

General Privacy Notice

How your personal information is used by the Chiropractic Complaints Mediation Service (CCMS).

The CCMS is delivered by Nockolds Solicitors Limited is a company authorised and regulated by the Solicitors Regulation Authority under ID numbers 567738 and 605527.

Your privacy is important to us. This Privacy Notice explains what personal information we collect from you and how we use it, the conditions under which we may disclose it to others and how we keep it secure. It will also tell you about your privacy rights and how the law protects you. We respect your privacy and we are committed to protecting your personal information.

We are registered with the Information Commissioner's Office under registration number Z3224785. We will not disclose your personal details to any third parties unless it is necessary or we are legally obliged to do so. On those occasions when we do need to disclose your personal information, such as proceeding with your instructions or obtaining compliance or regulatory advice, we will do so in accordance with the General Data Protection Regulations (GDPR) which came into effect on 25 May 2018.

Please ensure that you read this Notice alongside our general Terms & Conditions which provide further information on confidentiality, data privacy etc.

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Important Information and Who We Are

Controller and processor

This Notice aims to give you information on how we collect and process your personal information. It is issued on behalf of the CCMS and where the term 'we', 'us' or 'our' is used in this privacy notice, we are referring to the relevant company responsible for processing your personal information.

We are the 'Controller' and 'Processor' of the personal information you provide us with. Your personal information we collect will be securely stored confidentially on our computer systems and/or in paper files.

Contact details

Our full details are:

Full names:	Chiropractic Complaints Mediation Service Nockolds Solicitors Limited
Address:	6 Market Square Bishop's Stortford Hertfordshire CM23 3UZ
Telephone number:	0333 091 5690
Email address:	contact@chirocomplaints.co.uk

If you fail to provide personal information

Where we need to collect personal information under the terms of a contract we have with you or to fulfil our legal and regulatory obligations and you fail to provide that information when requested, we may not be able to perform the contract we have or are trying to enter into with you. In this case we may have to cancel our service you have with us, but we will notify you if this is the case at the time.

It is your responsibility to ensure that the personal information you provide is correct and that you notify us of any changes to enable us to correct our records.

What Personal Information we Need From You

Under GDPR personal information is defined as any information relating to an identified or identifiable natural person. An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

There are two types of information that you may need to provide us with:

- **Personal information:** this is the general information that you supply about yourself – such as your

name, address, gender, date of birth and contact details

- **Sensitive personal information:** this is, by its nature, more sensitive information and may include racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership; information concerning health or sex life and sexual orientation; **genetic** information or **biometric** information. The GDPR provides a general prohibition on processing this type of personal information unless grounds for exemption apply.

We do collect sensitive personal information in order to report to the General Chiropractic Council on complaint trends. This includes racial or ethnic origin, religious beliefs and sexual orientation. This sensitive personal information is held anonymously and cannot be identified or linked to an individual.

If your complaint proceeds to mediation, we will request copies of relevant records. These are likely to be limited to chiropractic client and care records. We will obtain your express prior consent to request, hold and disclose those records.

Sources of Personal Information

Personal information about you may also be obtained from a number of other sources during our instruction including for example:

- The chiropractic practices, including any head office
- Your GP or any hospital or other healthcare provider
- The regulator, such as the General Chiropractic Council (CCMS)
- Any representative you appoint
- Other professional bodies consulted by the chiropractic professional or practice
- If you are a chiropractic professional, then from your patient/ the complainant

Why We Need It

We need to know your personal information in order to mediate your complaint and assist the parties to the complaint in finding a resolution. This information is needed to enable us to carry out our contract with the General Chiropractic Council. We will not collect any personal information from you which we do not need. The following are some examples of what we may use your personal information for (non-exhaustive):

- Verifying your identity
- Communicating with you and the other party to the complaint
- Conducting mediation and other Alternative Dispute Resolution activities to resolve the complaint referred to the CCMS;
- Reporting on complaint activity to the GCC, professional bodies/representatives such as insurers.

