



## Privacy Notice

### Procurement

#### Who are we?

The Skills Development Scotland Co. Limited ("SDS", "we", or "us") is the national skills body supporting the people and businesses of Scotland to develop and apply their skills.

#### Procurement

SDS works with many organisations that provide goods and services. As part of our procurement process and in the course of our business relationship, we will collect some personal data about bidders and suppliers and their employees.

Not all company or organisational information falls within data protection legislation; this notice only applies where the information constitutes personal data, meaning it relates to an identified or identifiable individual.

#### Who is this Privacy Notice for?

This Privacy Notice explains how we collect, use, store and protect personal information relating to our business suppliers and organisations participating in procurement or bidding processes.

Where a learning provider delivers SDS programmes or services, programme-specific privacy notices, such as those for Modern Apprenticeships, Foundation Apprenticeships or Graduate Apprenticeships, will apply instead of this Procurement Privacy Notice.

#### What personal information do we collect and process?

- Names and contact information including business address, email address and telephone numbers.
- Profile information including your username and password for SDS accounts as well as information on your use of any application, device and other platforms SDS may provide you with access to in accordance with our IT Security Policy.
- Bid information relating to individual contractors or employees of contractors including professional/trade memberships and enrolments, CVs, educational and professional qualifications, references, source(s) of personal information, including whether it comes from publicly available resources.
- The content of business correspondence and communications with suppliers and bidders.
- Criminal convictions relating to applicant organisations or to key individuals within those organisations to meet our duties under the Procurement (Scotland) Regulations 2016 (regulation 8).
- (In the case of sole traders) Financial information about the business including financial standing, bank account details and financial statements.

- (In the case of sole traders) Transaction information including details about payments to and from the supplier and other details of goods and services provided to us.
- (In the case of sole traders) evaluation of bids and feedback following evaluation.

SDS receives personal data from tendering businesses when they contact us or provide a quote or a bid and when they become a supplier. Depending upon the due diligence checks required for the specific contract, we also collect information from other sources such as:

- From publicly accessible sources, for example, Companies House and the Electoral Roll;
- Credit reference agencies;
- Other third parties (e.g. references);
- Your bank or building society, another financial institution or adviser.

### **What is the purpose of collecting the data?**

The information we collect is used for purposes relevant to our business relationship and includes:

- Processing and evaluation of the quote or bid. (This information may be shared with third parties for evaluation purposes);
- Managing the contract and the provision of goods and/or services to SDS; and
- Taking appropriate measures to counter fraud.

### **What is the lawful basis for SDS to process the data?**

The processing of personal data in the context of working with our suppliers and contractors is necessary to comply with SDS's legal obligations and to carry out tasks in the public interest and for the exercise of SDS's official authority, as conferred by the Scottish Ministers (UK GDPR article 6(1)(c) and article 6(1)(e)). Where we are engaged in processes outside our statutory role, SDS will process personal data where necessary to fulfil these legitimate interests to operate effectively as an organisation and ensure best value (UK GDPR article 6(1)(f)).

Where SDS is processing information relating to a sole trader, personal information will also be processed to enable SDS to enter into and manage a contract (UK GDPR article 6(1)(b)). If you don't provide the information we need to manage any tender submission, bid or quote, we may not be able to consider your submission.

We process criminal convictions data relating to key individuals within tendering organisations to meet our duties under the Procurement (Scotland) Regulations 2016 (regulation 8), which is a legal obligation (UK GDPR, article 6(1)(c)) and meets a substantial public interest in preventing unlawful acts and preventing fraud (UK GDPR, article 9(2)g, Data Protection Act 2018, schedule 1, part 2, paragraphs 10 and 14).

We will process and share information related to suspected or actual criminal or dishonest acts to prevent fraud and protect public funds as part of our statutory task (UK GDPR, article 6(1)(e)) and to meet the substantial public interest in preventing unlawful acts and preventing fraud. (UK GDPR, article 9(2)g, Data Protection Act 2018, schedule 1, part 2, paragraphs 10 and 14).

## When might we share your information?

Where required, we provide personal data, submitted by suppliers and bidders, to:

- Audit Scotland for audit and for counter-fraud measures;
  - Partner organisations and those we collaborate with;
  - Our auditors or accountants;
  - Banks and financial service providers for the purposes of payments and accounting.
- Legal advisers, where necessary to obtain legal advice or support the procurement process

Where required, we may also publish limited information relating to sole traders where this is necessary to support the procurement process and meet transparency or reporting requirements.

## How do we protect your information?

SDS maintains a high standard of both physical and network security designed to protect paper or electronic forms of storage to hold and process your personal information.

Information that we hold about you will be subject to rigorous safeguards to ensure that it isn't accessed or disclosed inappropriately. We also take steps to ensure that your information is not damaged or rendered unavailable to those who have a right to see it.

To meet confidentiality requirements for our customers, stakeholders, and staff, SDS has Confidentiality, Data Protection, Information Technology, and Systems Policies in place and we ensure that staff are fully aware of these and the associated guidance in relation to your personal information. These also apply when we dispose of paper records and delete electronic information in ways that ensure that your information cannot be recreated.

Personal data processed for procurement purposes is stored and processed within the UK or European Economic Area (EEA).

## How long do we store your information?

For successful bidders and suppliers, personal information will be retained for five years from the end of the contract. For unsuccessful bidders, personal information will be retained for one year from the end of the procurement.

## Your Rights

Under Data Protection legislation – including the UK GDPR and Data Protection Act 2018 - you have a number of rights in relation to how your personal information is processed.

If you wish to find out what these rights are, please see [www.sds.co.uk/privacy](http://www.sds.co.uk/privacy) and get in touch with [DPO@sds.co.uk](mailto:DPO@sds.co.uk) if you wish to find out more information or enact one of those rights.

## Updating Information

Please let us know if the personal information which we hold about you needs to be corrected or updated.

## Notice Amendments

We may update this privacy notice by posting a new version on the website and, where appropriate, we will notify you by email. Please check back frequently to see any updates or changes.

## Data Controller

The data controller responsible for the information collected is The Skills Development Scotland Co. Limited, which is notified to the Information Commissioner as a data controller with registration number Z1445093.

Information Commissioners Office

Wycliffe House, Water Lane, Wilmslow SK9 5AF Phone:

0303 123 1113

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

## How to make a complaint

If you have any concerns about the way your personal information is managed, or if you wish to make a complaint, please complete our [Customer Complaints Form](#). Should you remain dissatisfied with how we have handled your personal information, you are entitled to escalate your complaint to the Information Commissioner via the [ICO website](#).

## Contact

If you wish to get in touch regarding any queries about your rights, or for any other matter, please contact the Data Protection team at [DPO@sds.co.uk](mailto:DPO@sds.co.uk)