

Please read this Privacy Notice carefully before providing us with any information about you or any other connected person. Where you provide information about another person, you should first obtain their consent to do so.

We have developed this Privacy Notice in accordance with the Data Protection Act 1998 and Regulation (EU) 2016/679, commonly known as the General Data Protection Regulation or GDPR. Its purpose is to advise you of the personal information we may collect, for what purpose(s), how we will use it, the lawful basis under which we may do this and your rights under the GDPR.

1. The categories of data subject to the provisions of the GDPR

Personal data (Article 4 of the GDPR) by which we mean information which identifies you as an individual, or is capable of doing so.

Special categories of personal data (Article 9 of the GDPR) by which we mean information revealing your racial or ethnic origin, religious or philosophical beliefs, or data concerning your physical or mental health, including the provision of health care services, which reveal information about your health status. This data is protected by the GDPR and we need your explicit consent to retain this data.

2. Contact details and person responsible for Data Protection

The Hope Scott Trust is registered with the Information Commissioner's Office as a Data Controller, reference No ZA338074. We have a responsibility to ensure that your personal information is processed in accordance with this Privacy Notice and the above Regulations.

If you would like to discuss anything in this Privacy Notice please contact Gillian Forsyth, Senior Trust Administrator at Murray Beith Murray, who is the person responsible for Data Protection for the Trust. You may contact her at 3 Glenfinlas Street, Edinburgh EH3 6AQ. Telephone 0131 225 1200 - Email gillian.forsyth@murraybeith.co.uk

3. The personal data we may collect and the purposes for this.

We process the following **personal data** on the legal basis of 'Legitimate Interests', and the information below sets out further details on this processing.

To consider a grant application, we may process the following information.

- Contact information, such as your name, permanent address, telephone number and email address.
- Individual information such as details of your current and previous relevant activities.
- Financial information such as project costs, other sources of income, course fees, or maintenance expenses for your studies and your bank account details for payment of any awards.

4. The special categories of personal data we may collect and the purposes for this.

We process any of the **special categories of personal data** referred to in part 1 above on the legal basis of 'Legitimate Interests with consent', and the information below sets out further details on this processing.

To consider a grant application, we may process the following information

- Any 'special categories of personal data', as described in part 1 above, which you disclose to us in your application or other communications between us regarding your application.

We will require your consent to receive, view and assess special categories of personal data.

5. Data Sharing

We may share information with third parties where this is necessary to enable us to assess grant applications and/or pay any sums to you or to allow us to comply with our legal or regulatory obligations.

We will not share your data with any third party for marketing purposes. The classes of third parties with whom we will share your personal data, and the reason for this, are as follows.

Trust administrators

Records relating to the Trust activities are managed by Trust Administrators. We have an agreement in place with the Trust Administrators to restrict their processing to administering the legitimate purposes of the Trust.

Public Bodies

We may wish to share your data, including any supporting material which is submitted with your application with the National Galleries of Scotland or equivalent organisation for archive purposes.

Tax authorities

We may have to share information with tax authorities, either directly with overseas authorities or via Her Majesty's Revenue and Customs who may share that information with the appropriate tax authorities abroad.

Our professional advisers

Our appointed auditors, lawyers, accountants, other professional advisers may require access to our records of grant applicants in order to provide us with advice.

Your professional advisers or representatives

Where you have appointed an advisor or representative to assist you with your application, we may share information with them in relation to it.

Charity Regulators

We may be required to provide information to our Charity Regulator.

6. The lawful basis upon which we process personal data and what this means

Parts 3 and 4 include the lawful basis upon which we process **personal data** and **special categories of personal data**. The following is a brief explanation of what the lawful basis means.

The Lawful basis under EU directive 2014/65/EU Article 6, 1(f) *Legitimate Interests* means the processing is necessary, without your explicit consent, for the legitimate business interests of the Trust, unless these interests are overridden by your interests or fundamental rights. Our legitimate business interests are explained in Part 3 of this privacy notice.

We use your data to make judgements about your application. This is the core function of the Trust. If you wish to object, please use the contact details in Part 2 to do so.

We process ‘**special categories of personal data**’ under *Legitimate Interests* as described above, but this is subject to Article 9 (a) *Explicit consent* because it is considered to be sensitive information which may cause harm to you if processed inappropriately. This means we will obtain your consent to do so before processing any such information.

You have the right to withhold your consent to us processing special categories of personal data and, if this is the case, you should not disclose such data to us nor should you complete the consent form.

7. The retention periods for personal data

We will retain grant application forms for a minimum of 7 years from the date of receipt, regardless of whether a financial award was made.

We will retain a database including details of applicants, whether or not these were successful, indefinitely.

8. Your rights as a data subject

The GDPR provides you with the following rights in relation to your personal data:

The right to be informed

You have the right to be informed how your data will be processed and of your rights. The required information is provided in this Privacy Notice.

The right of access

You have the right to obtain confirmation that your personal data is being processed and have access to this. When requested by you, we must provide you with a copy of the information free of charge within one month. However, we can charge a ‘reasonable fee’ when a request is manifestly unfounded or excessive. We may also charge a reasonable fee to comply with requests for further copies of the same information. Data access requests should be submitted using the contact details in Part 1 of this Privacy Notice.

The right to rectification

You are entitled to have personal data rectified if it is inaccurate or incomplete. We must respond to a request for rectification within one month. This can be extended by two months where the request for rectification is complex. Data rectification requests should be submitted using the contact details in Part 1 of this Privacy Notice.

The right to erasure

You may request the deletion or removal of your personal data where there is no compelling reason for its continued processing. We may, however, decline the request where we have a legal or regulatory obligation to retain the data, or where it is being used in the exercise or defence of a legal claim. In such circumstances we will write to you explaining our reasons for declining your request for the data to be erased. Data erasure requests should be submitted using the contact details in Part 1 of this Privacy Notice.

The right to restrict processing

You have a right to ‘block’ or suppress the processing of your personal data. When processing is restricted, we are permitted to store the personal data, but not to further process it. Data suppression requests should be submitted using the contact details in Part 1 of this Privacy Notice.

The right to data portability

Individuals generally have the right to data portability. However, this only applies to personal data where the processing is based on the legal basis of consent or for the performance of a contract; and it is carried out by automated means. This right does not apply to the personal data that we process, as this is processed on the legal basis of *Legitimate Interests* and processing is not carried out by automated means.

The right to object to processing or withdraw consent

You have the right to object to your data being processed on the legal basis of *Legitimate Interests* and the right to object to direct marketing and data profiling. You also have the right to withdraw consent for us to process any personal data falling into the special categories. Objections to, or withdrawal of consent for, data processing should be submitted using the contact details in Part 1 of this Privacy Notice.

The right to remedies, liabilities and penalties

You have the right to report any concerns you have about the way we have processed your personal data with the Information Commissioner's Office. You may do this online at <https://ico.org.uk/concerns/handling/y> or in writing to Information Commissioner's Office, Wycliffe House' Water Lane' Wilmslow, Cheshire, SK9 5AF. Telephone 0303 123 1113 (England) or 45 Melville Street, Edinburgh, EH3 7HL Tel: 0303 123 1115 (Scotland).

9. The GDPR Principles

The GDPR Principles apply to all entities in that control or process personal data on EU citizens and form the basis for this privacy notice. The Principles require that personal data shall be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals; and
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes; and
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed; and
- d) 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; and
- e) kept in a form which permits identification of data subjects 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 individuals; and
- f) 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 organisational measures.