

Tonbridge & Malling Borough Council

Complaints Procedure Privacy Notice (How we use your information)

The categories of information that we collect, process, hold and share include:

- personal information (such as name, residential address, email address and telephone number)
- any information relating to your complaint (this may include sensitive information such as information about your financial circumstances or your health if this is relevant to your complaint)

Why we collect and use this information

We collect and use this information in order to:

- properly investigate your complaint
- enable us to contact you about your complaint
- enable us to contact the department or council contractor about whom your complaint is made; and
- take any necessary remedial action

The lawful basis on which we collect and use this information

We will collect and use this information because it is necessary and in the public interest to investigate a complaint against the Council.

Collecting this information

In the first instance you, the complainant, will provide information to us about the substance of your complaint on a voluntary basis. We will then use this information to investigate your complaint. In order to comply with the data protection legislation, we will inform you whether you are required to provide certain information to us or if you have a choice in this.

At all stages the Corporate Complaints System will be used to record and, if appropriate, to escalate complaints, giving details of who dealt with the complaint, what action was taken and the complainant's response.

Storing this information

We will hold your data for as long as is necessary to investigate and resolve your complaint, including referrals to the Local Government Ombudsman. Once your complaint has been resolved we will retain your data for a set period ("retention period") but not use it. Under

the Council's Data Retention Policy the retention period for personal data obtained in connection with a complaint is two years.

Who we share this information with

We do not routinely share information relating to a complaint with anyone. However, as part of the complaints procedure we may need to share your information with:

- The Local Government Ombudsman
- The Chief Executive
- The Monitoring Officer
- The Director of Finance and Transformation
- The Chief Internal Auditor
- The Council's Insurance Officer
- Service Directors
- Service Complaints Officers
- Council Contractors
- The police

Why we share this information

Where the Council receives a complaint about the conduct of a councillor the Chief Executive and Monitoring Officer will need to be informed.

Complaints involving allegations of criminal behaviour or other unlawful actions will be referred to the Chief Executive and the Monitoring Officer and may be referred to the police.

Complaints involving allegations of financial impropriety will be referred to the Chief Executive, the Monitoring Officer, Director of Finance & Transformation, Chief Internal Auditor and may be referred to the police.

In the event that your complaint is referred to the Local Government Ombudsman the Council would share your information with the LGO to enable the LGO to carry out its investigation and discharge its statutory role.

Requesting access to your personal data

Under data protection legislation, you have the right to request access to the information that we hold about you. To make a request for your personal information please contact Adrian Stanfield, the Council's Data Protection Officer at foi@tmbc.gov.uk.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have personal data rectified, blocked, erased or destroyed; and

- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Further information

If you would like further information about this privacy notice, please contact Adrian Stanfield, the Council's Data Protection Officer at foi@tmbc.gov.uk.

The Council collects and uses personal information for a number of purposes across all of its departments and functions. To find out more about how the Council uses the personal information it collects, please refer to the Corporate Privacy Notice <https://www.tmbc.gov.uk/privacy-notice>