PRIVACY NOTICE

Complaint Handling Procedure (CHP) Complaints

Who we are

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, moray.gov.uk 01343 543451, is a Local Authority established under the Local Government etc. (Scotland) Act 1994. We are the Data Controller of the personal data being collected.

Why we are collecting your personal data

In order to process, investigate and correspond with you about your complaint, we may collect personal data such as your name and, contact details (address, email address and/or telephone number), alongside the details of your complaint.

We will also use your contact details to ask you how you think we handled your complaint.

Personal data we collect from other sources

We may collect personal data about you from other Council Services and external third parties, for example via witness accounts, and complaint referrals from other agencies.

Personal data you give us about other people

If you have provided, or have been asked to provide, someone else's personal data for a specific purpose, if reasonable to do so then please make sure that you have told them that you have given their personal data to us for this purpose.

Our legal basis

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand the Council's basis in data protection law to be Article 6(1)(c) of the United Kingdom General Data Protection Regulation (UK GDPR), as the processing is necessary for the Council to comply with its legal obligations under the Scottish Public Services Ombudsman Act 2002.

Depending on the nature of your complaint, we may require to process special category personal data (such as information about your health). Personal data relating to criminal convictions or offences may also be processed. We understand our legal bases in data protection law for processing these types of data to be UK GDPR Article 9(2)(g) and Schedule 1, Part 2, Paragraph 6 of the Data Protection Act 2018, and, UK GDPR Article 10, together with Schedule 1, Part 2, Paragraph 6 of the Data Protection Act 2018; as the processing is necessary for reasons of substantial public interest for statutory and government purposes under the above legislation.

Who we share this personal data with

In order to process and investigate your complaint, your personal data may be shared internally with other relevant Council Services, and, externally with relevant third parties (such as the NHS, or the Care Inspectorate).

When you have authorised an advocate to process a complaint on your behalf, for example a legal representative (such as via a signed mandate), we will share relevant personal data with them.

Complainants have the right to ask the Scottish Public Services Ombudsman (SPSO) to consider their complaint if they remain dissatisfied after the Council's complaints handling procedure has been completed. The SPSO may ask the Council to provide them with information held in relation to your complaint if you decide to ask them to consider it.

Your personal data may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are accurate and up to date. It may also be shared with other relevant Council Services where applicable.

The Council may share your personal data with other relevant Council Services and third parties, where we are under a legal obligation to do so. For example, this may be with Police, Social Security Scotland, UK Border Agency, or other Registered Professional Bodies.

The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council Services and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

How long the personal data is held for

Your personal data will be securely stored by Moray Council for a pre-determined length of time. Information is only kept for the minimum amount of time necessary. We maintain a record retention schedule which sets out how long we retain different types of personal data. This is available on our website: www.moray.gov.uk/RetentionSchedules (under Section 5 of the Records Management Plan).

The Council stores information within the UK.

Your rights

Moray Council is the Data Controller for this personal data. You have legal rights about the way the Council handles and uses your personal data. These include the right to ask for a copy of it, to ask us to correct it and to ask us to stop doing something with your personal data.

As so far as the legislation permits, you also have the right to request the deletion of your data, and to object to the processing.

For more information about these rights, please see the Information Management pages on the Council's website here: www.moray.gov.uk/InformationRights. Alternatively, email the Council's Data Protection Officer at: IG@moray.gov.uk

If you have a concern about the way the Council has handled your personal data, you can make a complaint to the Council's Data Protection Officer in the first instance; an e-form is available on the Council's website here: www.moray.gov.uk/Complaints

You also have the right to make a complaint to the Information Commissioner's Office. They are the body responsible for making sure organisations like the Council handle your personal data lawfully.

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Telephone: 0303 123 1113 Website: https://ico.org.uk/
Online: https://ico.org.uk/make-a-complaint/data-protection-complaints/