

# Privacy Policy

## 1. INTRODUCTION

The EU General Data Protection Regulation (GDPR) relates to the protection of your personal data. This privacy policy outlines how we collect, use, and store your information at The Consumer Council. It also outlines your rights under the regulation.

## 2. LEGAL REASON FOR PROCESSING

An organisation that processes your personal data has to have a legal reason for doing so. This might be because you have given your consent or that there is a legal obligation. In our case, we will usually be processing your data as part of our 'public task'. This is because we are a public body with a statutory duty to safeguard and promote the interests of consumers. Therefore, if you come to us with a complaint about a service provider or just to ask us for information about your rights we are acting on your behalf in our capacity as a public body. It is our 'public task' to act on your behalf and in order for us to do this we need to process your personal data.

## 3. HOW WE USE YOUR INFORMATION

You should always know what data we collect from you and how we use it, and that you should have meaningful control over both. We want to empower you to make the best decisions about the information that you share with us. This privacy policy describes how and when we collect, use, and share your information. When this policy mentions "we", "our" or "us," it refers to the controller of your information under this policy, which is The Consumer Council.

### **Controller**

We are the data controller responsible for your personal data and we are registered with the Information Commissioner's Office (ICO) with reference number Z927294X.

### **Data Protection Officer**

We have appointed a Data Protection Officer ("DPO"). Our DPO has a number of important responsibilities including:

- monitoring The Consumer Council’s compliance with the GDPR and other data protection laws;
- raising awareness of data protection issues, training The Consumer Council staff and conducting internal audits; and
- cooperating with supervisory authorities such as the ICO on our behalf.

If you have any questions about this privacy policy, including any requests to exercise your legal rights, please refer to the contact us section of this document (see Section 12).

## Complaints

You have the right to make a complaint at any time to the ICO, the UK supervisory authority for data protection issues (<http://www.ico.org.uk>). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance (see Section 12).

## 4. INFORMATION WE COLLECT ABOUT YOU

We will collect and process the following data about you:

- a) **“Submitted Information”**: This is information you give us about you by filling in forms on our website, or by corresponding with us (for example, by e-mail or via the telephone). It includes information you provide when you subscribe to any of our services, social media functions, enter a competition, promotion or survey and when you report a problem with our services, or the website. If you contact us, we will keep a record of that correspondence. The information you give us may include your name, address, date of birth, e-mail address, phone number and photograph. If you contact us by telephone we will record your call for quality and training purposes. The recording of your call may be used to assess call handling standards and will be disposed of in line with our retention schedule.
- b) **“Submitted Information (Special Category Data)”**: Information you may give us could also include sensitive personal information about you, such as any medical conditions which may be relevant to the nature of your contact with us. In such cases we will only process this information for specific purposes, for example to arrange special assistance for attendance at one of our events or in the resolution of a complaint.
- c) **“Device Information”**: Each time you visit our website we will automatically collect the following:

- (i) Technical information, including the internet protocol (IP) address used to connect your computer to the Internet, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform, device information and the type of mobile device you use, mobile network information, your mobile operating system, the type of mobile browser you use, time zone setting; and
- (ii) Information about your visit, including the full uniform resource locators (URL), clickstream to, through and from our site (including date and time), services you viewed or searched for, page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), methods used to browse away from the page, and device information.

## **Cookies**

We use a system of classifying the different types of cookies which we use on our website, or which may be used by third parties through our website. The classification was developed by the International Chamber of Commerce UK and explains more about which cookies we use, why we use them, and the functionality you will lose if you decide you don't want to have them on your device.

### **What is a cookie?**

Cookies are text files containing small amounts of information which are downloaded to your personal computer, mobile or other device when you visit a website. Cookies are then sent back to the originating website on each subsequent visit, or to another website that recognises that cookie. Cookies are useful because they allow a website to recognise a user's device.

### **How long are cookies stored for?**

Persistent cookies - these cookies remain on a user's device for the period of time specified in the cookie. They are activated each time that the user visits the website that created that particular cookie.

Session cookies - these cookies allow website operators to link the actions of a user during a browser session. A browser session starts when a user opens the browser window and finishes when they close the browser window. Session

cookies are created temporarily. Once you close the browser, all session cookies are deleted.

Cookies do lots of different jobs, like letting you navigate between pages efficiently, remembering your preferences, and generally improve the user experience.

You can find more information about cookies at [www.allaboutcookies.org](http://www.allaboutcookies.org) and [www.youronlinechoices.eu](http://www.youronlinechoices.eu).

