

Details of information used for specific purposes

Complaints

Data Controller(s)	NENC ICB
Purpose	<p>Under the NHS Complaints Procedure, individuals have a right to complain to both providers and commissioners about services provided by the NHS.</p> <p>A complaint may relate to a service which the ICB is directly responsible for providing, or it may relate to a service which we have commissioned for the patients who we are responsible for, for example hospital services. The ICB requires this information in order to investigate and help to resolve complaints.</p>
Type of information Used	Identifiable: Personal (such as name, address, date of birth) and Special Category (health information)
Legal basis	<p>GDPR Article 6(1)(e) – processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller &</p> <p>GDPR Article 6(1)(c) ‘processing is necessary for compliance with a legal obligation</p> <p>Under:</p> <p>The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 For further information please visit: http://www.legislation.gov.uk/ukxi/2009/309/contents/made</p> <p>GDPR Article 9(2)(h) processing is necessary for the purposes of the provision of health or social care or treatment or the management of health or social care systems and services.</p>
How we collect (the source) and use the information	<p>When the ICB receives a complaint from a person, a complaint file is made up which will normally contain the identity of the complainant, the identity of the patient (where this is a different person) and any other individuals involved, plus details of the complaint, including health information.</p> <p>The ICB will only use the identifiable information we collect to process the complaint and to check the level of service we provide.</p> <p>Where the complainant is not the patient, the ICB will usually need to disclose the complainant’s identity to whoever the complaint is about in order to obtain consent under the Common Law Duty of Confidentiality to proceed with the complaint and for the complainant to correspond with us on behalf of the patient.</p>
Data Processors	The ICB uses NECS North of England Commissioning Support (NECS) as a Data Processor.

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Your Rights	With regards to Complaints under GDPR you have the right: To be informed about the processing of your information (this notice) Of access to the information held about you To have the information corrected in the event that it is inaccurate To restrict or stop processing Object to it being processed or used Not to be subject automated decision-taking or profiling To be notified of data breaches
How long we will keep the information	We will keep information in relation to complaints for a period of 10 years. This is in line with the Records Management Code of Practice 2021.
Who we will share the information with (recipients)	Where complaints relate to a service we commission, such as hospital care, the complaint will be shared with that organisation. The complainant will be informed where this occurs. Further information is available from the ICB Complaints Policy.