



Northern Ireland
Public Services
Ombudsman

NIPSO Privacy Policy

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INTRODUCTION

What we do:

The Ombudsman investigates complaints of maladministration about central government departments and their statutory agencies, health trusts, general health care providers, housing associations, local councils, schools and a wide range of other public service providers in Northern Ireland. The Ombudsman may also decide to investigate without a complaint or where one or more complaints have been made, where she has a reasonable suspicion of systemic maladministration.

The Ombudsman, acting in her role as Northern Ireland Judicial Appointments Ombudsman, may also investigate complaints about judicial appointments in Northern Ireland.

The Ombudsman, acting in her role as the Northern Ireland Local Government Commissioner for Standards, may investigate and adjudicate upon complaints regarding a councillor's conduct, or a former Councillor's conduct while they held office.

The Public Services Ombudsman Act (Northern Ireland) 2016, the Local Government Act (Northern Ireland) 2014 and the Justice (Northern Ireland) Act 2002 provides the lawful basis for processing personal data in relation to these complaints. Further information on the role of the Office can be found in Appendix 1.

1 Privacy Commitment

The Northern Ireland Public Services Ombudsman complies with data protection law which says that the personal information we hold about you must be:

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

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

1. We have been given responsibility and duties by law and we need to use personal information to comply with those obligations.
2. We have been given an important function or job by law and need to use personal information to fulfil that function.
3. 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.

4. When we have your consent to do so.
5. Where we need to protect your interests (or someone else's interests).
6. For the purpose(s) of awarding, delivering and maintaining contracts and in order to comply with public procurement regulations.

2 *The type of personal information we collect*

We currently collect and process a wide range of information to conduct the functions of the Office. The key functions of the Office are:

- The assessment and investigation of complaints about Public Bodies within jurisdiction, including but not limited to central government, Health & Social Care Trusts, Local Councils, Schools and Housing Executive and Housing Associations
- The assessment, investigation and where appropriate adjudication of allegations that a Councillor may have breached the Code of Conduct
- In-depth investigations into specific issues where we have a reasonable suspicion of systemic maladministration, called 'Own Initiative' investigations
- Delivering a 'Complaints Standards' project with public bodies within jurisdiction to create a more streamlined, consistent approach to complaints handling
- A wide range of communications and engagement activity to raise awareness and understanding of the office, to share our findings and promote good practice and help measure the impact and quality of our work.

The information we request from you is necessary to deliver the functions of the Office and we will advise you why we require this. Some of the information we may request is done so on a voluntary basis and it is up to you to decide whether to share this – for example, providing feedback about your experience or sharing personal information to help us monitor how accessible and inclusive our service is. If this is the case we will clearly communicate this with you, allowing you to make an informed decision about whether to share the information or not.

Examples of the information we request may include:

- Your name and contact details,
- Other information about you such as whether you have a disability or caring responsibilities
- Details of anyone you have chosen to represent you,
- Your relationship to other people who are mentioned in the complaint,
- Information you have told us about your needs to help us make our service accessible,
- Information you tell us about your complaint or allegation,
- Correspondence with the organisation the complaint is about,
- Notes the organisation holds about the complaint or allegation,
- Information about other people which we need to make a decision,
- Information held by other people which we need to make a decision,

3 How we get the personal information and why we have it?

Most of the personal information we process is provided to us directly by you for one of the following reasons:

- You have asked us for advice or information,
- You have sent us a complaint about a public service or an allegation that a councillor has breached the Code of Conduct
- We are looking at the complaint or allegation and need more information to make a decision,
- You ask us to reconsider any decision we've made or complain to us about our service
- We ask you for feedback about the services we provide
- We ask for further information about yourself to help us meet your needs and monitor how accessible and inclusive our service is.

We also receive personal information indirectly, through correspondence and notes provided by a public body in the course of assessing and investigating a complaint or allegation.

3.1 Job applicants, current and former members of staff

When individuals apply for jobs in the Office, we will only use the information provided to process the application and to monitor equality. Personal information is required for a third party in accordance with equality legislation to provide a reference, or for vetting purposes.

When an individual becomes a member of our staff, all statutory obligations relating to their personal information will be held in confidence and processed only in accordance with the Data Protection Act 2018. The information contained in this file will be kept secure and will only be used for purposes directly related to that individual's employment, secondment or internship with the Office.

4 How we use the information we have received

We use this information to:

- provide you with advice,
- refer to the advice if you contact us again,
- investigate and make decisions on complaints and allegations,
- respond to complaints about our service,
- monitor and assess the quality of our work,
- monitor and assess the quality of complaint handling and service provision by other organisations,
- monitor and assess inclusivity and accessibility
- report on individual decisions (individuals who have brought the complaint are never named in published reports or summaries),
- report on trends and statistics,
- learn more about our users and what their needs are,

We may share the information you have provided, examples provided below:

- When we seek expert advice from someone, for example we may need to speak to professional advisors and consultants with specialist knowledge,
- When we notify the organisation or Councillor that there is a complaint or allegation about them and when we need to request further information from them,
- If a court or a law which tells us, we are required to release information.
- Courier and secure shredding services,
- Other public sector bodies involved in a procurement process,
- When we are required to use third parties to provide us with services, including: IT Services, Legal Services, Independent Complaints Review services.
- The information shows there may be a risk to someone's health or safety.

