

National Entitlement Card Scheme - Privacy Notice for Cardholders and Applicants January 2022

Changes made:

January 2022: Clarify SPT role and what happens if you no longer want an NEC.

November 2021: Reflect Brexit; introduce role of SPT and clarify locally-managed travel concessions; revise website details; combine information about disability data from two paragraphs into one; clarify use of proofs; reflect requirements of concessionary travel for under 16s; clarify access to journey data; document current principal suppliers; note role of other suppliers to Councils; explicitly mention prevention of fraud and potential use of NFI; improve contact details provided for ICO.

The following is a summary of how your personal data is used when you apply for a National Entitlement Card (NEC). Further details can be found at <https://nec.scot/>.

You provide personal data when you apply for your National Entitlement Card. Your personal data and your privacy are protected by the United Kingdom's Data Protection Act 2018. This law says that you must be told about how your data will be processed and what rights you have in connection with this.

Someone who makes decisions about why and how data is processed is called a Data Controller. Scottish Councils are Joint Data Controllers for the NEC Scheme because they work together. The Data Controller for your data will normally be your local Council. A list of Scottish Councils and their websites can be found at <https://www.mygov.scot/find-your-local-council>. If you live in one of the Council areas covered by Strathclyde Partnership for Transport (SPT) and you are eligible for their local concessionary travel schemes for the elderly or disabled, SPT will also be a Joint Data Controller. SPT's website is located at <https://spt.co.uk>.

The Scottish Councils and SPT each have a Data Protection Officer. Part of their job is to help your Council and SPT obey the law on how your data should be handled. Each Data Protection Officer's contact details can be found on the relevant website.

Your name, address, date of birth, gender, photograph and contact details will be processed so you can be given an NEC. Where you are required to provide proof of eligibility (proofs) the type of proofs used may be recorded, and a secure copy of proofs may be held for audit purposes.

If you are applying for a travel concession, you will need to show that you are eligible. For example, this may include providing data about a disability.

Young people may apply for their card via their school; if this is the case, your council may process school details as a delivery address for the first card.

Scottish Councils and SPT will process personal data relating to the NEC. They do this on the basis that is necessary to perform a task carried out in the public interest and in the exercise of official authority vested in the Scottish Councils and, where relevant, SPT.

If you are applying for concessionary travel because you are disabled, limited detail about your health must be processed. Data like this is called "sensitive personal data", or a "special category" of personal data. This data is processed on the basis that the law requires disabled people to be assisted because of their health. The data is used only for the purpose of managing your travel concession. If you are allowed to have a companion to travel with you for health reasons, this will be shown on the card. If you are visually impaired, this will also be shown on the card. This helps transport operators assist you and gives access to other travel concessions.

The Scottish Councils and SPT also share some of your data with Transport Scotland. This allows your NEC to be used on Scottish public transport. Transport Scotland will be the data controller in respect of any personal data we share with them. Transport Scotland will process your personal data in accordance with its Privacy Policy <https://www.transport.gov.scot/concessionary-travel/60plus-or-disabled/our-concessionary-travel-and-smart-ticketing-privacy-policy/>.

The Scottish Councils and SPT may ask bodies other than Transport Scotland to handle your data on their behalf. These bodies are only allowed to use your data as instructed by the Councils and SPT. For example, some Councils will routinely make use of computing services provided by someone else. Each Council and SPT will have details of when your data may be handled in this way.

The Scottish Councils instruct Dundee City Council to appoint suppliers to handle the data required to produce the cards and to send them out. These suppliers are managed by contracts with Dundee City Council. The two principal suppliers as of 23 November 2021 are SmartCitizen Limited and Euclid Limited.

All Scottish Councils are members of the Improvement Service. To make it easier for you to prove who you are when you wish to, the Improvement Service will use some of the data you provide on behalf of the Scottish public sector, for example if you wish to apply for a myaccount <https://signin.mygovscot.org>.

