

MSP complaints

Factsheet – Information or Interview Request

Why have you sent me this factsheet?

We are investigating a complaint about the conduct of an MSP. We have sent you this factsheet because we are asking you to provide evidence or information to help us.

The information you provide will help us understand what happened and decide whether the MSP was in breach of the rules they need to follow.

How do you collect information?

On the phone, by email or letter, or in an interview (in person or remotely). We decide how best to obtain evidence on a case-by-case basis.

If we ask you to interview, you will be interviewed by one of our team. We recognise that some interviewees may be vulnerable due their individual circumstances. We will be as flexible as we can to help accommodate vulnerable witnesses.

You may bring someone to attend an interview with you, including an interpreter if you need one. However, they should not be connected to the complaint (that is the complainer, the MSP or a witness) and should not discuss what is said with anyone else.

If you require any special arrangements or reasonable adjustments while we collect information, please let us know in advance.

Can I discuss the investigation or interview with others?

We must conduct our investigations confidentially. Please do not discuss what is said at interview, or anything about our investigations in public or with anyone else. You may however seek legal advice or support from a trusted advisor.

What happens after I provide information?

We will consider the information you provide to help with our investigation.

If we interview you, we will record it, and we will send you a written record of the interview. This is so you have an opportunity to review it and verify it is accurate.

Once we have gathered and considered all the evidence, in some cases we write a report. The report will say whether we think there was a breach, or no breach of the rules the MSP is meant to follow.

We may send a draft copy of the report to the MSP for their comments. We will send the final report to the MSP, the complainer, and the Scottish Parliament.

If the Scottish Parliament think there was no breach, they will take no further action. If they think there was a breach, they will consider the complaint in private and announce their final decision publicly. They may publish our report with their final decision.

What if I don't want to participate?

The legislation states that we can require people to give evidence or provide documents, if they are able to do so.

If anyone refuses or fails to provide information we request, they may be found guilty of a criminal offence.

Will my information be made public?

Information you give us could be included in the report. If so, it will be anonymised as far as possible. We will not name you in the report unless we have a legal obligation to do so. For example, if you are a complainer, we must name you in the report.

The Scottish Parliament might publish our full report with their final decision on the complaint. Everything in the report, which might include your information, would be made public.

There may be some occasions where it is not possible to draft a report without referring to information which will reveal its source. As such, we are unable to *guarantee* anonymity.

How do you keep a record of my information?

All information is collected, stored and used in accordance with data protection laws. Information includes any documents, photos, screenshots, and copies of correspondence, emails or text messages you provide.

If you provide information to us over the phone, in written form, or through an interview, we will keep a written record of it. In interviews, we will keep a recording and take notes.

Generally, we keep information we collect during investigations for 5 years. You can find more information on how we keep records on our website.

We are subject to legislation giving people the right to access information we hold. As such, we may receive requests for information relating to this case. We would **not** normally share the evidence or information you provide, or any of our notes.