

September 2020

Supplementary Privacy Notice – Covid-19

This notice supplements the main SCTS privacy notice to include changes in processing made as a result of steps taken operationally to continue to provide administrative support to courts and tribunals. It should be read in conjunction with the main [Privacy Notice](#).

It takes into account the provisions of the Coronavirus (Scotland) Act 2020 which came into force on 7 April 2020 and the Coronavirus (Scotland) (No.2) Act 2020 which came into force on 27 May.

What is being processed?

SCTS website as replacement for Walls of Court

Civil

Any document which requires to be put on the walls, doors or any other part of a court building or made publically available in any other way within a court building is now published on the [SCTS website](#) instead. Generally this relates to those types of actions where their applicable legislation directs that all such applications are put on the walls of court – such as, in the sheriff court, petitions for appointment of executor and first deliverances in company insolvencies – and also those cases where the address of a party is unknown and there has been a court order for service by way of displaying on the walls of court, for example summary cause, ordinary cause simplified divorce. The information published includes limited details such as type of action and names and addresses of parties.

Inner House and Outer House procedural and substantive business

Petition walling slips are being published as required.

Tribunals

Intimation of hearing dates are published where a respondent's address is unknown – information published is limited to names, addresses of parties, address of property and hearing date.

Online Hearings

Court of Session Inner House

Will sit as an on-line court to hear civil appeals. Substantive hearings will proceed by way of Cisco WebEx video conference or written submissions. Procedural hearings will proceed by way of written submissions or where required may be conducted by WebEx video conference.

Court of Session Outer House

Procedural hearings will be conducted by teleconference or WebEx video conference. Substantive hearings will proceed by way of WebEx video conference where appropriate.

High Court Appeal Hearings

Will take place using the Webex video conferencing system where possible

Sheriff Appeal Court Hearings

Conducted remotely using the Cisco WebEx video conferencing platform

All Scotland Personal Injury Court

From 13 July 2020 the ASSPIC procedural court will transition to proceeding on a remote basis using WebEx technology unless the court directs otherwise.

Why is it being processed?

SCTS website as replacement for Walls of Court

Processing is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller” in terms of Article 6(1)(e) of the GDPR and on the basis of the principle of open justice.

Publication is in accordance with The Coronavirus (Scotland) (No.2) Act (“the Act”). Part 3 of schedule 2 of the Act inserts new paragraph 1A into part 1 of schedule 4 of the Coronavirus (Scotland) Act 2020. This provides that any document which requires to be put on the walls, doors or any other part of a court building, or made publically available in any other way within a court building, is to be published on the SCTS website instead. Paragraph 1A (2) allows the Lord President or the Lord Justice General to direct that a specified type of document is excluded from that provision. Further, paragraph 1A(3) provides that any publication of a document on the website is to be done in accordance with any direction issued by the Lord President or the Lord Justice General. This direction is also published on the [SCTS website](#) and includes provision for a document to be made available in a redacted form. In general publication is limited to high level details such as type of action and names and addresses of parties.

Where do you get my personal data from?

Personal data featured in civil court cases will originate from the parties, their legal representatives or from reporters appointed by the court.

Documents containing personal data may be uploaded to the case management system via “Civil Online” for the purposes of cases proceeding through the courts.

Personal data featured in criminal court cases will originate from the Police, Crown Office and Procurator Fiscal Service, [Specialist Reporting Agencies](#) and their equivalents in other jurisdictions. Information may also be collected directly from data subjects when they give testimony in court, from their representatives such as legal advisers and from third parties such as witnesses.

How, when and why does the SCTS share this personal data with others?

Walls of court publications on the SCTS website are shared with the general public.

Access to virtual court hearings

In response to the Coronavirus crisis and the requirements of social distancing, some court business is being heard online where it is appropriate to do so. Media representatives are being given access to the majority of online hearings to promote open justice but a number of hearings can also be accessed by the public. Information on access can be found on the [SCTS website](#). Proceedings can be heard but participants will not be seen.

How long will my personal data be kept?

Documents published on the walls of court will be displayed for the applicable legislative time period – for example petitions for appointment of executor 9 days; company insolvency 8 days; summary cause and ordinary cause normally 21 days. Petitions granted first orders in the Court of Session and published on the walls of court will remain on the website for three months.

Do you transfer my personal data to other countries?

No

Do you use automated decision making or profiling?

The only automated decision making in relation to court cases concerns the selection of potential jurors. No automated *profiling* is involved in this process as no evaluation is involved. For further information see the [Information about Jurors](#) section in the main privacy notice.