COMPLAINTS AND GRIEVANCE PRIVACY NOTICE

What is the purpose of this document?

Imperial College of Science, Technology and Medicine ("**Imperial**", "**we**", "**our**") is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your relationship with us, in accordance with the applicable data protection legislation the Data Protection Act 2018 and the General Data Protection Regulations (the "**GDPR**") and our Data Protection Policy.

Imperial is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to anyone whose personal data is processed whilst Imperial is investigating, acting in collaboration with other organisation(s) and/or responding to a complaint or grievance. This will include but is not limited to staff, students, personal representatives and any third-party organisations involved including law firms, regulators and trade unions. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice or relevant Policy we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Data protection principles

We will comply with data protection law. This says that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

The kind of information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, store, and use the following categories of personal information about you and where it forms part of the complaint or grievance:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Gender.
- Marital status and dependants.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).
- Employment records (including job titles, work history, working hours, training records and professional memberships).
- Disciplinary and grievance information.
- Your name and contact details (such as email address, postal address and telephone number)
- If you are a complainant or a respondent, details of the complaint or grievance made by you, involving you or about you by another person
- If you are a witness, information you provide about a case
- Information about your relationship with Imperial.
- Information about your involvement in any previous investigations.
- Other personal data that you may share when you contact us by letter, email, phone or other means related to the complaint or grievance.

We may also collect, store and use the following "special categories" of more sensitive personal information where it relates to the complaint or grievance:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Trade union membership.
- Information about your health, including any medical condition, health and sickness records.
- Information about criminal convictions and offences.

How is your personal information collected?

We collect most of the personal information about you directly where you are involved in a complaint or grievance. We may sometimes collect additional information from third parties including other personnel involved in the complaint or grievance e.g. (among others) former employers, staff, students, representatives and/or third-party organisations.

How we will use information about you and the legal basis for processing your data under the GDPR

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- Where we need to comply with a legal obligation*.
- Where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us**.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests***.
- Where you have consented to the processing****.

Situations in which we will use your personal information

We have indicated by [asterisks] the purpose or purposes for which we are processing or will process your personal information, as well as indicating which categories of data are involved. Please be aware that there may be more than one legal basis for processing your personal data.

- If you are a complainant, to make and process your complaint or grievance*/**/***/****.
- If you are a respondent, to take your information into account as part of a complaint or grievance*/**/***/****.
- If you are a witness, to take your information into account as part of a complaint or grievance*/**/***/****.
- If you are a representative, to take your information into account as part of a complaint or grievance*/**/***/****.
- If you are representing a third party organisation, to take your information into account as part of a complaint or grievance*/**/***/****.
- Undertaking quality assurance or learning of the work carried out by the investigators, either by quality assuring the investigation while it is active or by conducting a review of a closed case.**/***
- To ensure we meet any and all legal obligations with regards to your relationship with the university.*
- Gathering evidence for possible grievance or disciplinary hearings*/**/***.
- Making decisions about your continued employment or engagement*/**/***.
- Making arrangements for the termination of our working relationship*/**/***.
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work*/**/***.
- To prevent fraud*/**.

- For internal record-keeping, including the management of any staff feedback or complaints.***

If you fail to provide personal information

If you do not provide your personal data, it may affect your involvement with a complaint or grievance and our ability to investigate:

- If you are a complainant, you cannot make a complaint without providing your personal data.
- If you are a respondent, you cannot respond to a complaint without providing your personal data.
- If you are a witness, you cannot provide information about a case without providing your personal data.

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

How we use particularly sensitive personal information

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances and where it forms part of the complaint / grievance:

- In limited circumstances, with your explicit written consent.*
- Where it is necessary in the context of employment law, or laws relating to social security and social protection.**
- Where the processing relates to personal data which have been manifestly made public by you.***
- Where the processing is necessary for the establishment, exercise or defence of legal claims.****
- Where the processing is necessary for reasons of substantial public interest, and occurs on the basis of a law that is, inter alia, proportionate to the aim pursued and protects your rights as a data subject.*****

  Relevant associated conditions include;

  - Employment, social security and social protection (see Paragraph 1 of Schedule 1 of the DPA 2018)
  - Preventing or detecting unlawful acts (see Paragraph 10 of Schedule 1 of the DPA 2018)
  - Protecting the public against dishonesty (see Paragraph 11 of

Schedule 1 of the DPA 2018)

Situations in which we will use your special category data

We will use your particularly sensitive personal information in the following ways:

- If you are a complainant, to make and process your complaint or grievance.*/**/***/****/*****
- If you are a respondent, to take your information into account as part of a complaint or grievance.*/**/***/****/*****
- If you are a witness, to take your information into account as part of a complaint or grievance.*/**/***/****/*****
- If you are a representative, to take your information into account as part of a complaint or grievance.*/**/***/****/*****
- If you are representing a third party organisation, to take your information into account as part of a complaint or grievance.*/**/***/****/*****

Automated decision-making

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

Data sharing

We may have to share your data with third parties, including third-party service providers and other entities in the Imperial group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the UK.

If we do, you can expect a similar degree of protection in respect of your personal information.

Why might you share my personal information with third parties?

We may share your personal information with third parties where required by law, where it is necessary to administer the relationship with you or where we have another legitimate interest in doing so, such as where a complaint has been raised via a separate organisation or in collaboration with the university.

Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents) and other entities within the Imperial group. The following activities are carried out by third-party service providers:

- Legal support where it forms part of the complaint / grievance process.

- External investigators where the complaint / grievance is of a specialist nature or an investigation requires support from outside the university.
- External specialist support services where internal resource is not sufficient or specialist skillsets are required.

How secure is my information with third-party service providers and other entities in our group?

All our third-party service providers and other entities in the Imperial group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

What about other third parties?

We may need to share your personal information with a regulator or to otherwise comply with the law.

We may need to share your personal information with other organisations where there is a requirement to do so or where similar investigations are similarly occurring.

We may also need to share personal information with organisations where they are legally required or where it forms part of a contract between an individual, the university and other parties.

Transferring information outside the EU

To ensure that your personal information does receive an adequate level of protection we have put in place the following appropriate measure[s] to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects the EU and UK laws on data protection:

- Implementation of Standard contract clauses and UK Addendum.
- Implementation of the IDTA.
- Completion of a supporting Transfer Risk Assessment.

Data security

We have put in place measures to protect the security of your information. Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data retention

How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different records we hold are available in our Retention Schedule. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements. In this case, we expect to retain your personal information for;

- For students – for 6 years following completion of case whereby data will become part of core documents and added to student file
- For staff – for 7 years following completion of case.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

Rights of access, correction, erasure, and restriction

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your relationship with us.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information 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 information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.

- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact Imperial's Data Protection Officer in writing.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

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 the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact Imperial's Data Protection Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Data Protection Officer

We have appointed a Data Protection Officer to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the Data Protection Officer at:

Imperial College London
Data Protection Officer
Exhibition Road
Faculty Building Level 4
London SW7 2AZ

e-mail: dpo@imperial.ac.uk

You have the right to make a complaint at any time to the Information Commissioner's Office (**ICO**), the UK supervisory authority for data protection issues.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.