

Our Statutory Work

1. The RMA has specific functions regarding the Order for Lifelong Restriction, as specified in the Criminal Justice (Scotland) Act 2003, namely to issue guidance as to the preparation, implementation or review of any risk management plan; to approve or reject risk management plans; and to consider the implementation of risk management plans.
2. The RMA is committed to being transparent about how we collect and use that data and explain how we meet our data protection obligations under the Data Protection Act 2018, the General Data Protection Regulations GDPR and the Law Enforcement Directive LED.
3. The RMA may require to use personal information and will collect this information in a variety of ways. For example, data might be contained in risk assessment reports, risk management plans, annual implementation reports, staff evaluations, and correspondence. The RMA receives this data from Lead Authorities, such as the Scottish Prison Service or Local Authorities; and Scottish Courts.

Personal Information we may collect for our statutory work

4. The RMA collects a range of information about individuals subject to an OLR. This includes:
 - 4.1. Your name, date of birth and address
 - 4.2. SCRO and details of previous convictions
 - 4.3. Education records, employment history, family history
 - 4.4. Health records
 - 4.5. Allegations of offending or offence-related behaviour
 - 4.6. Relationship history
 - 4.7. Children's Hearing records including disposals
 - 4.8. Previous Court Proceedings including disposals
 - 4.9. Transgender status
 - 4.10. Parole Licence conditions
 - 4.11. Diversity information including gender, disability, political opinions, religious beliefs, transgender status etc.

5. Data will be stored in an electronic case file.

The purposes of and legal basis for the processing

6. The lawful reasons for processing personal information in relation to our statutory works is as follows:
 - 6.1. DPA Part 3 applies to competent authorities processing personal data for criminal law enforcement purposes.
 - 6.2. Necessary for RMA statutory functions Criminal Justice Scotland Act 2003 section 6(6), 8(4) and 9.

6.3. Processing of special categories of sensitive personal data under Article 9 2(g):

6.4. Substantial public interest

7. Processing of special categories of personal data:

7.1. Schedule 1, Part 2 conditions Substantial Public Interest, Statutory purposes, the administration of justice.

8. Criminal Convictions and Offences under Article 10:

8.1. Schedule 7 – the RMA identifies as a competent authority due to statutory purposes under the Criminal Justice (Scotland) Act 2003 (to exercise public authority or public powers for the law enforcement purposes).

9. Processing meets the requirements in Article 10 if it meets one of the conditions listed in schedule 1:

9.1. Part 2 conditions, Statutory and government purposes, Administration of Justice.

Categories of personal data concerned

10. Personal data and Criminal Offence data relating to your Order for Lifelong Restriction.

The recipients or categories of recipients to whom the personal data has been disclosed

11. Who has access to data?

11.1. Your information may be shared internally with select staff for the purposes of OLR case management and development / research purposes. Information can be shared with Lead Authorities (e.g. RMA decisions, Guidance, etc), and prospective Lead Authorities (i.e. case discussions prior to release, transfer, etc.)

How does the RMA protect data?

12. We take the security of your data seriously. We have internal records management and security policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by specific employees in the proper performance of their duties. Case files are held in a secure environment with restricted access. RMA staff are subject to security vetting prior to employment.

For how long does the RMA keep data?

13. The period for which it is envisaged that your personal data will be stored or, where that is not possible, the criteria used to determine that period, is to be relevant and not excessive. The OLR is a lifelong sentence, meaning that all individuals sentenced to an OLR will be the subject of a Risk Management Plan (RMP) for the rest of their life. Therefore the Order for Lifelong Restriction data held will be stored for the duration of your sentence.

Contact us

14. If you need to get in touch with us about this Privacy Policy or your Personal Data that we process, please contact the following:

Data Protection Officer:

Email: info@rma.gov.scot

Tel: 0141 278 4478

Risk Management Authority 7 Thread Street

Paisley PA1 1JR