### **Cookies used on our Website**

A list of all the cookies used on our website by category is set out below.

#### **Strictly necessary cookies**

These cookies enable services you have specifically asked for. These cookies are essential in order to enable you to move around the website and use its features.

#### **Performance cookies**

These cookies collect anonymous information on the pages visited. By using the website, you agree that we can place these types of cookies on your device.

These cookies collect information about how visitors use the website, for instance which pages visitors go to most often, and if they get error messages from web pages. These cookies don't collect information that identifies a visitor. All information these cookies collect is aggregated and therefore anonymous. It is only used to improve how the website works.

#### **Functionality cookies**

These cookies remember choices you make to improve your experience. By using the website, you agree that we can place these types of cookies on your device.

These cookies allow the website to remember choices you make and provide enhanced, more personal features. The information these cookies collect may be anonymised and they cannot track your browsing activity on other websites.

#### **Third party cookies**

These cookies allow third parties to track the success of their application or customise the application for you. Because of how cookies work we cannot

access these cookies, nor can the third parties access the data in cookies used on our site.

For example, if you choose to 'share' content through Twitter or other social networks you might be sent cookies from those websites. We don't control the setting of these cookies, so please check those websites for more information about their cookies and how to manage them.

## 5. HOW WE USE THE INFORMATION

Below is a summary of the key types of data that we make use of as part of The Consumer Council services.

We use information held about you in the following ways:

- a) Submitted Information (and special category information where appropriate). We will use this information:
  - to carry out our statutory duty to act on your behalf regarding complaints about transport, water, postal services and energy;
  - to provide you with the latest copy of our e-Zine newsletter;
  - to comply with our regulatory obligations;
  - to coordinate competitions run by The Consumer Council;
  - to sign post you to other bodies that may be better placed to assist you with your query; and
  - to deal with any contacts from you relating to an area not stated above but for which The Consumer Council is well placed to provide assistance.
  
- b) Device Information - We will use this information:
  - to administer our website for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes;
  - to improve our website to ensure that content is presented in the most effective manner for you and for your computer;
  - to allow you to participate in interactive features of our service, when you choose to do so; and
  - as part of our efforts to keep our website safe and secure.

### **eZine newsletter**

We use a third party provider, Mail Chimp, to deliver our monthly eZine newsletters. We gather statistics around email opening and clicks to help us

monitor and improve our eZine newsletter. For more information, please see Mail Chimps privacy notice available on its website [here](#).

### **People who contact us via social media**

We use a third party provider, Hootsuite to manage our social media interactions on Twitter. If you send us a private or direct message via social media, the message will be stored by Hootsuite for three months. For more information on Hootsuite's privacy notice available on its website [here](#).

Our communications team also manages social media interactions on Facebook and Twitter directly; messages received through these platforms are disposed of in line with our retention and disposal schedule. For more information please read the privacy notices of these organisations.

### **People who email us**

We use encryption methods to protect email traffic containing personal information. If your email service does not support these methods, you should be aware that any emails we send or receive may not be protected in transit. We will also monitor any emails sent to us, including file attachments, for viruses or malicious software. Please be aware that you have a responsibility to ensure that any email you send is within the bounds of the law.

### **People who telephone us**

We use the services of NI Direct as a third party to handle all calls to The Consumer Council in the first instance. NI Direct is responsible for evaluating the nature of the call and deciding if it is a matter for investigation under the statutory role of The Consumer Council. If it is deemed to fall under this statutory remit the details will be transferred directly to The Consumer Council and it will handle the complaint. If the call is not a matter for The Consumer Council, NI Direct will help by providing the relevant assistance.

NI Direct will ask if all callers if they will voluntarily provide a postcode, house number and email address (to send a survey on performance). The Consumer Council will ask you for further information from the consumer in cases that are referred as they fall under our statutory remit.

For more information on how NI Direct processes personal information and its compliance with the GDPR please see their privacy notice [here](#).

## **People who contact us via our website**

When contact is made with The Consumer Council through its website, consumers are directed to Resolver's website. Resolver is a one stop shop consumer aide and can help with issues that fall outside the statutory remit of The Consumer Council. It will refer consumers back to The Consumer Council if we are the best placed organisation to assist, otherwise Resolver will progress the complaint on their behalf. No personal information is recorded by Resolver unless the consumer seeks additional assistance with Resolver directly.

For more information on how Resolver processes personal information and its compliance with the GDPR please see their privacy notice [here](#).

