

## **Privacy Notice: Complaints, Comments and Compliments**

This privacy notice tells you what information Shropshire Council's Feedback and Insight: Complaints, Comments & Compliments service collects and uses, and your rights regarding your information. If you decide to make a complaint, comment or compliment you will share some personal information to allow us to respond. The type of information that we collect, process, hold and share includes:

- personal information (name, address, phone number and email address). We may also collect information about your health and any disabilities (particularly if the comment or complaint relates to the provision of social care).
- specific details of your compliment, comment or complaint.
- documents, images and other files you may share with us as evidence relating to your comment or complaint.

### **Why we collect and use this information**

Shropshire Council's Feedback and Insight Team (Complaints, Comments & Compliments service) collects the information above to:

- understand feedback about the services provided by Shropshire Council
- verify your identity where required
- contact you by post, email or telephone
- enable us to carry out investigations into your comment or complaint
- provide a response and agree appropriate actions
- learn from the experience to inform change in policy and/or process

### **Our responsibilities when handling your data**

As a local authority we must provide a means for local residents and businesses to comment or complain about any of the services we provide. Complaints may be about the quality of the service, delays in providing the service, discrimination or the behaviour of council staff or council representatives.

We are responsible for managing the information we hold and we recognise that this information is important to you. We take our responsibilities seriously and use personal information fairly, correctly and safely in line with the legal requirements set out by the General Data Protection Regulations (GDPR). Anyone who receives information from us is also under a legal duty to do the same and has a set of data protection clauses included in their contract.

Because Shropshire Council collects and processes personal information about individuals, we are registered as a 'Data Controller' under the General Data Protection Regulations (GDPR). This means that we must make sure you know what we intend to do with your information and who it could be shared with.

As Data Controller our contact details are:

Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury  
Shropshire

SY2 6ND

Email: [information.request@shropshire.gov.uk](mailto:information.request@shropshire.gov.uk)

### **The lawful basis on which we use information**

Local Authorities are required to have a published complaints procedure to enable members of the public to complain. Therefore we are carrying out a public task which is carried out in the public interest and is also in the exercise of official authority vested in us as a Public Authority. We will not be able to investigate your complaint without the personal data you provide us with.

The legal basis for processing your information for enquiries is because it is necessary for the performance of the task carried out by the Council which is carried out in the public interest.

### **Collecting the information**

Whilst the majority of the Statutory Complaint information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In most cases if you make a comment or complaint about social care we will not ask you to provide information already held by Shropshire Council. We will view the information we need on the Council's social care IT systems/case records. This may include accessing information such as whether the person making the complaint on behalf of someone else has the authority to do so (for example we who has Power or Attorney, legal guardianship etc.).

### **Storing the information**

We hold information about complaints, comments and compliments within Shropshire Council's Customer Relationship Management (CRM) system. The customer feedback records have access restricted to only a small number of trained individuals.

### **Data collection requirements**

The Department may share information about Statutory Complaints for:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

SCC has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data.

In some cases the law may require that personal information has to be shared with other agencies without your agreement, this will be to protect adults or children with care and support needs who might be at risk of harm. In the event that an adult at risk lack capacity to share their information a decision will need to be made as to whether this is in their best interests and should follow the principles below.

Any personal information should be shared on the basis that it is:

- 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.

To be granted access to Statutory Complaint information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

## Sharing the information

We do not share information about individuals without consent unless the law and our policies or contracts allow us to do so. We share information securely. We may share some of your personal information with third parties to:

