

Privacy Notice

This privacy notice applies to visitors to our website <https://ncap.org.uk/> "Website" or individuals who contact us by telephone, e-mail or other means (including other electronic means).

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.

[Download our Data Protection Policy.](#)

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
Historic Environment Scotland
Room G.50
Longmore House
Salisbury Place
Edinburgh, EH9 1SH

By email: 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 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.

3.4 This version of our privacy notice was last updated on 4 April 2019.

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 **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.

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

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

4.2.6 **Images and photographic data** when we take photographs of events at our properties, or if you share your images of people with us on social media.

4.2.7 **Image data** if we capture your image on our CCTV systems.

4.3 We will only collect **Special Categories of Personal Data** about you if you are applying to work with us through our recruitment system. **Special Categories of Personal Data** include 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. This information will only be used for the purposes of equalities monitoring as stated within the job application process.

5. How is your personal data collected?

5.1 We use different methods to collect data from and about you including through:

5.1.1 **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:

5.1.1.1 filling in forms on our Website;

5.1.1.2 request marketing to be sent to you;

5.1.1.3 'like' or interact with our social media pages;

5.1.1.4 enter a competition, promotion or survey; or

5.1.1.5 give us some feedback.

5.1.2 **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.

5.1.3 When you are photographed or we capture your image on CCTV at one of our properties or events

5.1.4 **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources, for example Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the EU, or if you share your personal information on social media platforms.

6. How we use your personal data

6.1 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:

6.1.1 Where it is necessary:

6.1.1.1 for us to carry out a specific task in the public interest which is laid down by law; or

6.1.1.2 for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests;

6.1.2 Where we need to comply with a legal or regulatory obligation;

6.2 Generally we do not rely on consent as a legal basis for processing your personal data other than in relation to sending direct marketing communications to you via email, text message or social media. We describe below how we use social media to keep you informed about our work and events at our sites.

7. Purposes for which we will use your personal data

7.1 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.

7.2 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.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
Where you fill in forms on the website requesting that we contact you	(a) Identity (b) Contact	(a) Necessary for our legitimate interests (to respond to customer enquiries) (b) Necessary for us to carry out a specific task in the public interest which is laid out by law
Where you sign up for a newsletter	(a) Identity (b) Contact (c) Marketing & Communications Data	(c) On the basis of your consent (by signing up for a newsletter you are taking a positive action to opt-in to receiving marketing material from us)
When we advertise on social media platforms	(a) identity (b) marketing and communications preferences	(a) Legitimate interests, to ensure we are efficient and cost-effective in our advertising, we use publicly available information to tailor and target our advertising to individuals most likely to be interested in them, where we consider this is fair, does not unduly impact on your rights and interests and be what you might expect. You are able to change your marketing preferences or opt out of receiving advertising from us via your social media platform.
Where we use photographs or video images taken at our properties, for educational or	(a) identity	(a) Legitimate interests (where we informed you that we would be taking images) or

promotional purposes		(b) Consent (when you have completed a consent form) In either case you can contact us to ask us to remove an image.
Where we use CCTV at our properties for building security purposes and the prevention of crime	(a) identity	(a) Public task (it is our duty to protect the properties in our care) (b) Legal obligation (when CCTV is used for the prevention of crime) (c) Legitimate interests (where we use the CCTV footage to monitor and improve our services)
To manage our relationship with you which will include:		We use signage to let you know where CCTV is in operation.
(a) Notifying you about changes to our terms or privacy policy	(a) Identity	(a) Necessary to comply with a legal obligation
(b) Asking you to leave a review or take a survey	(b) Contact	(b) 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)

8. Disclosures of your personal data

8.1 We may share your personal data with-third party service providers to fulfil our contractual obligations to you or to perform a service for us which may include marketing activity.

8.2 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.

9. How long do we retain your data?

9.1 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.

9.2 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.

9.3 CCTV images are kept for 30 days unless required for an investigation.

10. Marketing and your information

We will only use your personal data for direct marketing purposes where you have consented to be contacted for such purposes. We use trusted third-party media agencies to help us with our advertising, but 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.

If you receive marketing from us on social media platforms you are able to withdraw your consent by adjusting your privacy settings on the social media platform itself. You may see our adverts if your settings allow for targeted advertising based on attributes of your social media profile, such as your location, age and interests. For example, if you live near one of our properties you may see an ad for an event at that property. You may also see our advertising as a result of your information being automatically profiled by the social media platform and your being selected as part of the audience for the ad. You can prevent this type of targeting by adjusting your privacy settings in the social media site or by adjusting your cookie settings in the browser. You can also interact with the ad itself and select the options that prevent further targeted advertising using your information in this way.

11. 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.

For more information regarding the cookies we use please see our [Cookie policy](#).

12. Additional Information

12.1 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.

12.2 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.

13. Data transfers

We only transfer personal data outside of the European Economic Area (EEA) when we can ensure it will be protected to a similar degree as within the EEA.

For some of our services, such as ticket sales and social media management, we need to transfer data outside of the EEA. Your data may be transferred to Canada, which is deemed by the European Commission to provide an adequate level of protection for personal data. We may also transfer personal data to the United States to recipient organisations that are certified as adhering to the EU Privacy Shield, or are otherwise contractually bound to treat our data to a similar standard.

14. Data Security

14.1 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.

14.2 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.

15. Your rights

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

15.1.1 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. This includes access to CCTV images or information about photographic images.

15.1.2 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.

15.1.3 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.

15.1.4 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.

15.1.5 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.

15.1.6 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.

15.1.7 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.

15.2 If you want to exercise any of these rights, please contact us using the details above.

15.3 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.

15.4 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.

15.5 If you have any comments or queries about the way we manage your personal data, please contact our Data Protection Officer. If you are dissatisfied with our response, you may take it up with the Information Commissioner's Office, which regulates the processing of personal data, about how we are processing your personal data.