

Data Protection Complaints Procedure

1. Introduction

1.1. The UK General Data Protection Regulation (“UK GDPR”), the Data Protection Act 2018 (“DPA 2018”), the Privacy and Electronic Communications Regulations (“PECR”), and the Data (Use and Access) Act (DUAA) (together, the “Data Protection legislation”), give data subjects and applicable third parties rights in relation to personal data. This procedure details how we will respond to complaints from data subjects and third parties relating to the use of personal data.

Who are Data Subjects?

1.2. Data subjects are any natural living individuals whose personal data we process (collect, obtain, store, record, retain, dispose of etc.). Data subjects can include staff members, clients, prospective clients, job applicants, visitors captured by the office CCTV cameras, etc.

Data subjects’ rights

1.3. Under Data Protection legislation, data subjects have the right to the following and these rights can be exercised at any time:

- a. information about the processing of their data;
- b. access their own personal data;
- c. correct personal data;
- d. erase personal data, also known as the right to be forgotten;
- e. restrict data processing;
- f. object to data processing, including direct marketing;
- g. receive a copy of their personal data or transfer their personal data to another data controller (data portability);
- h. not be subject to automated decision-making and rights in relation to profiling;
- i. be notified of a data security breach.

What is a complaint?

1.4. A complaint is an expression of dissatisfaction about the handling of a data subject’s personal data or the data of the individual they represent. This can also include dissatisfaction with how we responded to a previous data request, such as those detailed under 1.3.

2. Making a Complaint

2.1. Data subjects and third parties may make a complaint relating to any aspect of the processing of personal data including individual rights requests and in relation to use of personal data for direct marketing.

2.2. We will only accept a complaint from a data subject’s representative, if the representative provides the data subject’s written consent authorising the representative to act on the data subject’s behalf in relation to the complaint.

2.3. If there is any doubt about the identity of a complainant we will first seek to verify the data subject's identity or third party's entitlement to act on behalf of the individual. The forms of identification that are acceptable from a data subject are as follows:

- a. Passport
- b. Driving Licence
- c. For third parties the identification requirements will vary dependent on their relationship to the data subject. Therefore these will be assessed on a case by case basis.

3. Investigation and Complaint Outcome

3.1. Once all identification requirements have been met, the investigation will be carried out normally within 20 working days. If further clarification is required from the complainant or more time is required for the response to be completed we will inform the complainant prior to the original deadline.

3.2. The complaint outcome will be communicated to the complainant in writing, normally by email.

3.3. If the complainant does not agree with the outcome, they can escalate their complaint to the Information Commissioner's Office (the "ICO"). Information about how to make a complaint to the ICO can be found here: <https://ico.org.uk/make-a-complaint/data-protection-complaints>

4. Manifestly unfounded, abusive, vexatious or excessive correspondence and complaints

4.1. In some scenarios we can refuse to handle the complaint. This will be when a complaint is deemed to be manifestly unfounded, abusive, vexatious or excessive. Each complaint will be considered on a case by case basis. The following factors will be taken into consideration:

- a. the data subject has explicitly stated that they intend to cause disruption (whether in the complaint, or in other correspondence), and has threatened individuals;
- b. the data subject has made unsubstantiated accusations against individuals, and is persisting in those accusations;
- c. the data subject is targeting particular individuals, against whom they have a personal grudge;
- d. the data subject makes frequent complaints intended to cause disruption;
- e. the data subject continues to repeat the substance of previous complaints which have already been investigated.

4.2. Where a complaint is deemed to be manifestly unfounded, excessive, abusive or vexatious we will contact the individual and in a reasonable time frame explain to them:

- a. the reasons for refusing to consider the complaint;
- b. their right to make a complaint to the ICO.