## **People who contact us to make an enquiry or complaint**

When we receive a request to handle an enquiry or complaint on behalf of a consumer we create a record containing the details on a third party system called Entegraty. This normally contains the name and contact details of the person and any other individuals involved in the case. For more information on how Entegraty processes personal information and its compliance with the GDPR please see their privacy notice [here](#).

We will only use the personal information we collect to process the enquiry or complaint and to check on the level of service we provide. We compile and publish statistics showing information on the number of contacts we receive, but not in a form which identifies anyone.

We usually have to disclose the subject's identity to whomever the contact is about. This is necessary in order to progress the enquiry or complaint. If you do not want information identifying you to be disclosed, we will respect that. However, it may restrict our ability in trying to achieve a positive outcome on your behalf. We may also share your personal data with relevant third parties such as, but not limited to, an industry regulator or complaint handling body/advice agency. This will only be with a view to resolving your complaint but if you do not wish for your information to be shared in this way please let us know.

We will keep personal information contained in complaint files in our Entegraty database in line with our retention policy. This means that information relating to a case will be retained for five years from closure. It will be retained in a secure environment and access to it will be restricted to those persons charged with resolving your enquiry or complaint.

What we use your information for	Type of Information	Our Lawful Basis for Processing
<p>To carry out our statutory duty to safeguard and promote the interests of Northern Ireland consumers. This includes (but is not limited to):</p> <ul style="list-style-type: none"> <li>• dealing with your enquiries or complaints about service providers;</li> <li>• conducting research into consumer issues; and</li> <li>• liaising with stakeholders to improve services for consumers.</li> </ul>	Submitted Information	<p><b>Public Task:</b> Processing the information is necessary for the performance of these tasks carried out in the public interest and in the exercise of our official authority, as set down in the relevant legislation that gives The Consumer Council its powers.</p>
<p>We may process personal sensitive information that you have provided such as any medical conditions. This may be in relation to accessing our services or seeking resolution to an enquiry or complaint. We will only use this information where it is relevant.</p>	Submitted Information (Special Category Data)	<p><b>Public Task:</b> Processing the information is necessary for the performance of these tasks carried out in the public interest and in the exercise of our official authority, as set down in the relevant legislation that gives The Consumer Council its powers.</p>
<p>To provide you with our e-Zine newsletter, entry to competitions and photographs for promotional purposes from events.</p> <p>To facilitate Consumer Council events such as The Consumer Parliament, access audits and outreach events.</p>	Submitted Information	<p><b>Consent:</b> You will have provided your explicit and clear consent to receive information from us, to provide us with information or to take part in a Consumer Council facilitated event.</p>
<p>To give you access to our website and otherwise administer the website.</p>	Device Information	<p><b>Public Task:</b> Processing the information is necessary for the performance of these tasks carried out in the public interest and in the exercise of our official authority, as set down in the relevant legislation that gives The Consumer Council its powers.</p>



## 6. PEOPLE WHO MAKE A COMPLAINT ABOUT US

If you have used our services and are dissatisfied with the service we have provided you can raise a complaint. Information on how to do this is available [here](#).

If you choose to make a complaint about us you may escalate it to the Public Service Ombudsman. If this is the case we will share full details of your complaint with the Public Service Ombudsman.

## 7. DISCLOSURE OF YOUR INFORMATION

### **Sharing your Information**

In seeking to resolve your enquiry or complaint we will share the information that you give us with relevant third parties. This could include, but may not be limited to, the company or service that you have contacted us about, an industry regulator or other relevant complaint handling bodies/advice agencies. We will only do this for the purposes of seeking to resolve your complaint or to improve services in general. If you do not wish for your information to be shared in this way please let us know, however it may restrict our ability to achieve a positive outcome on your behalf.

More information on your rights is contained in Section 10 of this document.

### **Data Sharing Agreements**

We have sought data sharing agreements with third parties that we share personal information with. These agreements dictate what personal information the third parties have access to, what they can do with the information and what they must do with the information after it is no longer required or if our contract with them ends. These agreements are maintained by our Departmental Information Manager and as the data controller we have the right to carry out audits on third parties to ensure your personal data is being processed in line with the agreement.

### **Privacy by Design**

Under the GDPR, we have a general obligation to implement technical and organisational measures to show that we have considered and integrated data protection into our processing activities. Data Protection Impacts Assessments (DIAs) are a mandatory requirement to be completed by us for:

- All new projects / policy / legislation that involve the processing of personal or sensitive personal data and for any changes to current policies / procedures / processes / legislation that similarly involve the processing of personal or sensitive personal data; and
- All new software systems or any departmental or inter-departmental restructuring project that involves the processing of personal or sensitive personal data.

