

Privacy Notice: Making a complaint about a councillor

Introduction

Our privacy notice is layered, the General Information section explains who we are and how you can contact us. This section explains the way in which we (the Public Services Ombudsman for Wales) handle your personal information when you make a complaint to us that a councillor has breached their local authority's code of conduct.

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1. The legal basis for processing your information

We need to comply with our statutory duties set out in legislation¹. The legislation we need to comply with includes:

- The Local Government Act 2000
- Public Sector Equality Duty and specific equality duties in Wales under the Equality Act 2010 and the Equality Act (Statutory Duties) (Wales) Regulations 2011.

¹ Article 6(1)(e) of the General Data Protection Regulation (GDPR) and Schedule 1 part 2 paragraph 6(2)(a) of Data Protection Act 2018.

2. What information we need from you to consider your complaint

- Your name and contact details so we can keep in touch with you.
- Whether you have any additional needs that we need to be aware of, or if you need us to make reasonable adjustments. For example, your preferred language for our communications with you.
- The details of your complaint, including the name of the councillor you wish to complain about. We need this information so we can decide if we can look at your complaint.

If you are making a complaint about a councillor, unless you are a whistleblower* we will check that you understand that:

- we will generally need to share your complaint with the councillor you are complaining about and with the Monitoring Officer of the Council and the Clerk if there is one. There is a chance that this information may become public knowledge.
- you may need to speak about your complaint to the authority's standards committee or a tribunal of the Adjudication Panel for Wales. These meetings are usually held in public.

*A whistleblower is someone who reports an incident of wrongdoing they see at work, and who does so in the public interest.

We record our calls (telephone and other audio/video calls), as we find that it can be useful to listen again to conversations, to help us understand what we have been told. Calls are recorded and stored on our own systems.

3. Additional information that we may ask you to share with us

- [Your equality data](#) so that we can check how accessible our service is.
- [Your feedback](#) on our service so we can check how well we are doing and where we need to make changes.

You do not have to share this information with us. Your decision not to share this information with us will in no way influence how we consider your complaint.

4. Making a complaint for someone else

If you are making the complaint for someone else, we will need their name and contact details. We need to be satisfied that you can make the complaint on their behalf. You will need to supply information showing that you can make the complaint for them. This may be a legal document showing that you can act for them or we may ask for them to sign an authorisation form.

If an advocate or other representative is helping you to make your complaint, they will need to send us a copy of the authorisation form that they asked you to sign.

5. Information we collect from others

The law allows us to ask anyone we think may have information that will help us make a decision on your complaint to provide that information to us.

We may collect information from:

- The councillor you have complained about, so that they can respond to any allegations made, comment on the complaint and provide relevant documentary evidence.
- People who have witnessed or been involved in an incident or matter that you have mentioned to us or people we consider are necessary to contact to provide evidence during our investigation of your complaint.
- An independent adviser employed by the Ombudsman, who may be asked to provide us with expert advice. We will need to share some information about you that you and others have given us with the adviser. They only have access to this information for as long as we need them to provide their advice.
- The relevant Council where you have complained about a Councillor.
- Other relevant public bodies/services, for example the Police, who may be asked to share some information they hold about the incident or matter you have mentioned to us.

6. Sharing our decision on your complaint

We will write to you with details of our decision. If you have complained about a councillor, we will send details of our decision to that councillor and to the Monitoring Officer and, where applicable, Clerk of the council of which the councillor is a member.

Where after investigation of your complaint we decide that there is no evidence that is suggestive of a breach of the Code of Conduct or that no further action should be taken against the councillor complained about the law allows us to provide a summary of that decision to newspapers circulating in the area of the relevant authority concerned.

We may sometimes share an anonymised summary of our decision in cases involving complaints against councillors with those people identified as witnesses to inform them of the outcome where this is considered appropriate.