We will not sell or rent your personal information to third parties. We will not share your personal information with third parties for marketing purposes. We may share your personal information with our subsidiary companies if it is in your legitimate interest to do so eg: to Nockolds Wealth.

How We Use Your Personal Information

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:

- **Performance of Contract** means processing your personal information where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract
- **Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal information for our legitimate interests. We do not use your personal information for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).
- **Comply with a legal or regulatory obligation** means processing your personal information where it is necessary for compliance with a legal or regulatory obligation which we are subject to.
- **Express consent** means you agree to us holding and processing your personal data for the purpose of mediating your complaint. We will also use anonymous data to analyse and report on trends in complaints, resolutions and consumer activity in the chiropractic profession.

Marketing and Your Personal Information

We may contact you for the purpose of direct marketing. This means that we may use your personal information that we have collected in accordance with this privacy notice to contact you about our products or services, events etc. which we feel may interest you. The direct marketing communications may be provided to you by social media channels, email or post. We will never send marketing communications via SMS or call you without your specific consent; nor do we ever pass on or sell your details to a third party.

Purposes for Which we Will Use Your Personal Information

We have set out below in a table format a description of all the ways we plan to use your personal information and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Please note that we may process your personal information for more than one lawful ground depending on the specific purpose for which we are using it.

Purpose/Activity	Type of Information	Lawful Basis for Processing Including Basis of Legitimate Interest
To register you as a CCMS complainant/practice	• Identity • Contact	Legitimate interest
To process and deliver preliminary advice	• Identity • Contact • Transaction • Marketing and Communications	• Necessary for our legitimate interests (to locate previous communication, keep our records up to date and report on activity) • Public protection or safeguarding
To deliver complaint mediation:	• Identity • Contact • Profile • Marketing, education and communications	• Prior express consent • Necessary to comply with a legal obligation • Necessary for our legitimate interests (to manage the mediation process effectively, keep our records updated and to report on complaint & mediation activity) • Legitimate interest
To manage our relationship with you which will include: • Notifying you about changes to our terms of privacy policy • Asking you to leave a review or take a survey • Sending you information about other services or events we provide which may be of interest to you	• Identity • Contact • Profile • Marketing, education and communications	• Prior express consent • Necessary to comply with a legal obligation • Necessary for our legitimate interests (to keep our records updated and to study how customers engage with the CCMS) • Legitimate interest

Who Has Access to It

We will keep your personal information confidential and will obtain your express prior consent should we need to share this with any third-party service and/or agents. We will not share this to anyone outside of us except where:

- We are under a legal, regulatory or professional obligation to do so (for example to comply with anti-money laundering regulations)

- We are required to do so for the purpose of our business (this includes our auditors, external assessors and our insurers)
- We outsource clinical advice or any operational functions (as defined within the SRA Code of Conduct). We will always seek a confidentiality agreement with these outsourced providers and ensure that they are GDPR compliant.
- Examples of third parties whom we may disclose your personal information to and why (non-exhaustive):
 - GCC – reporting and for public protection/ safeguarding
 - Contracted suppliers/consultants for confidential assistance in the
 - mediation
 - Professional body or representative of a chiropractic practice or professional
 - External auditors or our Regulator eg: Lexcel, SRA, CQS, ICO etc
 - Insurance companies
 - Providers of identity verification
 - Any disclosure required by law such as the prevention of financial crime and terrorism
 - If there is an emergency and we think you or others are at risk

Before we share any of your personal information with third parties, we will ensure that they comply strictly and confidentially with our instructions and that they do not use your personal information for their own purposes unless you have explicitly given your prior consent to this. There may be some personal information which we will require your prior consent to obtain. If this is the case, then we will contact you to request your consent in writing and you are free to withdraw this consent at any time.

How we Protect Your Personal Information

We recognise that your personal information is valuable and we take all reasonable measures to protect it whilst it is in our care.

We have exceptional standards of technology and operational security in order to protect personally identifiable information from loss, misuse, alteration or destruction. Similarly, we adopt a high threshold when it comes to confidentiality obligations and both internal and external parties have agreed to protect confidentiality of all information; to ensure all personal information is handled and processed in line with our stringent confidentiality and data protection policies.

