
Complaints Privacy Notice

1 Why are we collecting this data and how will it be used?

NFER is committed to conducting education research, assessment and information services of the highest quality. When concerns or complaints are raised with us, we process personal data to resolve them. We will process the personal data of the original complainant and, depending on the nature of the complaint, any individuals against whom the complaint is made and any other individuals involved as appropriate.

This privacy notice sets out how personal data is used in responding to complaints.

NFER makes decisions about the means and purpose of processing when handling complaints and is the data controller.

2 What is the legal basis for processing activities?

The legal basis for processing personal data to deal with complaints is covered by:

- UK GDPR Article 6 (1) (f) which states that 'processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of the personal data'.

We have undertaken a legitimate interest assessment (LIA) which demonstrates that the processing fulfils one of NFER's core business purposes (business administration). We cannot process a complaint without processing personal data.

The UK GDPR recognises certain categories (special category personal data) of personal information as sensitive and therefore requiring more protection, for example information about health, ethnicity and political opinions. Depending on the nature of the complaint being investigated, we may process this type of data. We will only process special category personal data if there is a valid reason for doing so and where the UK's data protection legislation allows us to do so.

For the purpose of clarity, the UK GDPR defines special category data as:

- personal data revealing racial or ethnic origin
- personal data revealing political opinions
- personal data revealing religious or philosophical beliefs
- personal data revealing trade union membership
- genetic data
- biometric data (where used for identification purposes)
- data concerning health
- data concerning a person's sex life
- data concerning a person's sexual orientation

Our legal basis for its processing would be covered by one of the following legal bases:

- UK GDPR Article 9 (2) (a) - Consent: the individual has given clear consent for you to process their personal data for a specific purpose.
- UK GDPR Article 9 (2) (b) - processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.
- UK GDPR Article 9 (2) (f) - processing is necessary for the establishment, exercise, or defence of legal claims or whenever courts are acting in their judicial capacity.

3 How will personal data be obtained?

Personal data will be collected directly from the original complainant. During the course of any investigation, further personal data may be collected directly or indirectly from the complainant and other individuals who are supporting the investigation of the complaint, for example any witness or the individual being complained about.

4 What personal data is being collected?

To investigate a complaint, we will process

- the name and contact details (such as email address and telephone number) of the original complainant and where necessary other individuals involved in the complaint
- information about the nature of the complaint
- information provided by witnesses.

If the nature of the complaint means it is necessary to verify the identity of anyone involved in the investigation of the complaint, we may ask for additional information to allow us to do this. The information requested would be proportionate with the nature of the complaint.

5 Who will it be shared with and why?

In most cases personal data will not be shared outside of the NFER. Within the Foundation, it would only be processed by those who need to see it to investigate or support the investigation of a complaint in line with our [Complaints Policy](#).

In certain circumstances, it may be necessary to share the personal data of those subject to a complaint with the complainant (and vice versa) as part of the investigation, especially in communicating the outcome. We will take steps wherever possible to reduce the amount of personal data shared.

If the nature of the complaint means that NFER has appointed an independent, external investigator, sufficient personal data will be shared with them to allow them to carry out their investigation.

In some circumstances details or findings from the investigation or complaint may need to be shared with external organisations such as the sponsors of NFER research activities, the Charity Commission, NFER’s lawyers or law enforcement agencies, or with other organisations (such as schools) able to take appropriate steps to protect people from harm.

Microsoft Teams may be used for investigation interviews. A privacy notice is available here – <https://docs.microsoft.com/en-us/microsoftteams/teams-privacy>.

6 Is personal data being transferred outside of the UK?

NFER does not process or store personal data outside of the UK.

7 How will you keep my information secure?

We take the security of your personal information very seriously. 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. Additionally, we limit access to your personal information to those of our employees and third parties as set out above 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.

8 How long will personal data be retained?

Personal data relating to the complaint will not be kept for longer than necessary. Due to business need and limitation periods, this will usually be 6 years from the conclusion of the complaint. In addition, we will retain, on an anonymised basis, information regarding the reason for your complaint to monitor the quality of our performance.

9 Are any decisions taken about me based on the automated processing of my data?

Automated decision making will not be used in the investigation of any complaints made to NFER.

10 What are my rights with respect to personal data?

NFER handles personal data in accordance with the rights given to individuals under data protection legislation. Under certain circumstances data subjects have the right:

- to request access to information that is held about them (a data subject access request)
- to have personal data rectified if it is inaccurate or incomplete
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- to restrict processing of personal data (for example, permitting its storage but no further processing)
- to object to processing
- to data portability
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect.

To exercise these rights, please contact our Compliance Officer: compliance@nfer.ac.uk.

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

If you have any questions about the way NFER processes personal data, please contact the Compliance Officer using the email address provided above, or you can make a complaint as outlined in our [Complaints Policy](#).

If you remain dissatisfied, you have the right to lodge a complaint about data protection issues with the Information Commissioner's Office, the body responsible for enforcing data protection legislation in the UK, at <https://ico.org.uk/concerns/>.

If you are in the European Union, NFER's EU data representative is Rickert Rechtsanwaltsgesellschaft mbH. You can contact them to raise queries about the use of your personal data:

Rickert Rechtsanwaltsgesellschaft mbH
National Foundation for Educational Research in England and Wales (NFER)
Colmantstraße 15
53115 Bonn
Germany
art-27-rep-nfer@rickert.law

11 Updates

We keep our privacy notice under regular review to make sure it is up to date and accurate; any changes will be recorded.

The date when this privacy notice was last updated is shown in the footer at the bottom of this document.