**Complaints and Enquiries**

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| **Purpose** | Under the NHS Complaints Procedure, individuals have a right to complain about NHS services commissioned by the ICB. The ICB uses your information to handle, investigate or address your complaint, concern, or enquiry. |
| **Type of Information** | Identifiable: Personal (such as name, address, date of birth) and Special Category (health information, racial/ethnic origin religious beliefs) |
| **How we will collect and use the Information** | When the ICB receives a complaint or enquiry from an individual, the details are logged in the Patient Experience Team (PET) database. This will normally include:   * the identity of the complainant * the identity of the service user (where this is a different person) and any other individuals involved. * details of the complaint including health information.   For complaints, we also create an additional electronic file that contains further details specific to the complaint.  Calls to the ICB regarding complaints or enquiries are directed to voicemail. These voicemail messages are reviewed solely for the purpose of logging and actioning the complaint or enquiry. The information provided in the voicemail is transcribed into the PET database and, if it relates to a complaint is also saved in the electronic complaint file.  For Primary Care (GP, dentist, optician or pharmacist) complaints, where it is deemed appropriate for the ICB to investigate, your information will be passed to the East Midlands Complaints Team who manage these complaints. In these cases, all complaint details will be logged in the East Midlands Complaints Team database and an electronic complaint file will be created.  Anonymised information - for reporting purposes.  Anonymised information - to publish service user stories following complaints. Consent will always be sought from the service user or where applicable their representative. |
| **Who we will share the information with.** | The ICB usually has to disclose the complainant/service user’s identity to the organisation the complaint is about, e.g. if it is about a service the ICB commissions at a hospital. If a complainant/service user doesn’t want information identifying them to be disclosed, we will do our best to respect that. |
| **Legal Basis for Processing Personal Data** | 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;  The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009  **Processing of Special Categories of Data**  9(2)(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in [paragraph 3](https://gdpr-info.eu/art-9-gdpr/)  Schedule 1 part 1 (2) of DPA 2018 for ‘Health or Social Care Purposes’ |
| **Common Law Duty of Confidentiality** | Explicit Consent |
| **Data Processors** | None |
| **Your Rights** | * To be informed about the processing of your information (this notice) * Request access to the information held about you * 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 |
| **How long we will keep the information** | Your personal data will be retained on our systems and files in line with the Records Management Code of Practice 2021.  [Records Management Code of Practice - NHS Transformation Directorate (nhsx.nhs.uk)](https://www.nhsx.nhs.uk/information-governance/guidance/records-management-code/)   * Complaints and enquiries logged on the PET and East Midlands Complaints database and electronic complaints files will be reviewed after 10 years in line with the Records Management Code of Practice. * Voicemail messages received as part of a complaint or enquiry are not retained as part of the standard retention timeframe. These messages are securely deleted immediately after their contents are logged into the electronic record. However, for complex complaints or enquiries, voicemail messages may be retained until the case has been fully resolved and closed. |