

How your personal Information is used by services dealing with complaints.

Here at Midlothian Council, we take your privacy seriously. Under the Data Protection Act 2018, you have a right to know how we collect, use and share your personal data.

This privacy notice explains the information our services need in order to deal with complaints. This activity is undertaken by various Council Services. More information about service specific privacy notices can be found at

[How personal information is used by Midlothian Council | Privacy and cookies | Midlothian Council](#)

Our Privacy Promise

We promise to collect, process, store and share your data safely and securely.

What lets us collect your information?

We process your data to allow for the purposes of investigating and resolving your complaint.

We use your personal data under Article 6(1)(c) of the UK GDPR which is necessary for the following legal obligations:

- The Scottish Public Services Ombudsman Act 2002;
- The Local Government (Scotland) Act 1973 (to ensure proper administration of the Council's financial affairs (including the detection and/or prevention of fraud) (and providing such information as necessary to the Accounts Commission));
- The Public Finance and Accountability (Scotland) Act 2000 (disclosure of data to Audit Scotland for data matching).

We do not explicitly request any special categories of personal data, for example health information, from people making complaints to us but, depending on the nature of the complaint and the information the complainant chooses to give us, it is possible that some special categories of personal data may be processed.

To the extent that we use any special categories of data as part of our complaints handling work, we do so under article 9(2)(g) substantial public interest as defined by the Data Protection Act 2018, Schedule 1, Part 2, Section: Statutory and government purposes.

What kinds of personal data do we collect?

The personal data we collect might include your **name, date of birth, address, National Insurance Number, or other information that identifies you**. If necessary, we might also collect what is called

‘special category’ data – that is, sensitive information such as medical/health information, racial or ethnic origin, sex or gender, religious beliefs, political opinions.

We will always make it clear what information we are collecting, how we will use it, and why and with whom we will share it.

How do we collect your personal data?

We collect your personal data in many different ways. You might give us your personal data yourself, by entering your information in a form on the Council website, by contacting a Council officer in person, in writing, over the phone. We might also receive your personal data from other agencies. If we share information regularly with another organisation, the conditions for sharing your personal data are set out in an Information Sharing Agreement.

How do we use your personal data?

Your Information will be processed in order to investigate the subject matter of your complaint and provide a resolution.

Your Information may also be shared with other departments within Midlothian Council or other organisations for the same purposes and also to:

- check the information we hold is accurate;
- prevent and/or detect crime; and
- protect public funds.

Other organisations may include bodies responsible for auditing or administering public funds, bodies carrying out data matching exercises, the Scottish Public Services Ombudsmen, other councils, public sector agencies, governmental departments, regulatory and law enforcement bodies voluntary organisations and other private companies or entities (such as Council service providers/contractors and/or partner bodies).

Why do we share your personal data?

Your Information will be accessed by Council employees who need to do so to administer and resolve your complaint.

The Council is also required to ensure proper administration of its funds so details will be checked internally for fraud prevention and verification purposes. Information is also analysed internally in order to provide management information, inform service delivery reform and similar purposes.

Your Information may also be shared with other departments within the Council, bodies responsible for auditing or administering public funds, bodies carrying out data matching exercises, the Scottish Public Services Ombudsmen, public sector agencies, governmental departments, regulatory and law enforcement bodies and other private companies or entities (such as Council service providers/contractors and/or partner bodies to whom the complaint may relate).

With whom do we share your personal data?

If necessary, we might share your personal data with other agencies and authorities, depending on the service being provided. We will only share your personal data if it is necessary to do so, and the appropriate conditions have been met.

To provide the required service we may need to share your information with other departments within the Council, bodies responsible for auditing or administering public funds, bodies carrying out

data matching exercises, the Scottish Public Services Ombudsmen, public sector agencies, governmental departments, regulatory and law enforcement bodies and other private companies or entities (such as Council service providers/contractors and/or partner bodies to whom the complaint may relate).

How long do we keep your personal data?

Your personal data is kept in line with Midlothian Council's Retention Schedule. The retention schedule sets out the kinds of information the Council creates and uses, how long it should be kept, and what should be done with it at the end of its 'life'. To access our retention schedule please click on the link below:

[Records Management Plan and Evidence | Business Classification Scheme/Retention Schedule \(midlothian.gov.uk\)](#)

Further Information

You can find out more about how we use your information to detect and prevent fraud or crime, information collected through our website, recorded telephone calls, CCTV, the rights you have under the Data Protection Act, and how to contact us by referring to the overarching Midlothian Privacy Policy.

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