

Privacy Notice

Name of Process: Complaints handling

Edinburgh Napier University provides this information to explain how we use your personal data. Protecting your personal data is important to us and we only collect and process data which is necessary for us to provide the information, services and goods you require. This is in compliance with UK data protection legislation (“the legislation”), that is, the UK Data Protection Act 2018 (“DPA 2018”) and the General Data Protection Regulation: EU 2016-679 (“GDPR”) as amended by “EU Exit” Regulations 2019 and now known as the UK GDPR.

Data Controller	Edinburgh Napier University
Purposes for collection/processing	<p>To investigate and take action in line with our statutory duties.</p> <p>Complainants are advised that in order to investigate any complaint it is likely that the information will be shared, as appropriate, with individuals relevant to the complaint, including internally with School or Service Area employee/s and externally where other organisations/their employees are providing services to the University. This includes the individual being complained about and managers/other staff involved in dealing with complaints. Not only does this allow the circumstances to be investigated, but natural justice requires this in order for those complained about/accused to defend themselves. This is so that we can clearly explain to them what you think has gone wrong and if necessary advise them how to put it right. This also means we may receive information about you from them.</p> <p>We may share details of your complaint at the outset, during or post conclusion of the process.</p> <p>Your personal data and the information you provide will be used to investigate your complaint and check on our level of service. We compile and publish statistics showing information like the number of complaints we receive, but not in a form that identifies anyone.</p>

<p>Legal bases</p>	<ul style="list-style-type: none"> • GDPR Article 6 (1) (c) – processing is necessary for compliance with a legal obligation to which the controller is subject, namely those imposed by the Scottish Public Services Ombudsman Act 2002. Failure to provide personal data required for the investigation of a complaint may result in the University being unable to proceed with conducting any investigation. • For any special category data which may be processed the controller relies upon GDPR Article 9 (2) (g) as derogated into the Data Protection Act 2018 Schedule 1 Part 2 Section 6 – processing is necessary for the exercise of a function conferred on a person by an enactment or rule of law as provided above. • There may be situations specific to individual complaints where other pieces of legislation become relevant, dependent on the complaint. Other exemptions under the DPA 2018 Schedule 1 may also be engaged dependent on the complaint/circumstances.
<p>Whose information is being collected</p>	<p>The complainant and individuals relevant to the investigation.</p>
<p>What type/classes/fields of information are collected</p>	<p>We need information from you to investigate your complaint properly, so our complaint forms are designed to prompt you to give us everything we need to understand what’s happened.</p> <p>When we receive a complaint from you, we’ll set up a case file. This normally includes your contact details and any other information you have given us about the other parties in your complaint.</p> <p>Name, identifying numbers, contact details, details of the complaint, sensitive personal data, educational details, financial information, etc. this list is not exhaustive as we cannot account for complaint circumstances, subjects, etc.</p>
<p>Who is the information being collected from</p>	<p>From the data subject (complainant), named third party, University systems holding recorded data, employees, witnesses, etc.</p>
<p>How is the information being collected</p>	<p>By those means determined by the complainant when initiating a complaint/enquiry and thereafter by such University systems as deemed appropriate which may include electronic forms, emails, electronic systems, paper hardcopy records, etc.</p>

<p>Who is personal data shared with externally</p>	<p>For internal complaints this information is usually not shared outwith the University, but there may be situations where external investigators are engaged and should a complaint appeal go to the Ombudsman then the University is legally obliged to provide the Ombudsman with all such information as required by them.</p> <p>For complaints about external organisation/s which provide, or assist with the provision of, services on our behalf, we may share information about your complaint with them.</p>
<p>How secure is the information</p>	<p>Services are provided locally by Information Services and information is stored on servers located in secure University datacentres. These datacentres are resilient and feature access controls, environmental monitoring, backup power supplies and redundant hardware. Information on these servers is backed up regularly. The University has various data protection and information security policies and procedures to ensure that appropriate organisational and technical measures are in place to protect the privacy of your personal data. The University makes use of a number of third party, including “cloud”, services for information storage and processing. Through procurement and contract management procedures the University ensures that these services have appropriate organisational and technical measures to comply with data protection legislation. The University is Cyber Essentials Plus accredited.</p> <p>Local procedures include password and encryption protection of documents, restricted access and permissions on network areas where documents are stored and transfer/communication by secure means.</p>
<p>Who keeps the information updated</p>	<p>Individuals are required to inform the Appeals, Complaints and Conduct Manager of any change to their information in the course of a complaint investigation.</p>
<p>How long is the information kept for</p>	<p>6 years after the last action on the case, in line with University Policy and the Prescriptions and Limitations (Scotland) Act 1973</p>
<p>Will the data be used for any automated decision making</p> <p>No</p>	
<p>Is information transferred to a third country? Outside the EEA and not included in the adequate countries list.</p> <p>No</p>	

*This information is provided to supplement the University's main Privacy Notices and it is recommended that appropriate notices are reviewed to provide full information about how the University processes personal data.

You can access all the University's privacy notices using the following URL:

<https://www.napier.ac.uk/privacy-policy>

*You have a number of rights available to you with regards to what personal data of yours is held by the University and how it is processed – to find out more about your rights, how to make a request and who to contact if you have any further queries about Data Protection please see the information online using the following URL: <https://www.napier.ac.uk/privacy-policy>

We are acting in our official capacity to investigate your complaint, so you have the right to object to our processing of your personal data. There are legitimate reasons why we may refuse your objection, which depend on why we are processing it.