

Privacy Notice: For Accused Members

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 if you are a councillor who was been accused of breaching their local authority 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:

- Public Services Ombudsman (Wales) Act 2019 and
- the Local Government Act 2000

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 hold about you and why

We have been provided with your information in connection with a complaint submitted to this office. The information has been provided to us by a third party, such as a complainant, a regulator, a body in jurisdiction or another third party.

The information provided to us will usually include your name and contact details. It may also include further information:

The information provided to us may relate to your conduct and personal circumstances. It may include 'special category' information.

In addition to being provided with your information, we may also obtain your information from publicly accessible sources, such as minutes of meetings. In these circumstances, we may use this information during an investigation – for example, to obtain a witness statement or to request information from other sources.

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

We may contact you to obtain further information from you in order to decide whether to begin or continue an investigation, or where you have evidence relevant to a complaint. In doing so, we will be performing our public task (the statutory function set out under our governing legislation). As such, we will generally not require your consent.

Interviews

We may ask you to attend an interview as part of our investigation. Any invitation will be made in line with the powers set out in our governing legislation. If we record the interview, we will do so for evidential and/or recollection purposes. A copy of the recording will be available to you on request.

Call recordings

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.

Comments and statements

It may be necessary to obtain your comments or information from you which may include documents or electronic records. Any request will be made in line with the powers set out in our governing legislation.

4. Sharing and receiving your information

It may be necessary to include the information you provide in any final decision issued by this office. A copy of our decision will be shared with you.

Sometimes, we may need to give your information to other individuals or organisations, for example, if we refer the complaint about you to a local standards committee or the Adjudication Panel for Wales. For example, our legislation requires us to provide a copy of our decisions to specific third parties. We may also need to obtain advice from third parties, such as external legal advisers.

In some instances, we may identify or receive information in a complaint that we feel should be given to the relevant authorities, such as the police – for example, threats of violent behaviour. In these circumstances, we will disclose any information which we feel necessary to protect an individual's 'vital interests'. Where we disclose your information, we will do so in line with the requirements of our governing legislation or in the interests of natural justice.

5. 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.

6. 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.

7. 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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