5 Use of Information in Publications and Sharing our Findings

Information and findings from the work of the Office may be used in reports, briefings, presentations, newsletters and case summaries to help us share findings and recommendations to improve public services. These may be available online through the website, in printed form or featured in our social media. This may include an anonymised version of a complaint investigation report.

Prior to publishing an investigation report, the Ombudsman may provide all identified parties to the complaint with the opportunity to comment on this report to her. When a report is published the identity of the public body under investigation will usually be provided. Where identifying the body under investigation would impact on the privacy of individuals, the Ombudsman may determine not to identify the investigated body by name or location, or any other characteristic which might identify an individual. Members of the public who bring a complaint to the office will not be identified in any material shared externally by the office, unless by explicit consent under very particular circumstances (e.g. if a person agrees to participate in media activity about their case).

6 Engagement Activity

You may be asked about being contacted or consulted with by our engagement team to improve our service to the community. This will typically be a request to complete a short survey. Our emails to you to ask for your participation are not automated and you can reply at any stage to request that we not contact you about taking part in surveys.

We use Citizen Space to conduct our surveys, their privacy policy can be accessed here:

https://consultations.nidirect.gov.uk/privacy_policy/

When you sign up to join our mailing list and receive our Newsletter, we will collect the information we need to send this to you, we will also collect information about the category of the subscriber and any organisation you are subscribing on behalf of. This allows us to understand who is signing up to our services and helps us improve those services. You have the option to unsubscribe from the mailing list at any time.

7 Statutory Prohibition on Disclosure

The Ombudsman is legally required to conduct all her investigations in “private”¹, and is prohibited from disclosing information obtained in the course of an investigation except in limited circumstance.² This creates a statutory prohibition on the disclosure of information which the Ombudsman obtains to decide whether to begin an investigation, throughout the course of an investigation and in order to resolve a complaint. The prohibition on disclosure applies to every person who is in possession of the information and continues after the investigation has concluded. There are some exemptions to this statutory prohibition listed in legislation.³

The obligations not to disclose are statutory and are imposed on all persons, including the Ombudsman, who are in possession of this information. The purpose of these provisions is to encourage frankness and openness on the part of those providing information to the Ombudsman and giving effect to their reasonable expectation of confidentiality. The Ombudsman will only disclose personal information when it is fair, absolutely necessary and lawful to do so. Information which the complainant has supplied to the Ombudsman, or which the Ombudsman has previously sent to the complainant is not considered to be the subject of the statutory prohibition on disclosure.

8 How we store your personal information

Your information is securely stored in an electronic or physical file. All Ombudsman enquiries, assessments and investigations are conducted in private as required by the legislation. That legislation prevents disclosure of any information obtained except for the purposes of the Ombudsman’s investigations and reports and other specified purposes set out in the 2016 Act. Personal information will not be disclosed other than for the statutory purposes specified in that Act.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used, accessed or altered in an unauthorised way. Access to your personal data is also limited to employees, agents and contractors who have a business need and who are subject to a duty of confidentiality. Third parties will only process your personal information under our instructions and where they have been contracted to treat the information confidentially and securely.

In some circumstances we may need to process information about third parties without their knowledge as it would not be appropriate to inform them. In that regard we take measures

¹ Section 30(5) of the Public Services Ombudsman Act (Northern Ireland) 2016,

<https://www.legislation.gov.uk/nia/2016/4/section/30>

[https://www.legislation.gov.uk/nia/2016/4#:~:text=in%20subsection%20\(2\).-](https://www.legislation.gov.uk/nia/2016/4#:~:text=in%20subsection%20(2).-)

,(2)%C2%A0Those%20persons%20are%E2%80%94any%20other%20person%20that%20the%20Ombudsman%20considers%20appropriate.,-(3)%C2%A0A%20report

² Section 49, of the Public Services Ombudsman Act (Northern Ireland) 2016,

<https://www.legislation.gov.uk/nia/2016/4/section/49>

³ Section 49(2)(a-k), of the Public Services Ombudsman Act (Northern Ireland) 2016,

<https://www.legislation.gov.uk/nia/2016/4/section/49>

to ensure people's privacy rights are protected including ensuring that we limit information to what is relevant and necessary to the investigation.

We have put in place measures to deal with any suspected data incidents and breaches and will notify you and any applicable regulator where we are legally required to do so.

