

## Scottish Cave Rescue Organisation (SCRO)

### Privacy Notice for Casualties; Missing, Lost or Overdue Persons; and Members of their Parties (version 0.1)

#### 1. Introduction

This is the Scottish Cave Rescue Organisation's data handling statement for the subjects of rescue operations: casualties; missing, lost or overdue persons; and members of their parties (hereafter "rescue subjects.") If you have any queries about the data relating to you that we hold and process or wish to exercise any of the rights described below in relation to your data, please contact us by email at [data@scro.org.uk](mailto:data@scro.org.uk). Alternatively, please contact The Secretary, Scottish Cave Rescue Organisation, 12 Ashburnham Loan, South Queensferry, EH30 9LF, telephone 0131 331 5205.

#### 2. The Personal Data which we Process

SCRO's primary policy is that we will not collect and process personal data relating to rescue subjects. Most of the time, this can be achieved by de-personalising the data – which includes "special category" or sensitive data about health – which needs to be collected, recorded (even if only briefly) and shared in the circumstances of a rescue operation. We will not link the data which needs to be processed to personal identifiers such as full names or dates of birth.

Rarely, SCRO team members may be the first actors in an operational rescue situation to identify a rescue subject, in which case identifying and other personal data – including special category health data – may need to be collected, processed and shared together.

#### 3. Our Purpose and Lawful Basis for Processing your Personal Data

We hold and process personal data only to further the charitable purposes for which SCRO is established. These are to provide an underground rescue service in Scotland; to promote safety and good practice in underground exploration; and as requested to assist other emergency and search and rescue services in operations.

In the exceptional case where we cannot de-personalise data, the lawful bases for our processing data in respect of data subjects are: -

- **Vital Interests:** - operational cave rescue involves potentially fatal risks, including hypothermia, fall from height, drowning and rock-fall, not only to the casualty but to other members of their party and to rescue team members.
- **Legitimate Interest:** - rescue subjects understand, appreciate and can predict that the successful execution of a rescue operation requires collection and sharing of obvious types of information. We would not seek to obtain information irrelevant to the rescue effort, and would not use any data gathered in unexpected ways.

We do not and will not use any personal data relating to rescue subjects in automated decision-making processes.

#### 4. Special Category Health Data – Article 9 Statement

Article 9 of the General Data Protection Regulation states that certain sensitive data – called "special category data" can only be processed if a condition in Article 9(2) of that Regulation is satisfied. The only type of special category data relevant to SCRO's operation is health data. Information about

(for example) injuries; illnesses; vital signs; and medication and drugs used by the data subject or administered during the rescue operation needs to be captured, processed and shared.

Where, unusually, we cannot de-personalise health data, we will process it under the condition in Article 9(2)(c). This is that processing is necessary to protect the vital interests of the data subjects or another person. As described above, everyone involved in an operational cave rescue is exposed to potentially fatal dangers. SCRO consider that it is impractical to obtain written consents from data subjects in rescue situations and will not do so as this may endanger vital interests.

## **5. Sharing Data with other Parties**

Overall responsibility for civilian search and rescue in Scotland lies with Police Scotland and in rescue operations SCRO (and also Scottish Mountain Rescue teams) act under delegated authority from Police Scotland. Accordingly any personal data captured during rescue operations will be shared with Police Scotland. Data – in particular, special category health data – may also require to be shared with other actors in the rescue operation who are involved in the evacuation of a rescue subject. These may include, as examples, the Scottish Ambulance Service, the Mountain Rescue Team undertaking surface evacuation and Bristow Helicopters.

[Is incident reporting to BCRC and SMR de-personalised? If not, we'll need to cover that too.]

We do not and will not sell your personal data to any party. We do not and will not transfer your personal data out-with the European Economic Area.

## **6. Data Retention Periods**

As outlined in section 5 above, at the conclusion of a rescue operation we will copy any personal data collected to Police Scotland. Having done so, SCRO's general policy is that personal data about rescue subjects should be erased or deleted as soon as any post-operation reviews are complete.

However, if there appears a realistic likelihood that civil or criminal legal proceedings may follow from any aspect of the operation, or that any inquiry (for example, a fatal accident inquiry) may be held, data may require to be retained until the conclusion of those proceedings or that inquiry.

Further details are given in our [Data Retention Policy](#).

## **6. Your Rights in Relation to Data SCRO hold about You**

Under Data Protection Law, you are entitled to make the follow types of request in relation to the data that we hold about you: -

**Subject access:** the right to request information about how personal data is being processed, including whether personal data is being processed and the right to be allowed access to that data and to be provided with a copy of that data along with the right to obtain the following information:

the purpose of the processing

the categories of personal data

the recipients to whom data has been disclosed or will be disclosed

the retention period

the right to lodge a complaint with the Information Commissioner's Office

the source of the information if not collected direct from the subject, and

the existence of any automated decision making

**Rectification:** the right to allow a data subject to rectify inaccurate personal data concerning them.

**Erasure:** the right to have data erased and to have confirmation of erasure, but only where:

the data is no longer necessary in relation to the purpose for which it was collected, or

where any consent to the processing of the data is withdrawn, or

where there is no legal basis for the processing, or

there is a legal obligation to delete data

**Restriction of processing:** the right to ask for certain processing to be restricted in the following circumstances:

if the accuracy of the personal data is being contested, or

if our processing is unlawful but the data subject does not want it erased, or

if the data is no longer needed for the purpose of the processing but it is required by the data subject for the establishment, exercise or defence of legal claims, or

if the data subject has objected to the processing, pending verification of that objection

**Object to processing:** the right to object to the processing of personal data relying on the legitimate interests processing condition unless SCRO can demonstrate compelling legitimate grounds for the processing which override the interests of the data subject or for the establishment, exercise or defence of legal claims.

## **7. Right to lodge a complaint with Supervisory Authority**

For data protection matters, SCRO is subject to the supervisory authority of the UK Information Commissioners' Office ([ico.org.uk](http://ico.org.uk)), to which any complaint may be made.

For matters other than data protection, our regulator is the Office of the Scottish Charity Regulator ([oscr.org.uk](http://oscr.org.uk)).