

Information Governance

Complaints Procedure



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. It also lets you know what to do if you are not happy with the way we have handled or used your personal data (for example, you may have a complaint about a data breach which has affected you or consider that we have kept information about you for too long).

How to complain

If you are unhappy with the way in which we have dealt with your request and/or how we have handled or used your personal data, you can make a data protection complaint to us.

A complaint should be submitted in writing to us and must:

- tell us your name and address for correspondence; and
- tell us what it is that you are unhappy with.

You can write to us at:

Information Governance Division Falkirk Council Earls Road Grangemouth FK3 8XD	Email: data.protection@falkirk.gov.uk
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What we will do

- We will acknowledge your complaint within 30 days. We may need to ask for additional information, such as reference numbers or proof of ID.
- We will start investigating your complaint without undue delay. Where possible, we will aim to respond with our full response/outcome within 30 days (although we will always try to respond sooner if practicable). The 30 day period is not set by law but is our target time. If we need more time to respond, we will let you know and give you reasons for that.

- Your complaint will be dealt with by someone who was not involved with dealing with the original matter. The Data Protection Officer is not able to deal with all complaints but will provide guidance to Council officers dealing with complaints.
- If your complaint is on behalf of someone else, we will need to check that they are happy for you to act on their behalf and in some cases we will need to see evidence of your authority to act on their behalf.
- Where the complaint is from or about a child or young person, we will deal with the complaint in line with the [SPSO's Child Friendly Complaints Handling Principles](#).
- We will always seek to learn from complaints and improve our data protection practices accordingly.

Raise concerns with the Information Commissioner's Office

Should you remain unhappy after receiving the outcome of your complaint from us, the Information Commissioner's Office (ICO) 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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- You must complain to the Council first before escalating the matter to the ICO.
- 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 provide us with advice and ask us to solve the problem.

How we handle information about your complaint

We have a [privacy notice](#) in place which explains how we handle personal data about complaints and enquiries.

We keep information about data protection complaints for 3 years after the complaint is closed.