

# PRIVACY NOTICE

This privacy notice applies to visitors to our website **Scotland's Rock Art Project "Website"** or individuals who register through our **Website**.

## 1 Who we are

We are Historic Environment Scotland, an executive non-departmental public body, incorporated and established under the Historic Environment Scotland Act 2014, being a registered charity (Scottish Charity number SC045925) and having its principal office at Longmore House, Salisbury Place, Edinburgh, EH9 1SH.

We are a **data controller** for the purposes of the General Data Protection Regulation (Regulation (EU) 2016/679) and related data protection legislation.

## 2 How to contact us

If you have any questions about this privacy notice or our data protection policies generally, please contact us:

By post:           The Data Protection Officer  
                      Room G.50  
                      Historic Environment Scotland  
                      Longmore House  
                      Salisbury Place  
                      Edinburgh, EH9 1SH

By email:         [dataprotection@hes.scot](mailto:dataprotection@hes.scot)

By phone:         0131 668 8600

## 3 Privacy notice

3.1 We are committed to protecting your personal data and your privacy. This privacy notice sets out the basis on which any personal data we collect from you, or that you provide to us, or that we acquire from a third party, will be processed by us. Please read the following carefully to understand our practices regarding your personal data and how we will treat it.

3.2 Before we process your personal data, we are obliged to inform you of who we are, why we need to process your personal data, what we will do with your personal data and to whom we will pass your personal data.

3.3 The data protection law in the UK will change on 25 May 2018. Although this privacy notice sets out most of your rights under the new laws, we may not yet be able to respond to some of your requests (for example, a request for the transfer of your personal data) until May 2018 as we are still working towards getting our systems ready for some of these changes.

3.4 It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

3.5 This version of our privacy notice was last updated on 13 April 2018.

#### 4 The data we collect about you

4.1 Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity of the individual has been removed (anonymous data).

4.2 We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

4.2.1 **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.

4.2.2 **Contact Data** includes billing address, delivery address, email address and telephone numbers.

4.2.3 **Financial Data** includes bank account and payment card details.

4.2.4 **Transaction Data** includes details about payments to and from you and other details of products and services you have purchased from us.

4.2.5 **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access the Website.

4.2.6 **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses.

4.2.7 **Usage Data** includes information about how you use our Website.

4.2.8 **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

4.3 We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

#### 5 If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with your tickets). In this case, we may have to cancel the contract you have with us but we will notify you if this is the case at the time.

## 6 How is your personal data collected?

- 6.1 We use different methods to collect data from and about you including through:
- 6.1.1 **Direct interactions.** You may give us your personal data by filling in forms or by corresponding with us by post, phone, email, or otherwise. This includes personal data you provide when you:
    - 6.1.1.1 create an account on our Website;
    - 6.1.1.2 request marketing to be sent to you;
    - 6.1.1.3 enter a competition, promotion or survey; or
    - 6.1.1.4 give us some feedback.
  - 6.1.2 **Automated technologies or interactions.** As you interact with our Website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, and other similar technologies.
  - 6.1.3 **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out below:
    - 6.1.3.1 Contact, Financial and Transaction Data from providers of technical, payment and delivery services; or
    - 6.1.3.2 Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the EU.

## 7 How we use your personal data

- 7.1 We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:
- 7.1.1 Where we need to perform the contract we are about to enter into or have entered into with you.
  - 7.1.2 Where it is necessary:
    - 7.1.2.1 for us to carry out a specific task in the public interest which is laid down by law; or
    - 7.1.2.2 for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
  - 7.1.3 Where we need to comply with a legal or regulatory obligation.
- 7.2 Generally we do not rely on consent as a legal basis for processing your personal data other than in relation to sending third party direct marketing communications to you via email or text message.

## 8 Purposes for which we will use your personal data

- 8.1 We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so.
- 8.2 Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

<b>Purpose/Activity</b>	<b>Type of data</b>	<b>Lawful basis for processing including basis of legitimate interest</b>
To register you as a new user	(a) Identity (b) Contact	Performance of a contract with you
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Profile	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)
To administer and protect our business and this Website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation
To use data analytics to improve our Website, products/services, customer relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of customers for our products and services, to keep our Website updated and relevant and to develop our business.

## 9 Disclosures of your personal data

9.1 We may have to share your personal data with-third party service providers to fulfil our contractual obligations with you.

9.2 We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## 10 How long do we retain your data?

10.1 We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

10.2 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 process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

## 11 Marketing

We will only use your personal data for direct marketing purposes where you have consented to be contacted for such purposes. We do not share your personal details with any third party for their marketing purposes. You have the right to withdraw consent to marketing at any time by contacting us using the details above.

## 12 Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this Website may become inaccessible or not function properly.

## 13 Additional Information

### 13.1 Compliance with legal obligations, etc.

We may process (including disclose) your personal data in order to comply with any legal obligations binding on us; to protect the rights, property, or safety of our staff, our customers, or others; and to establish, exercise or defend our legal rights.

When we process your personal data for the above purposes, we do so on the basis that such processing is necessary for compliance with a legal obligation to which we are subject or necessary in order to protect the vital interests of a natural person, respectively or necessary in order to pursue our legitimate interests in exercising our legal rights.

### 13.2 Corporate governance

We may share your personal data with any member of our group, which means our subsidiaries, our ultimate holding company and its subsidiaries, as defined in section 1159 of the UK Companies Act 2006.

When we process your personal data for the above purpose, we do so on the basis that we have a legitimate interest in pursuing business aims and objectives.

### 14 Data transfers

We do not transfer personal data outside of the European Economic Area.

### 15 Data Security

15.1 We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

15.2 We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

### 16 Your rights

16.1 Your personal data is protected by legal rights, which include your rights:

16.1.1 **Request access to your personal data** (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

16.1.2 **Request correction of the personal data that we hold about you.** This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

16.1.3 **Request erasure of your personal data.** This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

- 16.1.4 **Object to processing of your personal data** where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes.
- 16.1.5 **Request restriction of processing of your personal data.** This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- 16.1.6 **Request the transfer of your personal data to you or to a third party.** We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- 16.1.7 **Withdraw consent at any time where we are relying on consent to process your personal data.** However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.
- 16.2 If you want to exercise any of these rights, please contact us using the details above.
- 16.3 You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.
- 16.4 We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us at using the details above. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.
- 16.5 You also have the right to complain to the Information Commissioner's Office, which regulates the processing of personal data, about how we are processing your personal data.