Your personal data is hosted within the United Kingdom, and we do not transfer data to outside countries. Where we communicate to you by email and are sending sensitive information, we take steps to ensure that data is secured until it reaches your email destination. If you have any difficulties using this, you should contact the sender of the email.

The Ombudsman retains information collected by her Office in line with her Retention and Disposal Schedule.

9 Your right to access the information we hold

You have the right to access your personal information unless an exemption in the information legislation or the Office's legislation applies. An example of this is the statutory prohibition on disclosure which we explained in Section 7. For example, access may be refused if the information has been provided in confidence or is information obtained during an investigation.

You have:

- a right to be informed as to what information data we hold about you, what the purpose of us holding that data is and how we will use and store that information.
- a right to access to a copy of the information we hold about you
- a right to object to processing that is likely to cause or is causing damage or distress
- a right to object to decisions being taken by automated means
- a right in certain circumstances to have inaccurate personal data rectified, restrict the processing of your personal data, and to have the data erased or destroyed.

If you would like advice on data protection or if you would like to contact us about any of the issues mentioned in this leaflet, please put the request in writing, addressing it to:

Name: Gregory Smyth

Address: The Data Protection Officer, Northern Ireland Public Services Ombudsman,
Progressive House, 33 Wellington Place, Belfast, BT1 6HN

Email: DPO@nipso.org.uk

You also have the right to lodge a complaint with the Information

Commissioner's Office:

Address: The Information Commissioner's Office
3rd Floor, 14 Cromac Place, Belfast, BT7 2JB

Email: ni@ico.org.uk

Changes to this privacy notice

We regularly review our privacy notice and any changes are reflected by updating the privacy notice on our website. This privacy notice was last updated in *November 2023*.

Next review date November 2027

APPENDIX 1

Further information on the work of the office of the Northern Ireland Public Services Ombudsman

Maladministration

Under Section 5 of the Public Services Ombudsman Act (Northern Ireland) 2016 The Ombudsman may investigate a complaint, made by a member of the public who claims to have sustained an injustice by a public body through maladministration. This can be through, although is not limited to, unfairness, misinformation, incompetence, delay, bias or arbitrariness. We may publish a report in accordance with the provision of The Public Services Ombudsman Act (Northern Ireland) 2016.

To allow us to determine whether or not to investigate a complaint, we need to collect, process, retain and disclose personal information in the course of the investigation. We may do this in order to decide whether to commence, conduct or resolve the complaint. Some of this information may be sensitive personal data (e.g., information about a complainant's health if it is in relation to a medical issue) within the meaning of the Data Protection Act 2018. We will only use this information for the purposes of assessing and investigating the complaint.

Breaches of the Code of Conduct by a councillor.

Part 9 of The Local Government Act (Northern Ireland) 2014 gives the Northern Ireland Local Government Commissioner for Standards [the Commissioner] the authority to investigate and adjudicate on allegations that Councillors or former Councillors have, or may have, failed to comply with the Northern Ireland Local Government Code of Conduct for Councillors. The Commissioner has delegated investigative responsibilities to the Deputy Commissioner and his staff.

If we decide to investigate the allegation, we may need to share personal information with other parties to the person bring the allegation. (ie. The person making the allegation, the councillor and any third parties such as witnesses) In all cases the Councillor will be informed that we have received an allegation about their conduct.

When we complete an investigation we will, in all cases, inform the Chief Executive of the relevant council of our finding and, in doing so, we may need to share the personal information of the relevant parties to the complaint. Depending on the outcome of the investigation, should a matter go to adjudication a decision notice may be published.

Own Initiative Investigations

Section 8 of the Public Services Ombudsman Act (Northern Ireland) 2016 the Ombudsman may undertake investigations without receipt of a complaint where there is a reasonable suspicion of systemic maladministration or where systemic injustice has been sustained in the exercise of professional judgment in the health and social care setting. This may involve the collection, retention and processing of personal data for the purposes of making an

assessment and/or undertaking and investigation. We may publish a report in accordance with the provisions of The Public Services Ombudsman Act (Northern Ireland) 2016.

Judicial Appointment Investigations

Northern Ireland Judicial Appointments Ombudsman, is set out at Section 9(A)-(I) of the Justice (Northern Ireland) Act 2002. The purpose of the Office is to investigate complaints from applicants for judicial appointments of alleged maladministration by the Northern Ireland Judicial Appointments Commission (the Commission) or by Committees of the Commission. This may involve the collection, retention and processing of personal data for the purposes of making an assessment and/or undertaking an investigation.

Interviews as part of investigations

Investigations by all of our investigative teams, Maladministration Investigations, Councillor Code of Conduct Investigations, Own Initiative Investigations and Judicial Appointment investigations may involve interviews. Interviews may be conducted in person, on the phone or using video based electronic software. These interviews may be recorded, the interviews using virtual video software will be conducted using a secure connection. We may retain a recording of these interviews which will be held in accordance with our retention and disposals policy and only for as long as is necessary for the conclusion of an investigation.