

WATER INDUSTRY COMMISSION FOR SCOTLAND

ACCESS TO INFORMATION: HOW WE USE YOUR PERSONAL INFORMATION

We, the Water Industry Commission for Scotland, are the controller of the personal information that we hold about you when you:

- make a request for information to us under the Freedom of Information (Scotland) Act 2002 (FOISA) and / or the Environmental Information (Scotland) Regulations 2004 (EISRs) (referred to in this statement as a “request for information”);
- make a complaint to us in relation to the way in which we have carried out our statutory duties; or
- submit an enquiry to us via telephone, post mail, e-mail, or our website.

As controller, we are legally responsible for how we hold and use personal information about you. It also means that we are required to comply with data protection laws when holding and using your personal information. This includes providing you with the details contained within this statement of how we hold and use your personal information, who we may share it with and your rights in relation to your personal information.

We have appointed a Data Protection Officer (DPO), who ensures that we comply with data protection laws. If you have any questions about this statement or how we hold or use your personal information, please contact the DPO via email at: DPO@wics.scot.

1. What personal information do we hold and use about you?

We hold and use the personal information that you provide to us as part of your request for information, complaint or enquiry and / or other personal information that we may obtain about you from any other correspondence with you. This may include:

- your name;
- your contact information, including your address, e-mail address and telephone number;
- the nature of your request for information, complaint or enquiry and how you want us to resolve your complaint or respond to your request for information or enquiry; and
- your bank account details, if we charge a fee for responding to your request for information.

If you require assistance with your complaint or enquiry and require reasonable adjustments to be made or specify that you would like the information to be disclosed in a particular format in response to your request for information, for example, large print, braille or audio tape, then we will also hold and use this personal information about you.

If you do not provide us with this personal information, we may not be able to process and handle your request for information, complaint or enquiry and we may refuse it.

2. Why do we hold and use this personal information about you?

We hold and use this personal information to:

- comply with our legal duties and obligations to process your request for information and request for review in accordance with FOISA and / or the EISRs or your complaint in accordance with our Complaints Handling Procedure and the Scottish Public Services Ombudsman Act 2002, and monitor our compliance with the same;
- handle and respond to your enquiry;
- contact you to clarify your request for information or request for review or to seek additional information about your complaint or enquiry;
- provide you with advice and assistance in relation to your request for information, request for review, complaint or enquiry;
- process payment of any fee for providing you with the information that you have requested;
- comply with our legal duties and obligations under equalities law when processing your request for information, complaint or enquiry;
- determine whether your complaint should be escalated to the investigation stage;
- refer your complaint to mediation or conciliation in certain circumstances;
- identify the root cause of complaints and reduce the risk of recurrence;
- record your complaint, our decision and the corrective action taken by us in our complaints log;
- systematically review our complaints performance reports to make service improvements;
- protect and defend our legal rights if you apply to the Scottish Information Commissioner (SIC) in relation to your request for information or the Scottish Public Services Ombudsman (SPSO) in relation to your complaint; and
- implement the recommendations contained within an SIC decision notice or enforcement notice in relation to your request for information or an SPSO decision notice in relation to your complaint.

3. What is our legal basis for holding and using your personal information?

Data protection laws require us to have a legal reason for holding and using your personal information.

Our legal reason is that the holding and use of your personal information is necessary to comply with our legal duties and obligations under FOISA, the EISRs or the Scottish Public Services Ombudsman Act 2002.

If you provide us with any special category personal information about you as part of your request for information, complaint or enquiry, our legal reason for holding and using such personal information is that it is necessary for reasons of substantial public interest for the exercise of a function conferred on us by FOISA, the EISRs or the Scottish Public Services Ombudsman Act 2002.

4. Who do we share your personal information with?

We may share your personal information with the following organisations for the purposes described in section 2 of this statement:

- SIC, if you apply to the SIC in relation to your request for information;
- SPSO, if you apply to the SPSO in relation to your complaint;
- a mediator, if your complaint requires mediation or conciliation; and
- our advisers, auditors, consultants, solicitors and IT service providers.

5. How long do we keep your personal information?

We keep the personal information that we hold and use about you for no longer than we need to meet any legal, accounting, reporting or regulatory requirements.

More information is contained in our data retention policy, which is available by contacting our DPO.

6. Where is your personal information transferred to?

Our servers are located in the United Kingdom and the European Union and the information that we collect directly from you will be stored in these servers.

Some of the organisations we share your personal information with (listed in section 4 of this statement) may be based or may make use of data storage facilities that are located outside the United Kingdom. Their handling and use of your personal information will involve us and / or them transferring it outside the United Kingdom. When we and / or they do this, we will ensure similar protection is afforded to it by:

- only transferring it or permitting its transfer to countries that have been deemed to provide an adequate level of protection for personal information under data protection laws; or
- using specific contracts with such organisations, which are approved for use in the United Kingdom, and which give your personal information the same protection it has in the United Kingdom after it is transferred.

Please contact our DPO for further information on the specific mechanism used by us when transferring your personal information outside the United Kingdom.

7. What rights do you have in relation to your personal information that we hold and use?

It is important that the personal information that we hold about you is accurate and current. Please keep us informed of any changes. Under certain circumstances, the law gives you the right to request:

- a copy of your personal information and to check that we are holding and using it in accordance with legal requirements;
- correction of any incomplete or inaccurate personal information that we hold about you;
- deletion of your personal information where it is no longer necessary for us to continue to hold and use it;
- temporarily suspend the use of your personal information, for example, if you want us to check that it is correct or the reason for processing it or to stop us from using your personal information altogether if we have committed a breach of data protection laws;
- the transfer of the personal information that you have provided to us to you or another organisation; and
- that you are not subject to a decision solely taken by computer which produces legal consequences for or otherwise significantly affects you.

You can also object to us holding and using your personal information on grounds relating to your particular situation, unless we have overriding and compelling legitimate grounds for holding and using your personal information in certain situations.

Please contact our DPO if you wish to make any of the above requests. When you make a request, we may ask you for specific information to help us confirm your identity for security reasons. You will not need to pay a fee when you make any of the above requests, but we may charge a reasonable fee or refuse to comply if your request for access is clearly unfounded or excessive.

8. Feedback and complaints

We welcome your feedback on how we hold and use your personal information, and this can be sent to our DPO.

You have the right to make a complaint to the Information Commissioner, the UK regulator for data protection, about how we hold and use your personal information. The ICO's contact details are as follows:

Telephone: 0303 123 1113

Website: <https://ico.org.uk/concerns/>

If you would like to receive this statement in alternative format, for example, audio, large print or braille, please contact us.

9. Updates to this statement

We may update this statement at any time, and we will provide you with an updated version when required to do so by law.

Last updated: May 2021