



BMBC PRIVACY NOTICE

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At BMBC we are committed to protecting and respecting your privacy. This Privacy Notice tells you what you can expect when BMBC collects your personal information. This notice applies to information BMBC collects in relation to the management of customer feedback (complaints, compliments and comments) and information requests (freedom of information, individual right requests and environmental information requests).

Stage one: Who are we?

We manage and facilitate:

Customer feedback

- Complaints
- Compliment
- Comments
- Any additional contacts related or connected to the above – such as contacts which present as a complaint, compliment or comment but are not registered as such and other enquiries connected to the business of the service.

Information requests

- Freedom of information requests
- Data Protection Requests (limited)
- Individual right requests, including subject access requests

Stage two: What type of personal information we will collect from you?

- Name, address, telephone number, email address and information connected to the nature of the contact such as dates, circumstances/interactions with the Council.

This information is provided by the individual and will vary dependent upon the nature of the interaction and level of detail the customer wishes to provide. This can sometimes be special category data related to personal circumstances.

We will not collect any information from you that we do not need.

Stage three: Why do we need your personal information?

We will use your personal information to:

- enable us to process your contact in line with the management and facilitation of your feedback and/or information request;
- assess our performance and to set targets;
- produce both internal and external statistical reports (no personal information will be used, any case scenarios used will be done so anonymously);
- consider, investigate, refer and inform depending upon the nature of the contact you have made;
- share with organisations you have directly contacted and requested to act on your behalf such as Local Government and Social Care Ombudsman, Care Quality Commission, Solicitors, Councillors and Members of Parliament.

Stage four: How we will collect your personal information

We will collect personal information about you from:

- you directly;
- other services you have had contact with within the council;
- any third party you have been in contact with and is connected to the nature of your contact. A third party may be National Health Service, advocacy provider, solicitor or family member/representative.

Stage five: Our Legal Basis for processing your information

We collect and use your information under:

Article 6

6(1)(a) – **Consent of the data subject for customer feedback:** a customer must give us consent to enable us to be able to act upon their request and in turn then process their data. However, a customer can also provide feedback information anonymously and therefore we will only have consent to process the nature of the contact and not their personal information (name and contact details). **Consent of the data subject for information requests:** a customer must give us consent for us to be able to act upon their request and in turn then process their data.

6(1)(d) – Processing is necessary to protect the vital interests of a data subject or another person – where information has been provided in the management of customer feedback and information requests that is related to the vital interests of the data subject or another person then the service has a duty to share this information with another council service or interested third party regardless of consent 6(1)(a).

Article 9

9(2)(a) – Explicit consent of the data subject, unless reliance on consent is prohibited by EU or Member State law

9(2)(c) – Processing is necessary to protect the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent – where information has been provided in the management of customer feedback and information requests that is related to the vital interests of the data subject or another person then the service has duty to share this information with another council service or interested third party regardless of consent

Data is also collected in line with the law that governs the specific service delivery of customer feedback and information request:

Customer Feedback

- The Children Act 1989 Representations Procedure (England) Regulations 2006
- The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

Information Requests

- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- The Data Protection Act 2018
- Regulation (EU) 2016/679 (General Data Protection Regulation)

Stage six: Why we may need to share your information

BMBC will not share your information with anyone without consent unless the law and/or our policies/procedures allow us to do so for example, in the following circumstances:

- the law states that we can
- there is a risk of serious harm or threat to life
- we are directed by a court of law

Stage seven: Who we may share your information with

Your information may be shared with:

- Third parties you have directly contacted and requested to act on your behalf such as Local Government and Social Care Ombudsman, Care Quality Commission, Councillors and Members of Parliament;
- Third party providers who are involved in the delivery of the council service for example:
 - Advocacy providers
 - National Health Service
 - Residential homes
 - Domiciliary care providers
- Organisations which have made a request for information and we have a legal basis in which to share, such as South Yorkshire Police (SYP) and Department for Work and Pensions (DWP)

Third party representative you have requested to act on your behalf such as family members and friends.

Stage eight: How long will your information be kept?

BMBC are required in line with our procedures to keep your basic personal information (name, address, contact details etc.) for a period of time as outlined within our retention schedule, after which time it will be securely destroyed. The information we hold about you for the management of customer feedback and information requests shall be kept with us securely. For more information on our retention schedule please visit [Barnsley Metropolitan Borough Council privacy notice](#).

Stage nine: What will happen if you fail to provide personal information?

There are occasions when we are able to pursue complaints, compliments and comments anonymously or with limited details however, this will also mean that in return we may be unable to provide an in-depth/or a response.

We will be unable to process your request for information without your personal information.

Stage ten: How to access and control your personal information

BMBC have a Data Protection framework in place to ensure the effective and secure processing of your information. For details on how your information is used, how we maintain the security of this and your rights to access the information we hold about you, please refer to the [Barnsley Metropolitan Borough Council privacy notice](#)

Should you need to contact the council to discuss how we use your information, please contact our Customer Feedback, Information and Improvement Team by email at informationrequests@barnsley.gov.uk or by telephone on 01226 773555 and ask to speak with the above Team. If you are not satisfied with our response you may contact our Data Protection Officer on DPO@barnsley.gov.uk .

If you are not satisfied with the way we have handled your information, the Information Commissioners Office (ICO) is the UK's independent authority upholding information rights in the public interest and can be contacted at www.ico.org.uk