

Privacy notice - Complaints Service

The purpose of this Privacy Notice is to tell you what personal information the Council's corporate complaints team collects from you, how it is used, who it may be shared with and what happens to it.

The Council's corporate complaints team investigate and respond to Stage 2 complaints on behalf of the Council's Chief Executive. The team also oversee all statutory social care complaints that are received by the Council, and offer guidance and support to the relevant service areas in relation to complaints handling. All queries received by the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman service where complaints have been made against the Council are also investigated and responded to by the corporate complaints team. A copy of the Complaints Policy can be found on the following link: <https://www.brent.gov.uk/your-council/complaints/make-a-general-complaint/how-to-make-a-complaint/>

What information might we collect from you and why

The information collected from you will only be used for the purpose of investigating your complaint. We will not normally accept anonymous complaints (a complaint where a customer has not provided their contact details) unless it is in regards to a child or young person. We will also only investigate complaints made on behalf of somebody else if we have that person's explicit written permission to do so. Information provided when making social care complaints may be used for the provision and delivery of social care services. The information collected also allows the Council to answer queries received about your complaint from statutory bodies, such as the ones mentioned above. The council also uses complaints as learning and development to inform change in policy and/or process.

Information we collect may include:

- personal information and contact details (for example your name, address, phone number, date of birth, email address)
- details of your complaint
- supporting information that will help with the investigation into your complaint
- financial information (for re-imbursements or payment of compensation)

What information we may hold

As well as the information that is provided at the point of submitting your complaint, we may also retrieve information that is held by different departments within the Council in order to investigate your complaint. Information may include:

- details of past complaints you have submitted and responses provided to those complaints
- correspondence and contacts with the Council (telephone contacts, emails, letters, notes/minutes made after a face to face contact)
- Council Tax information
- Benefits information
- Property information
- Financial Information
- Social services records
- Housing Information
- Images, video and/or sound recordings
- Health/Medical Information
- Legal information (criminal/prosecutions)
- Educational information
- Equalities information (such as age, gender, race or disabilities)

The above list is not exhaustive and the subject of the complaint will determine what information we will request from you or obtain from the relevant departments.

How we use your information

The information that is provided at the point of submitting your complaint such as your name, contact details and details of your complaint along with any other supporting information is used for the purposes of investigating your complaint and communicating with you throughout the process. There may be occasions where we request further information from you in order to assist us with our investigation. This is to ensure that we have looked into every aspect of your complaint and a thorough investigation can be completed.

All complaints that do not have their own statutory procedure or appeal process are generally dealt with or managed by the corporate complaints team. This means that a wide variety of complaints are received that cover different services within the Council. Dependent upon the reason and subject of your complaint, the team may need to request information from the relevant service areas, view or access relevant databases, discuss your complaint with colleagues or with contractors providing a service on behalf of the Council. Any legislation that applies to the service you are complaining about may apply or impact your complaint.

Safeguarding is everyone's responsibility, therefore if through processing or investigating your complaint we identify a safeguarding concern we will make the necessary referrals to the Adult's or Children's safeguarding teams.

Who we share your information with and why

Your information may be shared internally and externally in order to investigate your complaint.

Internally

- Information may be shared with colleagues from other departments within the Council in order to gather all the information that is required to investigate your complaint and provide a detailed response. This may also include Interviewing Council officers about their contact with you, if this is relevant to your complaint
- Information may be shared with auditors for the purpose of conducting audits.
- Information may be shared internally for the prevention and detection of crime.

Externally

- If you have given written consent for your information to be shared with someone acting on your behalf or supporting you to make a complaint. This can include a family member or friend, advocate, charitable organisation, or solicitor. The Council will only share the information with your consent which you can withdraw at any time.
- The Council may share your information with contractors or sub contractors working on behalf of the Council to provide services that you may have complained about. This could include housing repair contractors, waste collection contractors, and the NHS. Only essential information will be provided and the contractor will be required to adhere to data protection laws.
- If you have contacted a governing body who regulates the Council regarding your complaint, they may request information from the Council. This will include the LGSCO. The Local Government Act 1974 (“the Act”) gives powers to the Local Government & Social Care Ombudsman (LGSCO) to investigate complaints made by members of the public about the service they have received from the Council. Other bodies include the Housing Ombudsman or the Information Commissioner Office (ICO) The Council will comply to any request for information received from any of these bodies.
- For the purpose of Children’s Statutory complaints, complaint information will be shared with the Independent Investigating Officer and Independent Person.
- Information may be shared with the Police and law enforcement agencies.

The Council may share information without your consent if it feels there is a safeguarding concern, for the protection of others or where there is a legal duty to do so.

The Council does not use or share your data with third parties for marketing purposes.

Storing your information

We keep your personal information for no longer than is necessary to fulfil the purposes for which it was collected. There are different rules for different documents and/or information kept by the Council. We are required by law to keep some records/information to fulfil our statutory obligations. Generally we will retain corporate complaint records for a period of 6 years from closure of the complaint unless any laws or regulations state otherwise. If the complaint has been escalated to the Ombudsman stage then the closure will be based on the closure of the Ombudsman complaint. Any children's and Adult's social care statutory complaints will be kept for a period of 10 years or as laid out in relevant legislation.

Any information gained during the course of the investigation will be kept confidential and stored electronically on the Council's information and complaints system. Where complaints or documents relating to complaints have been printed, records will be destroyed securely and in line with Data Protection requirements.

Data collection requirements

We do not process your information with countries outside of the UK or European Economic Area (EEA) without the safeguards being in place that are equivalent to the UK Data Protection legislation or the General Data Protection Regulations (GDPR). The Complaints Service may share anonymised complaint information to provide annual complaint reports, for research or analysis and for the purpose of providing advice or guidance.

In some cases, the Council will be required by law to disclose information without your agreement. The Council will comply on the basis that the following key data sharing principles apply:

- necessary for the purpose for which it is being shared
- shared only with those who have a need for it
- accurate and up to date
- shared securely and in a timely fashion
- not kept for longer than necessary for the original purpose.

Requesting access to your personal data

Under data protection legislation, you have the right to request access to information that we hold about you. This is known as a Subject Access Request. Further information can be found at www.ico.org.uk. To make a request for your personal information, please email the Data Protection Officer at dpo@brent.gov.uk, or in writing to the Data Protection Officer, Brent Council, Civic Centre, Engineers Way HA9 0FJ. You should receive a response within 30 days, unless a different period applies as described under the ICO's SARs code of practice.

For information on how we process your information in adherence to your individual rights under the Data Protection legislation and to view the Council's Privacy Policy please follow the link: <https://www.brent.gov.uk/privacy-cookie-policy/>

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office with the details provided below.

The Information Commissioner's Office,
Wycliffe House, Water Lane,
Wilmslow,
Cheshire, SK9 5AF.

Phone: 0303 123 1113
Website: www.ico.org.uk

Further information

Brent Council, Brent Civic Centre, Engineers Way, Wembley HA9 0FJ is the data controller as defined by Data Protection legislation. If you would like to discuss anything in this privacy notice, please contact: the Data Protection Officer, Rajesh Seedher by

Email: dpo@brent.gov.uk

Telephone: 020 8937 1402

Post: Data Protection Officer,
Brent Council,
Civic Centre,
Engineers Way
HA9 0FJ