

## Privacy Notice for Complaints

West Lothian College is providing you with this information to comply with data protection law and to ensure that you are fully informed and we are transparent in how we collect and use your personal data.

### Who is collecting the information?

West Lothian College is the Data Controller. We have an appointed Data Protection Officer (DPO) who can be contacted by emailing: [gdpr@west-lothian.ac.uk](mailto:gdpr@west-lothian.ac.uk)

### Why are we collecting it and what are we doing with it (Purpose)?

When you make a complaint you provide us with personal data which we will use for the purpose of the complaint and investigation. We also may need to contact you following investigation to provide an outcome to the complaint unless you have chosen to remain anonymous.

### What personal data do we collect?

- name,
- address and
- telephone number (including mobile number)
- email.

We may also process other personal data, including special category (sensitive) personal data only when you disclose it in relation to your complaint.

### The lawful basis for the processing

The legal basis for processing your personal data under GDPR is Article 6(1)(c) "*processing is necessary for compliance with a legal obligation to which the controller is subject.*" In this instance as the college is a public body it is required under the Scottish Public Services Ombudsman Act 2002, and associated amendments, to investigate and resolve complaints received from members of the public.

If you have provided any special category (sensitive) personal data within your complaint, the legal basis for processing your special category personal data under GDPR is Article 9(2)(a) "*the data subject has given explicit consent to the processing of those personal data for one or more specified purposes.*"

### Who we share the information with:

Your data will be shared with the investigating officer to process your complaint. If you have requested the Scottish Public Services Ombudsman (SPSO) reviews the outcome of your complaint, then the College will securely share the detail of the case with the SPSO.

If you have authorised another individual or organisation to act on your behalf, then we would only share information with them on receipt of a completed Data Subject Authorisation Disclosure form. This form is necessary to ensure that you have given the individual/organisation authority to represent you and act on your behalf.

### How long do we hold the personal data?

Your information is held for three years after closure of your complaint. After that your information will be destroyed securely and in line with college procedures.

### Individuals' rights in relation to this processing

Under data protection law, individuals have the following rights:

- The right to be informed – i.e. a privacy notice
- The right of access – this means you can access your personal data and receive copies of all your data held by the college
- The right to rectification – this means that you can update/correct inaccurate or incomplete data
- The right to erasure (commonly known as the Right to be Forgotten (RTBF) – this means you can request your personal data is destroyed, and the college no longer holds your personal data.
- The right to restriction – this means you can request that the processing of your personal data is restricted. This links with some of the other rights and means that if there is an issue the processing activity can be paused until the issue is resolved.
- The right to data portability – this means you can request all your data in a machine readable format (e.g. a .csv file) to transfer to another organisation.
- The right to object – this means you have the right to object to how your personal data is being processed. This right is absolute in relation to processing for marketing purposes.
- Right to know of any automated decision-making, including profiling – this means you have the right to know of any automated decision-making and not be subject to a decision made solely on automated processing.

Some of these rights are not absolute and require certain conditions. All requests made to the college must be responded to within a month of receipt of the request.

Please note where you have consented to processing of your personal data (specifically the special category data contained in a complaint), you have the **right to withdraw your consent** at any time. To withdraw your consent, please contact the investigating officer to ensure that this is applied for the purpose of complaints investigation.

### **Complaints to UK Information Commissioner's Office (ICO)**

If you are concerned about how your personal data is being used by the college, in the first instance please can you contact the College Data Protection Officer (DPO) at [GDPR@west-lothian.ac.uk](mailto:GDPR@west-lothian.ac.uk) . If you are not satisfied with the outcome then you can complain to the regulator of data protection, the UK Information Commissioner's Office (ICO). The ICO has guidance on their website here: <https://ico.org.uk/your-data-matters/raising-concerns/>

You can email them at [casework@ico.org.uk](mailto:casework@ico.org.uk) or call them on 0303-123-113 or you can send a letter to them at the following address:

Customer Contact  
 Information Commissioner's Office  
 Wycliffe House  
 Water Lane  
 Wilmslow  
 SK9 5AF