However, where we decide to refer a report of the Ombudsman's findings following investigation to a standards committee of the relevant authority or the Adjudication Panel for Wales, we will provide you with a summary of the Ombudsman's decision.

A full copy of the report will be sent to the councillor complained about, to the Monitoring Officer and, where applicable, Clerk of the council of which the councillor is a member and the President of the Adjudication Panel for Wales (as appropriate) in accordance with the law.

We usually publish anonymised summaries of our decisions on our website after they have been or follow made or after the conclusion of any proceedings before a standards committee, Adjudication Panel for Wales or High Court. [Find out about our publications.](#)

As a public body we are required to consider requests for information under the Freedom of Information Act 2000. We take steps to protect your identity when we respond to such requests.

When we respond to enquiries from journalists, we will confirm whether a complaint has been received but we will ensure that our response does not identify you.

7. What we do with your equality data

When you make your complaint, we will invite you to share with us information about your:

- 'protected characteristics' under the Equality Act 2010 (age, disability, race, religion or belief – including lack of belief, sex, sexual orientation, gender reassignment, marital status, pregnancy and maternity)
- socio-economic status (for example, your educational attainment, employment status or caring duties)
- Welsh language ability

You don't have to give us this information, but it will help us to meet our legal obligations and improve accessibility of our service. How we deal with your complaint will not be affected if you decide you do not to share this information with us. You also have the option to select 'prefer not to say' to each question.

If you complain to us

- through our website - you will have the option to share with us your equality data at the end of the complaint form.
- in writing through email or by post - we will invite you to share with us your equality information through an online survey or a paper form, depending on your preferred method of contact. We use SurveyMonkey for the online survey. We have a data processing agreement in place with Survey Monkey. You can read their [Privacy Notice](#) available on their website.
- orally - we will invite you to participate in an equality survey over the phone, with a member of staff who is not involved in handling complaints.

If you share with us your equality information through our website, your responses will be automatically added to your case record. If you complete our online equality survey or paper equality form, we will ask you for your complaint reference number and record your responses against your case. We do this, because it allows us to better analyse the accessibility of our

service, for example for cases closed within a given period of time or related to a given subject.

Your response will not be seen at any point by any member of staff responsible for assessing or investigating your complaint. Only the staff who are undertaking the analysis will see it.

We analyse equality data and publish our analysis, including in our annual report. We take great care to make sure that people are not identified in the analysis we publish.

8. What we do with your feedback about our service

After you complained to us, we may ask you to participate in customer satisfaction research. This may involve, for example, an invitation to complete an online survey or responding to some questions over the telephone. Sometimes we may also arrange focus groups to find out what people think. You don't have to take part, but your feedback helps us to improve our service and meet our statutory duties under our legislation.

The staff who are dealing with your complaint will not see your feedback - only the staff who are undertaking the customer satisfaction research and analysis will see it. However, we may ask if you are happy for us to publish your feedback. We will only publish feedback if you have given us permission.

We may ask a third party to do this customer satisfaction research for us. When we do, we will need to share some information about you with them. We limit this to:

- your name and title,
- your contact details,
- any additional access needs and preferred language of communication,
- the general type of your complaint (about a public body or elected member)
- the general subject of your complaint, and
- the general outcome of your complaint (for example, whether we upheld it or not).

After they have completed the research for us the third party will share their research findings with us. It will not be possible to identify you from this unless you give your explicit permission.

The third party is only allowed to use your personal information so that they can do this research for us. They hold the information for 3 months.

9. Protecting your information

We take steps to protect your personal information. You can read about the steps we take in the General Information section of our privacy notice.

10. How long we keep your information

We will keep the information only for as long as we need it and will depend on what it is being used for. We have published our record retention schedule on our website. If you would like us to send you a copy please let us know.

11. Your data protection rights

The General Information section of our privacy notice tells you about your data protection rights.

If you are unhappy with the way in which we have used your information you have the right to [complain to the Information Commissioner's Office](#) (ICO).

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