

# Equality Commission for Northern Ireland

## Investigations Team Privacy Notice

The Equality Commission for Northern Ireland (the Commission) is fully committed to protecting the rights and privacy of its clients and other individuals in accordance with the General Data Protection Regulation and the Data Protection Act 2018.

The Commission has developed a [Data Protection Policy](#) to ensure that we fully comply with the rules which protect your personal data. You can view this on our website or request a written copy.

If you require this notice in an alternative format, please contact in the first instance Claire McCloskey at [InvestigationsTeam@equalityni.org](mailto:InvestigationsTeam@equalityni.org)

Further information can also be obtained from the Commission's Data Protection Officer, Eoin O'Neill, whose contact details can be found below.

### Data Controller: Equality Commission for Northern Ireland

The Commission is registered with the Information Commissioner's Office as a data controller (Registration number Z5830438).

### Data Protection Officer

Eoin O'Neill  
Data Protection Officer &  
Solicitor to the Equality Commission.  
Direct line: 028 90 890859  
Email: [eoneill@equalityni.org](mailto:eoneill@equalityni.org)

## Your Personal Data

Personal data is information that identifies you as an individual. The General Data Protection Regulation and the Data Protection Act 2018 governs how we process your personal data and gives data subjects a range of rights.

### What personal data do we hold about you?

In delivering its obligations under the legislation, including dealing with enquiries, processing written complaints made and conducting investigations, the Commission is required to process personal data. This personal data will relate to an individual's enquiry and/or their complaint and personal data obtained from any public authority against whom a complaint has been made.

The precise content of this will be dependent on what is necessary to process a complaint or carry out an investigation. However, it could include your name, contact details and any personal data involved in the detail of your complaint.

This information is held securely on our computerised Investigations Team databases and/or in hard copy form.

## **Where did we get your data from?**

In most cases the data will be provided by enquirers and complainants themselves, but also by any representatives and/or third parties. The public authority complained of may provide it. It may also be added to by information that is generated while processing an enquiry, a complaint made to the Commission and/or an investigation of a written complaint.

## **How will we use it?**

We use personal data to deliver our statutory functions under Paragraph 10, of Schedule 9 of the Northern Ireland Act 1998.

This includes:

- providing advice and guidance to enquirers and complainants
- considering and assessing written complaints made to the Commission
- investigating of written complaints made to the Commission
- assessing requests for a review of decisions made by the Statutory Duty Investigations Committee
- producing Reports of the above for the Commission's Statutory Duty Investigations Committee and the Commission's Board and any other person with whom the Commission is legally obliged to share the Report.

The Commission's [Procedures for Complaints and Investigations](#) set out the ways in which your data will be processed following your written complaint to the Commission. You can view the Procedures on our website or request a written copy from the Investigations Team.

When you contact us, we will enter your personal data onto our confidential computer databases, along with the information you give us about your complaint. This helps us to monitor the progress of your complaint and our performance across our caseload, against standards set.

**Please note**, the information you give us about your complaint and any other information we hold in relation to your complaint or any investigation of it **MAY** be discoverable in legal proceedings and by way of a Freedom of Information request.

## **We are legally entitled to process your personal data because:**

The processing of your data is necessary for the Commission's compliance with its legal obligations and statutory functions.

This is a lawful processing condition under the legislation.

The processing of sensitive data, such as information about any health condition may be necessary for carrying out obligations under the legislation. For example, in relation to the assessment of a complainant's claim to have been directly affected by the failure alleged of a public authority to have complied with its Equality Scheme.

Consent is also a lawful processing condition. Should the Commission need to obtain consent for information not covered by one of the other lawful conditions it will seek such consent.

## **Sharing Your Personal Data**

Personal data will be treated lawfully and with respect and will be shared only with those organisations which have a legitimate interest for processing.

The Commission will share personal data with staff, Commissioners and with the public authority against whom the complaint has been made.

It will also share personal data with legal experts whose advice and opinions are considered necessary for the processing of the advice, complaint and /or investigation.

On occasion the Commission may also need to share personal data for the purpose of the necessary maintenance of computer systems and audit requirements.

The Commission may share your data with enforcement agencies for the prevention and detection of crime.

If the Commission wishes to share your personal data with any other third party, it will seek and obtain your consent before doing so.

## **Do you transfer my data to other countries?**

The Commission does not transfer personal data overseas. Should that be needed, any transfers would be made in full compliance with any legal requirements.

## **How long will we keep your Personal Information?**

We will retain personal data for no longer than is required to fulfil our statutory or contractual obligations. The periods for retention are as follows:

- Files relating to enquiries only will be retained for 1 year after the date of last correspondence.
- Files relating to written complaints made where an investigation was not authorised by the Committee will be retained for 1 year after the date of last correspondence.
- Files relating to Investigations that were authorised by the Committee will be retained for 3 years following the date of last correspondence.

## **New purposes for processing**

If the Commission wishes to use your personal data for a purpose not covered by this Privacy Notice, it will provide you with a new notice prior to commencing the processing. The notice will explain the new use of your personal data, setting out the relevant purposes and processing conditions. If necessary, we will seek your consent before taking any action.

## **Your Rights**

You have the following rights with respect to your personal data:

- to obtain confirmation that your data is being processed, and
- access to the personal data which the Commission holds about you
- to request that the Commission corrects any personal data found to be inaccurate or incomplete
- where there is a dispute about the accuracy or processing of your personal data, to request a restriction is placed on further processing
- to request your personal data is erased where it is no longer necessary for the Commission to retain it
- if your consent is being relied upon, to withdraw your consent to the processing at any time
- to request that the Commission provides you with your personal data, and
- in some circumstances, and where possible, to transmit that data directly to another data controller.

## **Contact Details**

If you would like further information about this notice or any aspect of our Data Protection procedures, or to exercise any of the above rights, in the first instance you can contact the Commission's Data Protection Officer -see contact details above.

If you are still not happy, you have the right to lodge a complaint with the Information Commissioner's Office (ICO).

The Information Commissioner's Office – Northern Ireland

3rd Floor  
14 Cromac Place  
Belfast  
BT7 2JB  
Telephone: 028 9027 8757 or 0303 123 11

Email: [ni@ico.org.uk](mailto:ni@ico.org.uk)

## **Changes to this privacy notice**

We will review and update this privacy notice as necessary to ensure compliance with any amendments to the Data Protection Act 2018 and to reflect best practice and any changes to the contact details. In any event, we will review it at least every 3 years.

Version: October 2022