

Democratic Services Privacy Notice: Member Complaints

Last Updated: Oct 2018

This notice explains what personal data (information) we hold about you, how we collect, how we use and may share information about you. We are required to give you this information under data protection law.

Who we are

Kent County Council collects, uses and is responsible for certain personal information about you. When we do so we are regulated under the General Data Protection Regulation which applies across the European Union (including in the United Kingdom) and we are responsible as 'controller' of that personal information for the purposes of those laws. Our Data Protection Officer is Benjamin Watts.

The personal information we collect and use

Information collected by us

In the course of handling complaints against elected Members we collect the following personal information when you provide it to us:

- Name, contact information and details of the complaint (potentially including special category data depending on the nature of the complaint - race, ethnic origin, politics, religion, trade union membership, genetics, biometrics, health, sex life, or sexual orientation)
- Optional demographic information for equalities monitoring as part of Public Sector Equality Duty compliance (ethnicity, gender, age, marital status and disability status)

How we use your personal information

We use your personal information to:

- Allow us to keep in contact with you about your complaint and to make appropriate records of the complaint.
- Special category data is only used as part of the investigation where it is provided by you because you think it is relevant to the complaint and have made that clear in the details of your complaint.
- Optional demographic information is used for monitoring, research and archiving, equality of opportunity or treatment purposes related to KCC's Public Sector Equality Duty and service improvement.

How long your personal data will be kept

We will hold your personal information for:

- 1 year after the matter is closed or the investigation is concluded (if not progressed past investigation) before securely destroying the personal information.

Reasons we can collect and use your personal information

The processing is necessary to comply with legislation and to complete a task in the public interest. Therefore, Legal Obligation and Public Task are the lawful bases for recording and processing your data in relation to Member Complaints. Our process for handling complaints against Members is required under the Localism Act 2011.

For complaint investigation, we rely on substantial public interest as the lawful basis for collecting and using your special categories of personal data for Parliamentary, statutory and government purposes - GDPR Article 9(2)(g) & Schedule 1 Part 2 s6 of the Data Protection Act 2018.

For equality monitoring, we rely also rely on substantial public interest as the lawful basis for collecting and using your special categories of personal data for Equality of Opportunity or treatment – GDPR Article 9(2)(g) & Schedule 1 Part 2 s8 of the Data Protection Act 2018.

The provision of special category demographic information (race, ethnic origin, politics, religion, trade union membership, genetics, biometrics, health, sex life, or sexual orientation) is not required from you unless it is relevant to your complaint. If you feel it is relevant and have supplied it as part of your complaint, the processing of this data will be used to investigate and manage your complaint.

As we have a statutory basis (Localism Act 2011) for collecting your personal data (non-special category unless you deem it relevant to your complaint), if you do not provide any personal data, we may not be able to investigate your complaint. If you do not provide relevant special categories of personal data where they are relevant to your complaint, this may make investigating and managing the complaint more difficult which could result in delays in the process.

Demographic questions are asked as part of the of the complaint form (Equalities Monitoring) to assist Kent County Council in monitoring who uses its services and to help ensure compliance with its Public Sector Equality Duty (these questions are not mandatory so there is no requirement that you provide this information and when it is provided by you for the monitoring purpose, it will not be used in the management of your complaint.

With whom we share your personal information

We routinely share

- Details of the complaint, which may include personal information, depending on the nature of the complaint, are shared with the Monitoring Officer, the Independent Person and the Standards Committee (Elected Members) for the purposes of investigation and complaint resolution – [please see the Member Complaints process guide for full details](#).
- The Member about whom you have complained will be provided with your name and the details of the complaint as part of the investigation.

We will share personal information with law enforcement or other authorities if required by applicable law.

For further information regarding how data is handled in relation to all management of [KCC Customer Feedback and Complaints](#), please view the relevant [privacy notice](#).

Your Rights

Under the GDPR you have rights which you can exercise free of charge that allow you to:

- Know what we are doing with your information and why we are doing it
- Ask to see what information we hold about you (subject access request)
- Ask us to correct any mistakes in the information we hold about you
- Object to direct marketing
- Make a complaint to the Information Commissioners Office

Depending on our reason for using your information you may also be entitled to:

- Ask us to delete information we hold about you
- Have your information transferred electronically to yourself or to another organisation
- Object to decisions being made that significantly affect you
- Object to how we are using your information
- Stop us using your information in certain ways

We will always seek to comply with your request however we may be required to hold or use your information to comply with legal duties. Please note: your request may delay or prevent us delivering a service to you.

For further information about your rights, including the circumstances in which they apply, see the guidance from the UK Information Commissioners Office (ICO) on individuals' rights under the General Data Protection Regulation.

If you would like to exercise a right, please contact the Information Resilience and Transparency Team at data.protection@kent.gov.uk.

Keeping your personal information secure

We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

Who to Contact

Please contact the Information Resilience and Transparency Team at data.protection@kent.gov.uk to exercise any of your rights, or if you have a complaint about why your information has been collected, how it has been used or how long we have kept it for.

You can contact our Data Protection Officer, Benjamin Watts, at dpo@kent.gov.uk or write to the Data Protection Officer, Sessions House, County Hall, Maidstone, Kent ME14 1XQ.

The General Data Protection Regulation also gives you right to lodge a complaint with a supervisory authority. The supervisory authority in the UK is the Information Commissioner who may be contacted at <https://ico.org.uk/concerns> or telephone 03031 231113.

For further information visit <https://www.kent.gov.uk/about-the-council/about-the-website/privacy-statement>