

## Divorces and Dissolutions Statistics Privacy Notice

### About

The Scottish Government holds data on divorces and dissolutions which go through the Scottish Civil Courts. Divorce is the formal procedure that ends a marriage, while the procedure for ending a civil partnership is known as dissolution. The data are taken from the Case Management System run by the Scottish Courts and Tribunals Service (SCTS) and provided to the Scottish Government. This privacy notice states why the data are collected and how they are used.

### Why do we need the data?

The Scottish Government needs the data to effectively monitor and evaluate policies on family justice, inform future policy initiatives and assess the use of civil courts. This includes publishing statistics on divorces and dissolutions for use by the Scottish Ministers in decision making. The statistics are also useful to users with an interest in the subject for example the public, academic researchers and the media.

The Scottish Government are the Data Controllers of the personal data. We are legally able to collect the data from SCTS using the powers within the Judiciary and Courts (Scotland) Act 2008 in particular sections 65 and 68 as follows:

#### *Section 65: Provision of advice etc. to the Scottish Ministers*

- (1) The SCTS may give information or advice, or make proposals, to the Scottish Ministers on matters relating to—
- (a) the functions of the SCTS, or
  - (b) the administration of justice in Scotland
- (2) The Scottish Ministers must have regard to such information, advice or proposals.

#### *Section 68: Provision of information*

The SCTS must provide the Scottish Ministers with such information relating to the carrying out of its functions as the Scottish Ministers may require.

As the data are being used for statistical and research purposes, Section 33 of the Data Protection Act 1998 (DPA) provides exemptions to Principle 2 (incompatible with the purpose it was first collected), Principle 5 (retention of data) and Section 7 (data subject rights) of the DPA. This allows us to share the data with researchers, allows us to keep the data, and means that people do not have a right of access to the personal data we hold on them. We are only allowed to do this if we do not use the data to make decisions about individuals and that the use of the data does not cause substantial damage or substantial distress. The purpose and manner in which we use the data means that we meet the conditions in section 33.

The gathering, use, and sharing (processing) of the data by the Scottish Government meets Article 6(1)(e) of the General Data Protection Regulation (GDPR) as it is necessary to perform a task in the public interest and the task has a clear basis in law.

Article 9 of the GDPR gives limitations on processing of special categories of personal data. Divorce and dissolutions dataset contains data which fall within this category as the data contains information on a person's sex life or sexual orientation and religious belief. The Scottish Government meets the conditions for processing since processing is necessary for the purposes of carrying out the obligations and exercising specific rights of its role as the controller, in line with Article 6(1)(e) of the GDPR as processing is carried out in the public interest.

Article 89(2&3) of the GDPR states that because the data are used for statistical purposes and archived for the public interest, it means we do not have to comply with GDPR Articles 15, 16, 18, 19, 20 and 21. This is similar to the exemptions given in Section 33 of the DPA, which means that people do not have a right to access the personal data we hold on them, stop or object to us using the data, or requesting that we modify or delete their personal data.

### **What data do we collect?**

We collect data that enable us to produce statistics and carry out analyses on divorces and dissolutions. Some personal data are collected, such as date of birth and gender, that enable us to monitor any equality issues for different age groups.

The personal data that are collected are:

- Court reference
- Grounds of divorce/dissolution at registration
- Data registered
- Date of decree
- Grounds of divorce/dissolution at disposal
- Final judgement
- Child count
- Gender of both pursuer and defender
- Date of births of both pursuer and defender
- Defender marriage age
- Defender marital status
- Date of marriage
- Form of marriage

### **What happens to the data?**

The Scottish Government receives the data from the SCTS. Statisticians in the Scottish Government's Justice Analytical Services division then analyse the data and publish a summary of the data each year in the [Civil Justice Statistics in Scotland](#) Official Statistics publication. This publication gives a summary of divorces and dissolutions granted in the civil courts by procedure. Additional supplementary tables are published in Excel format, showing, for example individuals granted a divorce by

gender, duration of marriage and age at divorce. No data that identifies individuals are published.

After publishing the data we can use it to respond to Freedom of Information (Fol) requests, Parliamentary Questions (PQs) and media enquiries. Only summary data are released which do not contain personally identifiable information.

### **How will the data be stored and kept secure?**

The data will be kept on the Scottish Government's secure servers and will not be stored or processed on a location outside the European Economic Area.

The data can only be viewed by a small number of statisticians and statistical support staff in the Scottish Government's Justice Analytical Services division that have a legitimate need to access the data and have all been trained in the safe handling of data.

Data may be archived in accordance with GDPR Article 89 as retaining the data is in the public interest and is used for statistical purposes.

### **Sharing the data**

The Scottish Government may share the data with researchers that carry out research in family justice and other government departments that publish similar statistics for example the Office for National Statistics. The Scottish Government will only share the data with researchers when the researchers' question is considered to be of interest to the public, and that the researchers can demonstrate that the data will be stored securely and within the European Economic Area. The researchers will not publish details of individuals.

We can legally share the data from SCTS as Section 68 of the Judiciary and Courts (Scotland) Act 2008 states that 'The SCTS must provide the Scottish Ministers with such information relating to the carrying out of its functions as the Scottish Ministers may require'. As the data are being used for statistical and research purposes, Section 33 of the DPA provides exemptions to Principle 2 (incompatible with the purpose it was first collected), which allows us to share the data with researchers, provided the data are not used to make decisions about individuals and that the use of the data does not cause substantial damage or substantial distress.

### **Rights**

- You have ***the right to object to processing that is or is likely to cause substantial damage or distress to you or another***. To exercise this right, please write stating what processing you object to and why it is causing, or is likely to cause you damage or distress. Scottish Government will consider the request and respond within 21 days to confirm whether the objection is accepted.
- You have ***the right to be confident that we will handle your personal information responsibly and in line with good practice***. If you have a concern about the way we are handling your information you can write using the details below.

**To exercise these rights, you can write to the** Scottish Government Data Protection Officer, supported by the Data Protection and Information Asset Team on:

The Data Protection Officer  
Data Protection and Information Assets Team  
V Spur, Saughton House  
Broomhouse Drive  
Edinburgh  
EH11 3XD  
Email: [dpa@gov.scot](mailto:dpa@gov.scot)

## **Complaints**

If you feel we have been unable, or unwilling, to resolve your information rights concern, ***you have the right to lodge a complaint with the Information Commissioner's Office (ICO)***. The ICO are the supervisory authority responsible for data protection in the UK.

For further information, including independent data protection advice and information in relation to your rights, you can contact the Information Commissioner at:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 08456 30 60 60

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

You can also report at concern here - <https://ico.org.uk/concerns/handling/>.