- Correspond with your chosen representative if someone is making a complaint on your behalf (e.g. family, carers, Power Of Attorney, advocates etc.)
- Manage a joint social care complaint covering the services provided by social care and NHS providers. Information is shared with the NHS on a statutory basis under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 or the [Statutory guidance for local authority children's services on representations and complaints procedures](#) (PDF, 544KB).
- Manage a social care complaint relating to a third party provider delivering services on behalf of Shropshire Council (e.g. residential and domiciliary care providers). Information governance and sharing is clearly set out within the contracts Shropshire Council has with these services.
- Escalate your complaint. At stage 2 of the children's social care complaints procedure we will share information with independent Investigating Officers (IO) or Independent Persons (IP). At stage 3 of the children's social care complaints procedure we will share your complaint with a Panel of Independent people appointed to consider your complaint.
- Respond to a complaint made to the Local Government and Social Care Ombudsman. 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. Shropshire Council is listed as an authority which can be investigated by the LGSCO under section 25 of the Act. We are required under Section 29 of the Act to provide the LGSCO with any information they may require. This may include the Council producing documents which will process your information in order to assist with the LGSCO investigation.
- Respond to requests from other regulatory bodies (e.g. the Housing Ombudsman).
- Refer your complaint to a responsible body if it outside of our jurisdiction (for example a neighbouring local authority). We will seek your consent to share unless we have a duty to share or an agreement or contract with the organisation we are sharing with.
- Respond to requests from Members of Parliament (MPs) when a complaint has been made to them. MPs have a role in law to be able to act on behalf of a customer and will have been instructed to act on a customer's behalf. (We prefer to correspond with the customer directly through the complaints process).
- Respond to any enquiries from the police/ law enforcement.
- Respond to information requests related to the courts and tribunals.

Within Shropshire Council information will be shared, when appropriate to do so, with:

- Council departments (Investigating Officers and the Complaints Monitoring Officer and their deputies). Please note that investigating officers will usually have information already due to the service they have been providing to the customer.
- Shropshire Council's Elected Members (to assist Councillors in responding to an enquiry).

### **How long do we keep your personal information?**

This varies on the type of feedback you provide. For comments, compliments and corporate complaints (complaints about services other than the provision of social care) we keep records for 6 years (although there are some variations).

For adult statutory complaints (complaints relating to adult social care), national regulations require us to retain the data for 10 years.

For children's statutory complaints (complaints made by a child or complaints relating to the social care provided to a child/ren) we are required to retain the data for 75 years. (Some in cases information relating to children looked after by the local authority may be retained in perpetuity should other legislation/regulations be appropriate).

The retention information above has been summarised for simplicity. Please refer to Shropshire Council's Retention Schedule for more information:

<https://www.shropshire.gov.uk/privacy/your-privacy/>

### **Requesting access to your personal data**

We need to hold accurate and up to date information about you so that we can deliver appropriate services. If any of your details change, you need to tell us as soon as possible so that we can update your records.

Under data protection legislation, individuals have the right to request access to information about them that we hold. To make a request for your personal information contact [information.request@shropshire.gov.uk](mailto:information.request@shropshire.gov.uk).

You have rights under data protection legislation. These include:

- A right to access the personal information we hold about you. Any access requests are free of charge.
- If the information we hold about you is inaccurate, you have a right to have this corrected and you have the right to request completion of incomplete data.
- You have the right to ask us to stop or restrict the processing of your personal data, in certain circumstances. Where possible, we will seek to comply with your request, but we may need to hold or process information to comply with a legal requirement.
- You have the right to ask us to erase your personal data in certain circumstances ('right to be forgotten').
- The right to prevent processing for the purpose of direct marketing.
- The right to object to decisions being taken by automated means.

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](#)

### **Do we make any automated decisions?**

This service doesn't make any decisions using computers or programmes that don't involve a human being when using your personal information

### **Do we transfer your personal information beyond the European Economic Area (EEA)?**

This service doesn't transfer your information outside the EEA. We store all our complaints, comments and compliments data within the UK.

### **Further information**

To find out more about Shropshire Council and data sharing please see our website. Key links are shown below:

<https://shropshire.gov.uk/access-to-information/>

<https://shropshire.gov.uk/privacy/>

If you would like further information about this privacy notice you may contact Shropshire Council using the details below.

Email: [information.request@shropshire.gov.uk](mailto:information.request@shropshire.gov.uk)

Telephone: 01743 252179

Write to:

Information Governance  
Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury  
Shropshire  
SY2 6ND