

Complaints Handling Privacy Notice

Purpose

This notice explains how High Life Highland collects, uses, and protects your personal information when you submit a complaint or when a complaint is submitted on your behalf.

This privacy notice applies whenever you:

- Submit a complaint directly using our online complaints form
- Submit a complaint by email, letter, telephone, or in person
- Have a complaint submitted on your behalf by a representative

What is a complaint?

A complaint is an expression of dissatisfaction (oral or written) by one or more members of the public about the provision or failure to provide a service by or on behalf of High Life Highland (HLH).

Who We Are

High Life Highland provides services on behalf of Highland Council.

Data Controller: Highland Council

Where High Life Highland delivers services on behalf of The Highland Council, your personal information may be processed under the instructions of The Highland Council as Data Controller.

What Information We Collect

We may collect:

- Your full name
- Contact details – postal address, email address, telephone number(s), HLH membership number
- Details of the complaint, including date, location(s) and staff or services involved
- Any supporting evidence you choose to provide

We will only collect information that is necessary for the purpose outlined above.

Special Category Data

Some complaints may involve sensitive personal information. We will only process this where it is relevant to your complaint.

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This may include information about health or disability, racial or ethnic origin, religious belief, or sexual orientation – for example, if your complaint relates to access, equality, or a health referral programme.

About the subject of the complaint (where different from you)

Where you are complaining about the conduct of a member of staff or another individual, we will process limited personal data about that person to the extent necessary to investigate your complaint.

Complaints submitted on your behalf

You may authorise another person – such as a family member, carer, advocate, or solicitor – to submit a complaint on your behalf. Where this happens:

- We will ask for evidence that you have authorised the representative to act on your behalf (typically a signed mandate or written confirmation)
- We will process your personal data to handle the complaint, regardless of who submitted it
- You retain all rights in relation to your personal data, even where a representative is acting for you.
- We will communicate outcomes to your representative unless you instruct us otherwise

Where your complaint involves special category data and is submitted via a representative, we may contact you directly to confirm your authorisation before we proceed.

Children and Vulnerable Adults

We are committed to ensuring that children and vulnerable individuals can raise complaints in a way that is accessible, fair and supportive. We will make reasonable adjustments where needed to help people engage with the complaints process, and we will communicate in a manner appropriate to the individual's age, needs and understanding.

Where a complaint is made on behalf of another person, we will, where appropriate, seek consent and ensure their views are considered. In handling complaints involving children, we follow relevant legal and best practice guidance, ensuring the child's best interests are a primary consideration.

Where necessary, we may direct individuals to independent support services. Any safeguarding concerns identified during a complaint will be handled separately in line with our safeguarding procedures.

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Lawful Basis for Processing

We do not process your complaint data based on consent. This means that you cannot withdraw consent to stop us processing information submitted as part of a live complaint – we are required to handle complaints regardless.

Article	Basis	Why it applies
Article 6(1)(c)	Legal Obligation	As an Arms Length External Organisation (ALEO) of the Highland Council, High Life Highland is required to operate a Model Complaints Handling Procedure (MCHP) as set out by the Scottish Public Services Ombudsman (SPSO). This is the primary basis for processing complaints data.
Article 6(1)(f)	Legitimate Interests	Where processing is not strictly required by the MCHP but is necessary to manage complaints fairly, improve services, and protect the organisation from legal challenge.
Article 9(2)(g)	Substantial Public Interests	Where your complaint involves special data (e.g. health, disability, ethnicity), we process this under the substantial public interest condition, specifically for the administration of justice and the exercise of statutory functions (ref DPA 2018 section 10(3))

If You Do Not Provide Information

If you choose not to provide the information requested, we may be unable to:

- Respond to your complaint

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Who We Share Information With

We will only share your complaint information where necessary. This may include:

Recipient	Reason
HLH staff involved in handling your complaint	To investigate and respond to your complaint at Stage 1 or Stage 2.
Scottish Public Services Ombudsman (SPSO)	If you escalate your complaint to the SPSO after Stage 2, or if the SPSO requests information from us as part of its own investigation.
The Highland Council	In our capacity as an ALEO of The Highland Council, we may share complaint statistics or escalated matters where governance oversight is required. Personal data will only be shared where strictly necessary.
Legal advisors or insurers	Where a complaint results in or may result in legal proceedings, only to the extent necessary.

We do not sell or share your personal data with third parties for marketing purposes. We do not transfer complaint data outside the UK.

Information will only be shared where there is a lawful basis to do so.

For details of our data processors, please visit: [Data processors | High Life Highland](#)

International Transfers

Your information is normally processed within the United Kingdom.

Where information is transferred outside the UK, appropriate safeguards will be in place to protect your personal information.

How Long We Keep Information

Your information will be retained in accordance with High Life Highland's Retention Schedule.

Retention Period: Complaint records (both case files and analysis) are retained for 5 years of the conclusion of the investigation. A complaints register is held for 10 years.

Once the retention period has expired, your information will be securely deleted or anonymised.

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Automated Decision Making and Profiling

Your complaint data is not subject to automated decision-making or profiling. All complaints are reviewed and responded to by a member of staff.

Your Rights

Under UK GDPR you have the following rights in relation to your personal data:

Right	What this means for complaint data
Right of Access (SAR)	You may request a copy of the personal data we hold about you. We will respond within one calendar month.
Right to Rectification	If information we hold is inaccurate, you can ask us to correct it.
Right to Erasure	You can ask us to delete your data. However, this right is limited where we are processing under legal obligation – we cannot erase records relating to an open or recently closed complaint.
Right to Restriction	You can ask us to pause processing in certain circumstances, e.g. while you contest the accuracy of the data.
Right to Object	Where we process under legitimate interests, you can object to processing. We will cease unless we can demonstrate compelling grounds to continue.
Right to Portability	This right does not apply to complaint data, as processing is not based on consent or contract.

To exercise any of these rights, please contact our Data Protection Officer using the details below. For more information about your rights, visit: [Your data protection rights | High Life Highland](#)

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Data Protection Officer

If you have any questions about how your information is used, please contact:

Data Protection Officer

Highland Council
Headquarters
Glenurquhart Road
IV3 5NX

Email: DPO@highland.gov.uk

Telephone: 01463 702029

Complaints

If you are unhappy with how your personal information has been handled, you may contact:

Information Commissioner's Office (ICO)

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113
Website: <https://ico.org.uk>