These assessments are required to consider the level of risk to individuals and are reviewed by our Data Protection Officer.

We also anonymise personal information that we have received from a consumer in line with the retention period after the complaint has been completed. This ensures that all personal information has been removed from the complaint.

## **DATA PROCESSING PARTNERS**

We will disclose the data we collect from you to certain third parties who use personal data in delivering their services to us. They use data securely and confidentially and under strict contractual controls in accordance with data protection laws and enforced by The Consumer Council.

We send personal data to the following sets of data processors in order to perform The Consumer Council Services:

- Entegraty – provides support for the database that we use to store information relating to enquiries and complaints.
- Customer Service Excellence – reviews data relating to the level of service we provide to consumers to ensure we meet best practice.
- BT48 – hosts and supports our website.
- Acorn IT Solutions – Sage support partner.
- NI Direct – Call triage service.
- Resolver – Online complaints.
- **Cloud storage providers**

We use Platform.sh<sup>1</sup> as our cloud storage provider. Platform.sh takes all reasonable measures to:

1. Protect your personal data and information, and to protect its sites from unauthorized access to, or unauthorized alteration, disclosure or destruction of, information it maintains.
2. Ensure that it is in compliance with the EU General Data Protection Regulation (GDPR) regardless of where your personal data may be stored and processed.

## 8. INFORMATION SECURITY

To protect your information, The Consumer Council has policies and procedures in place to make sure that only authorised personnel can access the information, that information is handled and stored in a secure and sensible manner, and all systems that can access the information have proportionate and reasonable security measures in place.

All information you provide to us is stored by our IT Service provider, The Northern Ireland Civil Service provider IT Assist on secure servers. These servers are regularly updated to ensure your personal data is secure as possible.

Any paper information is stored within locked cabinets in a secure building environment which requires a staff pass in order to gain access.

### **Transfers of your information out of the EU**

We may from time to time need to transfer your personal information to service providers which are located outside the European Union. This will be for the purpose of seeking to resolve the enquiry or complaint we have raised on your behalf in line with our statutory duty as a public authority. We will only do this

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<sup>1</sup> Platform.sh” is operated by Platform.sh SAS, a French company located at [131, Boulevard de Sébastopol, Paris, 75002 France](#), and Platform.sh Inc, a Delaware registered corporation, addressed at PO Box 536 Brooklyn, MI 49230 and may include its affiliates, subsidiaries, directors, officers, employees, agents, partners, contractors, and/or licensors (together, referred to throughout these Terms of Service as “Platform.sh”). Platform.sh's GDPR Supervisory Authority is the [Commission Nationale de l'Informatique et des Libertés](#).

if it meets the requirements for international transfers as set by the Information Commissioners office as outlined [here](#).

## 9. RETAINING YOUR INFORMATION

The Consumer Council has agreed a retention and disposal schedule with the Public Records Office Northern Ireland (PRONI) to ensure that we do not hold your information for any longer than is necessary under the retention and disposal schedule.

The Consumer Council has an anonymisation process in place with Entegraty to remove all personal information after the retention period has ended, which is five years after the case has closed.

## 10.YOUR LEGAL RIGHTS

You have rights under data protection laws in relation to your personal data.

**Request access to your personal data (commonly known as a "data subject access request")**. This enables you to receive a copy of the personal data we hold about you within one month free of charge (unless the request is unfounded, excessive or repetitive). Our contact information is available on page 15 of this document.

### **No fee usually required**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. We may also charge a reasonable fee to comply with requests for further copies of the same information. The fee will be based on the administrative costs of providing the information.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

### **Time limit to respond**

In accordance with GDPR guidelines we will respond within one month.

**Request correction of the personal data that we hold about you.** This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

**Request erasure of your personal data.** This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing, where we may have processed your information unlawfully or where we are required to erase your personal data to comply with the law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request. Please note that retention requirements supersede any right to erasure requests under applicable data protection laws.

**Object to processing of your personal data.** This is in situations where we are performing our official function (e.g. dealing with a complaint on your behalf) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms.

If you object to the processing of certain data then we may not be able to provide The Consumer Council services or it may restrict our ability to achieve a positive outcome on your behalf.

**Request restriction of processing of your personal data.** This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it. Please note that any requests in relation to the restriction of the processing of your data means that we may not be able to perform the services that you require from The Consumer Council.

