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Service Area:	Trading Standards
Work Area:	Consumer Advice and Dispute Resolution
Contact Details:	01443 811300 tradingstandards@caerphilly.gov.uk
Privacy Notice Name:	Consumer Advice and Dispute Resolution - Consumer Complaints
Description of Privacy Notice:	This privacy notice will explain how Caerphilly County Borough Council's Trading Standards will use the information you have provided about yourself (personal data) when you make a consumer complaint either directly to Caerphilly County Borough Council or your complaint has been passed to Caerphilly County Borough Council by another organisation.

How we will use your information

Source and type of information being processed

If you have made your complaint directly to Caerphilly Trading Standards or initially to another organisation, this section will explain the categories of personal data that would be received by us and also the types of organisations that may make referrals.

Categories of personal data obtained

Caerphilly County Borough Council has obtained the following categories of your personal data:

- Name
- Address
- Contact Details
- Nature and details of Complaint (which may include method and amount of payment)

Source of the personal data

This information was supplied directly by yourself, or was shared with Caerphilly County Borough Council by another organisation such as:

Citizens Advice Consumerline
Another local authority

Purpose and legal basis for using your information

Purpose of processing

1. To assess your complaint to establish whether Caerphilly Trading Standards can assist you with resolving the matter.
2. If Trading Standards can assist, this will be achieved either by giving assured advice, conducting mediation with the business or individual complained about, giving assistance with formal action via the civil courts or arbitration bodies, or conducting a criminal investigation. If Trading Standards can assist, the business or individual will be contacted to inform them of the complaint, which will involve giving them your personal details.
3. Where the business or person complained about is situated in another Local Authority area, your details will be shared with Trading Standards from that area, in order to assist with resolving your complaint.
4. Where assistance can only be achieved by involving third parties such as expert witnesses or the Courts, your details will also be shared with them.
5. In relation to criminal investigations that may involve other enforcement agencies, your details may also be shared with them. This includes other Caerphilly County Borough Council services such as Environmental Health, other Local Authority Trading Standards and enforcement bodies such as the police.
6. For statistical Analysis
7. To contact you in relation to Customer Satisfaction surveys

Legal basis for processing

There is a public task requirement on public authorities to process your information as detailed below:

The legislation that provides the legal basis for processing will depend on the nature of the consumer complaint but may include:

The Enterprise Act 2002

The Criminal Procedure and Investigations Act 1996

In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Regulations must be identified, which is outlined below:

1e. 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;

Data Protection legislation provides extra protection for certain classes of information called 'special personal data'. If any information falls within the definition of special personal data then an additional condition from Article 9 of the Regulations must be identified, as outlined below:

6 (1) This condition is met if the processing—

- (a) is necessary for a purpose listed in sub-paragraph (2), and
- (b) is necessary for reasons of substantial public interest.

(2) Those purposes are—

- (a) the exercise of a function conferred on a person by an enactment or rule of law;
- (b) the exercise of a function of the Crown, a Minister of the Crown or a government department.

Who will have access to your information

Identity of Data Controller and Data Protection Officer

The Data Controller for your information is Caerphilly County Borough Council. The Data Protection Officer is:

Ms Joanne Jones
Corporate Information Governance Manager / Data Protection Officer
Email: dataprotection@caerphilly.gov.uk
Tel: 01443 864322

Other Data Controllers may also be responsible for your information, depending on the specific circumstances. Please contact the Service Area for further information.

Details of main users of your information

Caerphilly Trading Standards will assess your complaint, and if assistance can be given, the details will be discussed fully with you before any action is taken.

If it is felt that another Caerphilly County Borough Council service area is better placed to assist you, your personal details will be passed to them. These areas include Environmental Health, Planning, Community Safety and Highways.

In attempting to resolve your complaint, your details, including your name and address, will be shared with third parties, such as the business or person complained about, an expert witness, other outside enforcement bodies such as the police, only after express permission.

Your personal details may be used by Caerphilly Trading Standards to contact you for the purposes of customer satisfaction surveys, in order to assess and improve the service we provide.

Information provided as a result of your complaint will be used for statistical analysis, both within Caerphilly County Council and externally, however the results of this analysis are compiled in such a way that your personal details are not revealed.

Details of any sharing of your information within Caerphilly county borough council

With other service areas who may be better positioned to deal with your complaint, eg Environmental Health, Planning, Community Safety, Highways.

Details of any sharing of your information with other organisations

- Your details may be shared with law enforcement bodies for purposes of the prevention or detection of crime or the apprehension or prosecution of offenders
- Your details may be shared with other Local Authority Trading Standards Services (Including Regional or National Teams) who may be in a better position to assist you with your complaint.
- Your details may be shared with businesses or individuals that you have complained about, in order to best resolve your complaint.
- If your complaint requires the input of third parties such as expert witnesses, your details may be shared with them.
- Your details will be shared with the Courts if criminal proceedings are initiated as a result of your complaint.

Requests for information

All recorded information held by Caerphilly County Borough Council may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and the Data Protection Act 1998.

If the information you provide is subject to such a request, where possible Caerphilly County Borough Council will consult with you on its release. If you object to the release of your information we will withhold your information if the relevant legislation allows.

How long will we retain your information

Details of retention period

How long Caerphilly County Borough Council retains information is determined through statutory requirements or best practice.

In relation to your information, it will be retained for 7 years in line with the Caerphilly CBC Public Protection Document Retention Policy.

Your Rights (Inc Complaints Procedure)

Your rights under the Data Protection Act 1998

Data Protection gives data subjects (those who the information is about) a number of rights:

- The right of subject access – Application forms for this process are available on our website: [SAR Form](#)
- The right to be informed
- The right of rectification
- The right to erasure
- The right to restrict processing
- The right to object
- The right to data portability
- Rights in relation to automated decision making and profiling.

Further information on your rights is available from: www.ico.org.uk.

To enact your rights please contact the service area detailed on the top of this form.

Complaints Procedure

If you are unhappy with the way that Caerphilly County Borough Council has handled your request / information, you have the right of complaint. Please contact the Service Area detailed at the top of this document outlining your issues.

If you remain unhappy you also have a right of complaint to the Information Commissioner's Office. Please follow this link for further information on the complaints process.

www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Questions-and-complaints