

# Complaints Privacy Notice



**Oldham**  
Council

Date and version

16.05.18 v1

## What this privacy notice is for

Our core data protection obligations and commitments are set out in the council's primary privacy notice at

[https://www.oldham.gov.uk/info/200148/data\\_protection\\_and\\_freedom\\_of\\_information](https://www.oldham.gov.uk/info/200148/data_protection_and_freedom_of_information)

This notice provides additional privacy information for:

- Complaints

## Updating our privacy notices

We may update or revise our privacy notices at any time so please refer to the version published on our website for the most up to date details

## What we use your information for

We collect or obtain your personal information for the following purpose(s):

- To investigate complaints made by residents about council services

## What categories of personal information we use

Personal information can be anything that identifies and relates to a living person. This can include information that when linked with other information, allows a person to be uniquely identified. For example, this could be your name and contact details.

The law treats some types of personal information as 'special' because the information requires more protection due to its sensitivity. This information consists of:

- Racial or ethnic origin
- Sexuality and sexual life
- Religious or philosophical beliefs
- Trade union membership
- Political opinions
- Genetic and bio-metric data
- Physical or mental health
- Criminal convictions and offences

In order to carry out these purposes we collect and obtain the following personal information, dependent on specific context.

Category of personal data	Special/ Sensitive
<ul style="list-style-type: none"><li>• personal details</li><li>• family details</li><li>• lifestyle and social circumstances</li></ul>	
<ul style="list-style-type: none"><li>• financial details</li></ul>	

education details

- housing needs
- visual images, personal appearance and behaviour

- licenses or permits held
- student and pupil records
- business activities
- case file information

- physical or mental health details X

racial or ethnic origin

- offences (including alleged offences) X
- religious or other beliefs of a similar nature

criminal proceedings, outcomes and sentences

## Legal basis for processing

There are a number of statutory instruments that place a requirement upon councils to maintain a function by which to consider complaints made by residents. They are as follows:

- Local Government Act 1974
- Localism Act 2011
- Local authority social services and NHS Complaint regulations 2009
- Children Act 1989

The lawful basis for handling your complaint is consent, if you fail to provide certain information when requested, we may not be able to resolve your complaint.

## Information sharing/recipients

We may share personal information about you with the following organisations and or types of organisations:

- Any or all of your data may be shared with any party, as appropriate, in the investigation of your complaint, this will be not be done without your consent.
- If your complaint is being investigated at your request by :
  - Local Government and Social Care Ombudsman
  - Housing Ombudsman Service
  - Parliamentary and Health Services OmbudsmanInformation will be provided in accordance with Ombudsman requirements.

As well as information collected directly from you, we also obtain or receive information from:

- Any parties with whom we are engaging with in the resolution of your complaint
- If your complaint is being investigated at your request by :

- Local Government and Social Care Ombudsman
- Housing Ombudsman Service
- Parliamentary and Health Services Ombudsman

We will receive information from these bodies as part of your complaints resolution process.

In addition, we may share your information without consent where for example, If another organisation tells us that you or your wider family need help/support, If there are safeguarding or child protection concerns for example a member of the public raises concerns that you, your child or another relative is at risk of harm

### **Data Transfers beyond EEA**

We do not transfer any of your personal information outside the European Economic Area ('EEA').

### **Automated Decisions**

All the decisions we make about you involve human intervention.

### **How long we keep your data**

We will only keep your personal information for as long as the law specifies or where the law does not specify this, for the length of time determined by our business requirements.

For corporate complaints and adult social care complaints, we keep data on file for 6 years. For complaints related to children social care we keep records for 80 years.

### **Where can I get advice**

More information on how to seek advice in order to exercise your rights, raise a concern or complain about the handling of your personal information by the council can be found in the [https://www.oldham.gov.uk/info/200148/data\\_protection\\_and\\_freedom\\_of\\_information](https://www.oldham.gov.uk/info/200148/data_protection_and_freedom_of_information)