Your Council will use your data to provide your NEC. The NEC is a smartcard carrying your name and usually your photograph. You may use your NEC to access various Scottish public services. Your Council will keep your data to help them look after your NEC. They will use it to issue any replacement for as long as you want an NEC.

Your Council will use your data to keep their records up-to-date. The law requires that personal data is accurate.

Your Council will use the data you supply to allow you to prove who you are to others.

The NEC is part of the *saltirecard* smartcard family. This means that some Scottish transport operators will let you use your NEC to store electronic tickets that you have bought. To allow this, the numbers on each card issued are shared with Transport Scotland. You can choose to give the operator other personal information yourself. Further details about the *saltirecard* can be found at <https://www.transport.gov.scot/public-transport/smart-and-integrated-ticketing/about-smart>.

If you have asked for a Young Scot NEC, you will be able to use your NEC as a proof of age. It will have your date of birth printed on it. It will also have a hologram showing that it is accepted as part of the National Proof of Age Standards Scheme or PASS. Your personal details are not processed by Young Scot or by PASS.

If you are required to provide proofs when you apply for a Young Scot NEC, your Council will retain a secure note of the proofs provided. This is a requirement of PASS who conduct audits to confirm that proofs have been checked.

If you have been granted access to some form of national concessionary travel, your card may show what type of concession you have. Your Council and SPT do not have access to details about journeys you take using national concessionary travel.

If you have or are eligible for a national travel concession, the type of concession, card numbers and your date of birth, gender if provided and postcode may be shared with Transport Scotland to allow them to administer national travel concessions and plan future services. Further details about national concessionary travel can be found at <https://www.transport.gov.scot/concessionary-travel>. If there is reason to suspect that your card is being misused, your name and address may also be shared with Transport Scotland.

Transport Scotland require that those aged under 16 years old are only granted access to national concessionary travel if their parent or guardian has given approval. Your Council (or SPT where the approval is for the disabled persons scheme) are required to collect and retain information relating to parent or guardian approval for audit purposes.

You may also be entitled to concessionary travel that is not administered nationally by Transport Scotland such as local rail, subway, or tram services, or the Scottish National Blind Persons Scheme. Your Council or SPT may also use your personal data to manage these benefits, and are responsible for how that data is used.

Scottish Councils and Transport Scotland may be required to disclose your personal data to police or other authorities in connection with their duties. This will only be done if a request complies with the laws intended to protect your privacy.

Your personal data is only processed in the UK or countries belonging to the European Economic Area. All these countries have privacy laws that meet similar standards to the UK.

Your personal data will only be processed in connection with your NEC. Your data will be removed if you inform your local council or SPT that you no longer want to have an NEC. Your data will also be removed if your Council believes you no longer qualify for the NEC. For example, you may have moved away from Scotland.

Scottish Councils are required by law to protect the public funds they administer. Your Council may share information provided to it with other bodies responsible for auditing or administering public funds in order to prevent and detect fraud. This may include sharing personal data with the National Fraud Initiative (NFI) in Scotland led by Audit Scotland and overseen by the UK Government Cabinet Office. Further details on NFI can be found at <https://www.audit-scotland.gov.uk/our-work/counter-fraud> and on your Council's website.

When you share your personal data, you become a Data Subject. As a Data Subject, you have a number of rights:

- You have the right to access the data that is held about you.
- You have the right to have data about you corrected if it is wrong.
- You have the right to have data about you erased or removed. If your data is erased, you will no longer be able to use your NEC.
- You have the right to ask for processing of your data to be restricted. For example, you can do this if you believe the data about you is not correct. If processing is restricted, you may not be able to use your NEC.
- You have a right to object to the processing of your personal data. If you exercise this right, your Council or SPT will confirm whether you still want your NEC before they stop processing your data.

Each of these rights can be exercised by contacting your local Council or where relevant SPT.

If you think that the processing of your personal data breaks the law, you have the right to complain to a supervisory authority. The United Kingdom's supervisory authority is the Information Commissioner, who can be contacted by post at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or by phone on 0303 123 1113 (local rate) or 01625 545 745. More information can be found at the website <https://www.ico.org.uk>.