted at the end of the Inquiry.

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.
- Ask us to transfer some of your personal data to a third party.

These rights are not absolute and in some cases, we may not be able to fully comply with your request but we will explain this to you at the time.

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.

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 at enquiries@eljamelinquiry.scot

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