

WATER INDUSTRY COMMISSION FOR SCOTLAND

COMPLAINTS: HOW WE USE YOUR PERSONAL INFORMATION

We, the Water Industry Commission for Scotland, (the Commission), registered at Water Industry Commission for Scotland, First Floor, Moray House, Forthside Way, Stirling, FK8 1QZ, are committed to collecting and using data fairly and in accordance with the requirements of the General Data Protection Regulation (EU) 2016/679 and the Data Protection Act 2018 (the Data Protection Laws).

We are the controller of the personal information that we hold about you when you make a complaint to us in relation to the way in which we have carried out our statutory duties. This means that we are legally responsible for how we hold and use personal information about you. It also means that we are required to comply with Data Protection Laws when holding and using your personal information. This includes providing you with the details contained within this statement of how we hold and use your personal information, who we may share it with and your rights in relation to your personal information.

We have appointed a Data Protection Officer (DPO), who ensures that we comply with Data Protection Laws. If you have any questions about this statement or how we hold or use your personal information, please contact the DPO via email at: DPO@watercommission.co.uk.

WHAT PERSONAL INFORMATION DO WE HOLD AND USE ABOUT YOU?

When you make a complaint to us, we hold and use the personal information that you provide to us as part of the complaint and / or other personal information that we may obtain about you from any other correspondence with you about your complaint. This includes:

- your name (unless you make an anonymous complaint);
- your address;
- your e-mail address;
- your telephone number;
- nature of the complaint; and
- how you want us to resolve your complaint.

If you require assistance with your complaint or require reasonable adjustments to be made, such as provision of information about complaints in large print, Braille or audio tape, or if you provide any other personal information to help us to process and handle your complaint, then we will also hold and use this personal information about you.

If you do not provide us with the above personal information, we may not be able to process and handle your complaint in certain circumstances.

WHY DO WE HOLD AND USE THIS PERSONAL INFORMATION ABOUT YOU?

We hold and use this personal information to:

- comply with our legal duties and obligations to process and handle your complaint in accordance with our Complaints Handling Procedure and the Scottish Public Services Ombudsman Act 2002;
- contact you to seek additional information about your complaint;
- provide you with advice and assistance in relation to your complaint;
- comply with our legal duties and obligations under equalities law when processing and handling your complaint;
- determine whether your complaint should be escalated to the investigation stage;
- refer your complaint to mediation or conciliation in certain circumstances;

- monitor our compliance with our Complaints Handling Procedure and the Scottish Public Services Ombudsman Act 2002;
- identify the root cause of complaints and reduce the risk of recurrence;
- record details of your complaint, our decision and the corrective action taken by us in our complaints log;
- systematically review our complaints performance reports to make service improvements;
- protect and defend our legal rights if you apply to the Scottish Public Services Ombudsman (SPSO) in relation to your complaint; and
- implement the recommendations contained within an SPSO decision notice in relation to your complaint.

WHAT IS OUR LEGAL BASIS FOR HOLDING AND USING YOUR PERSONAL INFORMATION?

Data Protection Laws require us to have a legal reason for holding and using your personal information.

Our legal reason for holding and using your personal information is that the holding and use is necessary to comply with our legal duties and obligations under the Scottish Public Services Ombudsman Act 2002.

If you provide us with any sensitive personal information about you as part of your complaint, our legal reason for holding and using such personal information is that it is necessary for reasons of substantial public interest for the exercise of a function conferred on us by the Scottish Public Services Ombudsman Act 2002.

WHO DO WE SHARE YOUR PERSONAL INFORMATION WITH?

We may share your personal information with the following organisations for the purposes described in section 2 of this statement:

- SPSO, if you apply to the SPSO in relation to your complaint;
- a mediator, if your complaint requires mediation or conciliation; and
- our advisers, auditors, consultants, solicitors and IT service providers.

HOW LONG DO WE KEEP YOUR PERSONAL INFORMATION?

We keep the personal information that we hold and use about you for no longer than we need to meet any legal, accounting, reporting or regulatory requirements.

More information is contained in our data retention policy, which is available by contacting our DPO.

WHERE IS YOUR PERSONAL INFORMATION TRANSFERRED TO?

Our servers are located in the European Union and the information that we collect directly from you will be stored in these servers. We may also transfer parts of your personal information, where reasonably necessary, to our third-party service providers who may be located outside of the EU or who may engage sub-processors located outside of the EU.

WHAT RIGHTS DO YOU HAVE IN RELATION TO YOUR PERSONAL INFORMATION THAT WE HOLD AND USE?

It is important that the personal information that we hold about you is accurate and current. Please keep us informed of any changes. Under certain circumstances, the law gives you the right to request:

- a copy of your personal information and to check that we are holding and using it in accordance with legal requirements;
- correction of any incomplete or inaccurate personal information that we hold about you;
- deletion of your personal information where it is no longer necessary for us to continue to hold and use it;
- temporarily suspend the use of your personal information, for example, if you want us to check that it is correct or the reason for processing it or to stop us from using your personal information altogether if we have committed a breach of Data Protection Laws;
- the transfer of the personal information that you have provided to us to you or another organisation; and
- that you are not subject to a decision solely taken by computer which produces legal consequences for or otherwise significantly affects you.

You can also object to us holding and using your personal information on grounds relating to your particular situation, unless we have overriding and compelling legitimate grounds for holding and using your personal information in certain situations.

Please contact our DPO if you wish to make any of the above requests. When you make a request, we may ask you for specific information to help us confirm your identity for security reasons. You will not need to pay a fee when you make any of the above requests, but we may charge a reasonable fee or refuse to comply if your request for access is clearly unfounded or excessive.

FEEDBACK AND COMPLAINTS

We welcome your feedback on how we hold and use your personal information, and this can be sent to our DPO.

You have the right to make a complaint to the Information Commissioner, the UK regulator for data protection, about how we hold and use your personal information. The ICO's contact details are as follows:

Telephone: **0303 123 1113**

Website: **<https://ico.org.uk/concerns/>**

If you would like to receive this statement in alternative format, for example, audio, large print or braille, please contact us.

UPDATES TO THIS STATEMENT

We may update this statement at any time, and we will provide you with an updated version when required to do so by law.

Last updated: October 2019