

Information Governance

Right to Complain – Data Protection Legislation



Falkirk Council

Introduction

Organisations which handle personal data (such as the Council) must process personal data in accordance with your rights as an individual (a data subject) under data protection legislation. Depending on the circumstances, these rights may include:

- A right to be informed about the collection and use of your personal data.
- A right to access a copy of information which comprises your personal data (commonly known as “subject access”).
- A right to object to processing that is likely to cause, or is causing, damage or distress.
- A right to have inaccurate personal data rectified, blocked, erased or destroyed.

This leaflet is issued with any response we send to a request made by you under the legislation to exercise any of the above rights. It lets you know what you can do if you are unhappy with the way the Council has handled your request and/or if you have not received what you think you should have.

Review

If you are unhappy with the way in which we have dealt with your request, you can ask us to review our actions and/or decisions. There is no statutory right under the legislation to such a review. However, it is considered good practice by the Information Commissioner.

A request for review should be submitted in writing to the Service who responded to your initial request and must:

- be made within one month of the response (although we may extend this time period at our discretion);
- tell us your name and address for correspondence; and
- tell us what it is that you are unhappy with.

Your case will be reviewed, wherever possible, within one month. If we need more time to respond, we will let you know and give you reasons for that.

Raise concerns with the Information Commissioner’s Office (ICO)

Should you still be unhappy, the Information Commissioner may be able to help.

Information Commissioner’s Office Wycliffe House Water Lane Wilmslow SK9 5AF	Tel: 0303 123 1113 You can also contact the ICO online .
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- The ICO will not usually investigate concerns where there has been an undue delay in bringing the concern to its attention. You should raise your concerns within three months of your last contact with us.
- The ICO cannot award you compensation – if it thinks we have not complied with our obligations, it can give us advice and ask us to solve the problem.