**Request the transfer of your personal data to you or to a third party.** We will provide to you, your personal data in a structured, commonly used format, which you can then transfer to an applicable third party.

**Withdraw consent at any time where we are relying on consent to process your personal data.** However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your

consent, we may not be able to provide The Consumer Council services to you. We will advise you if this is the case at the time you withdraw your consent.

## 11.CHANGES TO PRIVACY POLICY

If we change our Privacy Notice or our Privacy Policy we will tell you. This will be via messages on our website, via our email signatures and via the pre-recorded messages on our telephone systems.

### **Links to other websites**

This privacy notice does not cover links to other websites. We encourage you to read the privacy statements on the other websites you visit.

## 12.CONTACT

All questions relating to data and your privacy are welcomed and should be addressed to our support team. If you have any questions, comments or requests regarding this privacy policy, please contact us through the following details:

Email: [dpo@consumercouncil.org.uk](mailto:dpo@consumercouncil.org.uk)

Telephone: 028 9025 1600

Write to: Data Protection Officer, The Consumer Council, 3<sup>rd</sup> Floor, Seatem House, 28-32 Alfred Street, Belfast, BT2 8EN

## 13.ACCESS TO INFORMATION

In addition to the GDPR you have the right to seek information under other legislation as follows:

### **Freedom of Information Requests**

The Freedom of Information Act (FOIA) 2000 provides public access to information held by public authorities including The Consumer Council. It does this in two ways:

1. Public authorities are obliged to publish certain information about their activities.

2. Members of the public are entitled to request information from public authorities.

The Consumer Council has two separate duties when responding to requests for information:

1. To tell the applicant whether The Consumer Council holds any information falling within the scope of their request; and
2. To provide that information unless it is exempt from disclosure.

The Act covers any recorded information that is held by The Consumer Council that is not environmental information or personal information.

### **How to make a Freedom of Information Request**

Your request must:

- Be in writing (this includes letter, fax or email);
- State your name and an address for correspondence; and
- Describe the information you require.

Define your request as clearly as possible, including, for example, any dates or timescales that may help identify relevant records. Please also include a daytime contact telephone number, if possible, as we may need to contact you to clarify details of your request.

You can make a request via email to [info@consumercouncil.org.uk](mailto:info@consumercouncil.org.uk), via fax to 028 9025 1663 or alternatively you can write to the following address:

The Consumer Council  
Floor 3 Seatem House  
28-32 Alfred Street  
Belfast  
BT2 8EN

### **Information Exemptions**

Whilst the FOIA creates a right to access information, it also recognises that certain types of information may need to be protected from disclosure by defining a number of exemptions. This means that we may need to withhold some information requested. Exemptions fall into two categories, absolute and qualified and are defined under the FOIA Part II Exempt Information.

## **Costs for Requests**

We will not charge if the cost of locating, retrieving and extracting the information you request is less than the "appropriate limit", which is currently set at £450.

Where the estimated cost of providing information exceeds £450, The Consumer Council is not obliged to proceed with the request. However we may be able to provide some of the information requested if it can be supplied within the "appropriate limit" and in these circumstances we will contact you and assist you in redefining your request.

## **Timescale for Responses to FOI Requests**

We will aim to respond to any requests promptly and no later than the 20th working day following the date of receipt.

If the requested information is subject to a qualified exemption, and we need more time to assess public interest considerations relating to disclosure, we will write to you within the 20 working days to tell you when we estimate we will be able to provide a final response to your request.

If we do not hold the information requested we will contact you and advise, if known, if there are any other public authorities to assist.

## **Refusal of a Request**

We are not obliged to comply with a request for information if the cost of complying with the request would exceed the appropriate limit.

If we refuse a request or you are unhappy with the response, we will provide details on how to ask for an internal review of our decision. If you remain dissatisfied you have the right to complain to the ICO.

## **Request Limitations**

The FOIA does not specifically limit the number of requests you can make; however, it does give us the right to refuse vexatious or repeated requests. Where a number of requests have been received from an individual for the same or similar information, we are also allowed to aggregate the costs of these in estimating whether or not the appropriate limit would be exceeded.

## **Environmental Information Regulations 2004**



The Environmental Information Regulations (EIR) 2004 provide a similar access regime for environmental information to that above:

1. Public authorities must make environmental information available proactively; and
2. Members of the public are entitled to request environmental information from public authorities.

Requests can be orally or in writing and we will seek to provide the information within 20 working days of receiving the request.