

How we use your information - information for complainants

The information we collect about you

When you make a complaint, we will ask for your name and contact details so that we can make contact with you in order to discuss the issues you raise. If you are complaining on behalf of someone else, such as a resident, we may ask if you have authority to act on that person's behalf or, if the person has capacity, we may speak to them to make sure they are happy for us to share information about them with you. We will also collect any personal data that you provide to us as part of the complaint.

Please be aware that if your complaint relates to a third party, such as a resident in one of our homes, we may speak to that person to ensure that they are happy for us to share their information with you.

How we use information

We will use the information you provide to process your complaint and to look into the issues you raise. In order to do this, we will share information with the following:

- people from within FSHC who support our Home Managers with complaints, for example, the Complaints Manager, Regional Manager and Managing Director;
- auditors, legal advisors and colleagues who monitor the quality of our homes;
- regulators, such as the Care Quality Commission;
- registration bodies, such as the Nursing and Midwifery Council;
- those who commission our services, for example, local councils or NHS bodies; and
- data processors, such as companies that supply our electronic systems.

If there are serious concerns about someone's safety we may be legally required to share information with the police.

We are keen to learn and improve from complaints, so we use and report statistical information to various parts of the company. When statistics are reported in this way, we do not include names.

We will never use or share your information for marketing purposes.

Lawful basis for processing

Under data protection legislation, we must make sure that we have an appropriate lawful basis for using your personal data. The following lawful bases are relevant to complaints handling:

- Performance of a contract – we have a contractual obligation to provide you with care, either through a direct contract with you (if you are a private funder) or through a contract with a CCG/local authority and an Individual Placement Agreement with you – when we receive a complaint about care, we use the information we receive to make sure that we are meeting our contractual obligations; and
- Legitimate interests – our legitimate interest in receiving and investigating complaints is to make sure that we're providing safe and high quality care.

The processing of 'special category' data also has to meet specific criteria. This can be summarised as follows:

- From time-to-time, we may need to share 'special category' information with our lawyers and insurers. Our basis for processing this information is "Processing is necessary for the establishment, exercise or defence of legal claims"; and
- Where we need to process 'special category' information to ensure that we're providing safe and high quality care,, the appropriate basis is "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 on the basis of...law or pursuant to contract with a health professional".

International transfers and automated decision-making

We do not transfer any complaint information overseas or undertake any automated decision-making.

How long we keep information

We usually keep complaints records for ten years unless there is a reason, such as an external investigation or legal proceedings, that requires us to keep them for longer.

Your rights

You have certain rights over your information. These are:

1. the right to be informed;
2. the right of access;
3. the right to rectification;
4. the right to erasure;
5. the right to restrict processing;
6. the right to data portability;
7. the right to object; and
8. rights in relation to automated decision making and profiling.

If you would like to know more about your rights, please speak to the Information Governance Manager (rightsrequests@fshc.co.uk).

Queries or concerns

FSHC is the data controller for personal information processed by FSHC or processed on our behalf by other organisations. If you have a query or concern about how we use your information, you can speak to our Data Protection Officer (dpo@fshc.co.uk). You also have the right to refer the matter to the Information Commissioner's Office (www.ico.org.uk).