

## PRE-24 WEEK PREGNANCY AND BABY LOSS MEMORIAL BOOK

### PRIVACY NOTICE

#### Introduction

This Privacy Notice tells you what happens to your data when you participate in the Pre-24 Week Pregnancy And Baby Loss Memorial Book (“Memorial Book”) scheme. It tells you what personal information we collect, why we collect it, how we use it, who we share it with and how we protect and store it. NRS takes your trust and right to privacy seriously – this privacy notice reflects our commitment to the fair and transparent processing of your personal information.

#### Data collected under the scheme

Participation in the scheme is entirely voluntary. Applicants are required to provide a basic set of information about themselves and the pregnancy loss. There is no statutory requirement to register a loss, and there is no requirement to submit medical evidence of the loss within the application process.

The Registrar General for Scotland is the controller of information gathered under the Memorial Book scheme.

#### Legislation

The main law relating to the Memorial Book scheme is the Registration of Births, Deaths and Marriages (Scotland) Act 1965. Under the Act the Registrar General for Scotland has the power to operate the registration service in Scotland.

The Registrar General for Scotland also has a legal obligation to ensure collection and processing of personal data complies with the UK General Data Protection Regulation and the Data Protection Act 2018.

#### Lawful Basis for Processing

The lawful basis for the collection and processing of personal data for the Memorial Book is the ‘public task’ basis – the exercise of official authority vested in the Registrar General for Scotland as the data controller (Article 6(1)(e) of the UK General Data Protection Regulation (UK GDPR)).

The processing of special category personal data (i.e. data concerning health) is lawful because the processing is necessary for a reason of substantial public interest in UK law (UK GDPR – Article 9(2)(g)). The reason is that it enables the Registrar General for Scotland to operate the registration service in accordance with the Registration of Births, Death and Marriages (Scotland) Act 1965.

#### Your legal rights

An individuals’ right to erasure and data portability do not apply within the Memorial Book scheme as processing is on the basis of ‘public task’ (an individual’s right to erasure typically means a right for individuals to have personal data erased. The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services).

However, individuals do have a right to object to processing and the scheme is operated in such a way that the spirit of the range of individual privacy rights is respected. That means, given the

voluntary nature of the scheme, NRS will not seek to restrict the subjects opportunity to control their data and will allow an individual to correct, cancel or delete their entry in the Memorial Book if they so wish.

A person's signature on the MB1 application form is taken as declaration / confirmation that they have read, and are in agreement with, the provisions in this privacy notice.

In respect of data about living persons, the Memorial Book is a private record and is not accessible by members of the public or via the Scotland's People service.

Requests for access to data held in the Memorial Book are considered only for the person(s) explicitly named in the application process (if they are living) and if the request is made by those named persons.

In the case of an applicant's passing, NRS may not be able to refuse access to an entry under Freedom of Information legislation. However, NRS will look to maintain a duty of confidentiality with regards to personal data held within the Memorial Book. Consideration on whether information should be produced in response to a Freedom of Information request would therefore depend on individual circumstances and any relevant exemptions.

You can find more information about arrangements for correction, amendment and cancellation of entries in the Memorial Book on our [website](#).

### **Fees and charges**

No fee is charged for any certificates of the Memorial Book, including any certificates requested after the event has been recorded.

### **Storage and retention**

NRS are responsible for the storage, preservation and safeguarding of the Memorial Book and the accompanying data.

Original paper copies of applications are digitised for preservation before being securely destroyed. Digitised applications case files will be archived 15 years after closure.

The Memorial Book itself, the digitised applications and index to applications will be permanently preserved by NRS with access strictly limited to key members of staff. However, given the voluntary nature of the scheme, NRS will not seek to restrict the subjects opportunity to control their data.

### **How to contact us**

If you want to contact the NRS Data Protection Officer you can do so at:

NRS Data Protection Officer  
National Records of Scotland  
HM General Register House  
2 Princes Street  
Edinburgh  
EH1 3YY

Email: [dataprotection@nrscotland.gov.uk](mailto:dataprotection@nrscotland.gov.uk)

If you are not satisfied with the way NRS has responded to your request or handled your information you should first ask us to conduct an internal review.

### **If you wish to complain to the Information Commissioner's Office**

If you believe that NRS has not dealt with your complaint properly or if you believe your personal information is being processed in a way that does not comply with legislation you have the right to

lodge a complaint with the Information Commissioner's Office. The ICO helpline number is 0303 123 1113, and website <https://ico.org.uk/concerns/>.

### **Changes to this privacy notice**

This privacy notice was last updated on 26 September 2023. We keep the privacy notice under regular review.