We use computer firewalls as safeguards and physical access controls to our buildings and files to keep personal information safe.

How long we will keep it 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.

To determine the appropriate retention period for personal information, we consider the amount of your personal information, the nature and sensitivity of it, the potential risk of harm from unauthorised use of

disclosure, the purposes for which we processed it and whether we can achieve these purposes through other means, and the applicable legal requirements.

At the conclusion of the mediation, we will retain:

- Your personal data the Agreement to Mediate
- Any Mediation Agreement or confirmation of the agreed resolution for a period of 5 years (or the duration of our contractual obligations to the GCC). This allows the CCMS to identify you and the other party involved in the mediation, and for the anonymous details to be used in analysis and reporting.

Paper copies of any other documents will be destroyed immediately where no resolution is agreed or 3 months after the mediated agreement.

If you would like more information on our file retention relating to your specific matter, then please contact us.

Your Rights

Request access to your personal information

GDPR gives you the right to see a copy of the personal information that we hold about you. You can ask us to supply you with copies of both paper and/or computer records and related information. This is called a 'Subject Access Request'. Your request to us must be in writing and we will respond within one month from receipt of your request. Requests should be made in writing and sent to us by post to the relevant office address or by email to contact@chirocomplaints.co.uk.

Where we consider requests to be manifestly unfounded or excessive, in particular because they are repetitive, we are entitled to charge a reasonable fee taking into account the administrative costs of providing the information or we can refuse to respond. If we refuse to respond to your request, we will explain why and may ask you to specify the information the request relates to.

We are appointed as independent mediators. As parties to the mediation, you agree that the process and communications are without prejudice and confidential. By their nature they cannot be referred to in court.

If information, documents or proposals contain personal information of a third party, that information will not be disclosed without their express permission.

All requests for personal information will be considered on a complaint-by-complaint basis. The CCMS notes the exemption in Schedule 7 of Data Protection Act 1998 also states that *"Personal data which consist of records of the intentions of the data controller in relation to any negotiations with the data subject are exempt from the subject information provisions in any case to the extent to which the application of those provisions would be likely to prejudice those negotiations."*

Should this exemption apply, the CCMS or the DPO will respond to your request and inform you.

Further information on Subject Access Requests can be obtained from the Information Commissioner's

Office (ICO) at www.ico.org.co.uk.

Request correction of your personal information

We take all reasonable steps to ensure the personal information we have for you is accurate and up to date. If you think that what we have is not accurate or up to date, please tell us as soon as possible and we will correct it.

It is your responsibility to ensure that the personal information you provide is correct and that you notify us of any changes to enable us to correct our records eg: address and telephone number/s. We may need to verify the accuracy of any new information you provide to us.

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 successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal information to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons and the right to erasure does not apply where there is a lawful reason for continuing processing. If applicable, we will explain these to you at the time of your request.

Object to processing of your personal information

You may object 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 as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal information for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights.

Request restriction of processing your personal information

This enables you to ask us to suspend the processing of your personal information in the following scenarios: (a) if you want us to establish its accuracy; (b) where our use is unlawful but you do not want us to erase it; (c) where you need us to hold it even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use but we need to verify whether we have overriding legitimate grounds to use it.

Request transfer of your personal information

If we are asked to transfer your personal information to you or to a third party, we will provide this to you, or a third party you have chosen, in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you. This right does not require us to provide

a copy of your whole file and relates to portability of your personal information only.

Right to withdraw consent

You can only exercise this right where we are relying on 'consent' to process your personal information. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

Queries About Our Use of Your Personal Information

If you have a query about how we have handled your personal information, you can contact our Data Protection Officer who will be happy to look into this for you. You can contact our Data Protection Officer by email at contact@chirocomplaints.co.uk.

You also have the right to contact the Information Commissioner's Office (ICO) direct. Please see their website www.ico.org.co.uk. However, we would appreciate the chance to deal with your queries before you approach the ICO so please contact us in the first instance.