

Perth and Kinross Council Privacy Notice

Complaints

2018-08

Details of process for which personal information is being used:

The information you provide is used to record details of your complaint and to communicate with you about it. We may use your contact details to ask you how you think we have handled your complaint.

Who is processing this information?

The personal information you've provided will be processed by Perth and Kinross Council, 2 High Street, Perth, PH1 5PH, enquiries@pkc.gov.uk , 01738 475000.

Why is this information being processed?

The information provided by you will be used by Perth & Kinross Council to record details of your complaint, to communicate with you about it and to resolve the complaint.

Why is it lawful for the Council to process this information?

The Council is permitted to process your personal data in this way because it has a legal obligation to have a complaints handling procedure. The legislation which places this obligation on the Council the Scottish Public Services Ombudsman Act 2002. The Council is a listed authority in terms of Schedule 2, Part 1(7) of this Act.

Formally, the processing of personal data provided to us for this purpose satisfies Article 6 (c) of the *General Data Protection Regulation* - *Processing shall be lawful...to the extent that processing is necessary for compliance with a legal obligation to which the controller is subject*

Some of the information which may be processed for complaints – such as information about health or ethnic origin- is particularly sensitive. Data protection regulation categorises this type of information as Special Category Data and requires organisations to provide an additional reason why they consider it is lawful for them to process it.

The Council considers it is lawful to process Special Category Data in relation to complaints because there is a substantial public interest in ensuring complaints which require the processing of sensitive information being receive equality of opportunity or treatment.

Formally, the processing of Special Category Data provided to us for this purpose satisfies Article 9(2)(g) of the General Data Protection Regulation- ...*processing is necessary for reasons of substantial public interest* , with reference to Schedule 1, Part 2, Paragraph 8 of the Data Protection Act 2018, *Equality of opportunity or treatment*

Will this information be shared?

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 information may also be disclosed to third parties if it's necessary for us to do so in order to verify its accuracy, prevent or detect crime, protect public funds or where required by law. The Council may check information provided by you, or information about you provided by a third party, with other information held by us.

How long will this information be kept for?

Personal information held on Perth and Kinross Council systems in relation to complaints is kept for five years. After this it is deleted.

Personal Information Rights

Individuals have rights in relation to the information the Council holds about them, including the right to request a copy of their information. You can find out more about your [Personal Information Rights](#) on our website or by contacting the Council's Information Governance team at the address below.

Data Protection Officer

The Council has a Data Protection Officer who you can contact in the first instance if you have any questions or complaints about how we are processing your personal information.

Please contact; Data Protection Officer, 2 High Street, Perth, PH1 5PH, DataProtection@pkc.gov.uk, 01738 475444.

Information Commissioner's Office

If you want to complain about how the Council has processed your information you have the right to contact the Information Commissioner's Office (<https://ico.org.uk/> 0303 123 1113).

Information Governance Team

If you have any questions about how the Council processes your information, or if you would like a copy of this notice in another language or format, please contact the Information Governance team;

Information Governance

Legal and Governance Services

2 High Street

Perth

PH1 5PH

Email: DataProtection@pkc.gov.uk

Telephone: 01738 477933