

Nedging with Naughton Parish Council

Data Protection Complaints Procedure

Adopted: 01/09/2026

Responsible Officer: Parish Clerk

1. Purpose

This procedure explains how **Nedging with Naughton Parish Council** will deal with complaints concerning the handling and processing of personal data.

The Council is committed to complying with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 and other applicable data protection legislation and guidance.

The Council will deal with data protection complaints fairly, impartially, confidentially and without unjustifiable or excessive delay.

The purpose of this procedure is to provide a clear and accessible process for raising concerns, investigating complaints and providing an appropriate response.

2. Scope

This procedure applies to complaints about the Council's processing of personal data, including, but not limited to:

- the collection or use of personal information;
- the disclosure or sharing of personal information;
- the accuracy of personal information;
- the retention or deletion of personal information;
- the handling of Subject Access Requests or other data protection rights requests;
- the security of personal information;
- the handling of personal data by Council officers, councillors or contractors acting on behalf of the Council; and
- any alleged breach of the Council's obligations under applicable data protection legislation.

This procedure does not replace or limit any statutory rights available to individuals under data protection legislation.

Where a complaint concerns a statutory data protection rights request, such as a Subject Access Request, the underlying request will continue to be dealt with in accordance with the applicable statutory requirements and timescales.

Complaints concerning matters that do not relate to the processing of personal data will normally be dealt with under the Council's general Complaints Procedure.

3. Who Can Make a Complaint

A complaint may be made by:

- an individual whose personal data is being or has been processed by the Council;
- an authorised representative acting on behalf of an individual; or
- another person who has a legitimate concern about the Council's handling of personal data.

Where a representative makes a complaint on behalf of another person, the Council may require appropriate evidence of the representative's authority to act.

4. Making a Complaint

A complaint should normally be made in writing using the Council's Data Protection Complaints Form.

Complaints should be submitted to the Parish Clerk or the person responsible for data protection matters on behalf of the Council.

A complaint should, where possible, include:

- the complainant's name and contact details;
- a description of the concern or alleged data protection issue;
- relevant dates and details;
- copies of any relevant correspondence or supporting documents;
- details of any previous contact with the Council about the matter; and
- the outcome or remedy sought.

A complaint should be made as soon as reasonably practicable after the matter giving rise to the complaint becomes known.

The Council will not normally refuse to consider a complaint solely because it is not made using the Council's standard form.

Where a complaint is received verbally, the Council may ask the complainant to provide the details in writing where this is reasonably necessary to investigate the matter.

5. Where the Complaint Concerns the Clerk or Other Responsible Person

Where a complaint concerns the Parish Clerk, the person normally responsible for handling data protection complaints, or another person who would ordinarily investigate the complaint, it will be referred to the Chair of the Council or another appropriately independent person nominated by the Council.

No person should investigate or determine a complaint where they:

- are the subject of the complaint;

- were directly involved in the matter complained about; or
- have another actual or potential conflict of interest that could reasonably affect their impartiality.

Where appropriate, the Council may obtain assistance or advice from its Data Protection Officer, data protection adviser, legal adviser or another suitably qualified independent person.

6. Acknowledgement

The Council will normally acknowledge receipt of a data protection complaint within **five working days**.

In all cases, the Council will acknowledge the complaint within the period required by applicable law.

The acknowledgement will normally confirm:

- that the complaint has been received;
- who will be responsible for dealing with the complaint;
- the anticipated timescale for the investigation;
- whether any further information is required; and
- how the complainant can contact the Council regarding the complaint.

If the complaint is incomplete or insufficient information has been provided to enable the Council to investigate it, the Council may ask the complainant for further information.

7. Investigation

The Council will investigate complaints appropriately and impartially.

The investigation may include:

- reviewing relevant correspondence, records and documents;
- considering the applicable data protection legislation and guidance;
- reviewing the Council's policies, procedures and records;
- speaking with relevant Council officers, councillors or contractors where appropriate;
- considering whether personal data has been processed lawfully, fairly and transparently;
- considering whether the Council's data protection policies and procedures have been followed;
- seeking advice from the Council's Data Protection Officer or professional adviser where necessary; and
- considering whether any remedial or preventative action is required.

The person investigating the complaint will complete the Council's Data Protection Complaints Investigation Form and maintain appropriate records of the investigation.

The investigation will be conducted as confidentially as reasonably possible.

8. Cooperation with the Investigation

The complainant may be asked to provide further information or clarification where this is reasonably necessary to investigate the complaint.

The Council may also contact relevant individuals or organisations where necessary and lawful to establish the facts.

The Council will only collect, use and disclose personal information for the purposes of investigating and resolving the complaint where there is an appropriate lawful basis for doing so.

9. Timescale and Progress Updates

The Council will deal with complaints without unjustifiable or excessive delay.

The Council will aim to provide a substantive written response as soon as reasonably practicable after completing the investigation.

The time required will depend on the nature and complexity of the complaint.

Where an investigation is likely to take longer than originally anticipated, the complainant will be informed of:

- the reason for the delay;
- the progress made with the investigation; and
- where possible, the expected date by which a response will be provided.

The Council will keep the complainant reasonably informed during any lengthy investigation.

10. Response to the Complaint

Following the investigation, the Council will provide the complainant with a written response.

The response will normally explain:

- the nature of the complaint considered;
- the outcome of the investigation;
- the relevant findings;
- whether the Council considers that data protection requirements have been met;
- any action already taken or proposed;
- any appropriate remedial action;
- where appropriate, any lessons learned; and

- the complainant's further rights, including the right to complain to the Information Commissioner's Office (ICO).

The Council will not disclose personal information about other individuals where doing so would be unlawful or inappropriate.

11. Possible Outcomes and Remedies

Where the investigation identifies that an error, failure or breach has occurred, the Council will consider what appropriate remedial action should be taken.

Depending on the circumstances, this may include:

- correcting inaccurate personal information;
- completing or amending records;
- restricting or ceasing processing where appropriate;
- deleting personal information where legally appropriate;
- reviewing access controls or security arrangements;
- improving policies or procedures;
- providing additional training to officers or councillors;
- reviewing contracts or arrangements with third-party processors;
- reporting and managing a personal data breach in accordance with the Council's Data Breach Procedure;
- providing an explanation or apology where appropriate; and
- taking any other reasonable action to prevent a recurrence.

The Council will consider each complaint on its individual circumstances and will not automatically provide a particular remedy simply because a complaint has been upheld.

12. Complaints Identifying a Possible Personal Data Breach

Where a complaint identifies a possible personal data breach, the matter will be assessed promptly in accordance with the Council's Data Breach Procedure.

The Council will determine whether the incident constitutes a personal data breach and, where appropriate, assess the risks to affected individuals.

Where required by law, the Council will notify the Information Commissioner's Office within the applicable statutory timescale.

Where appropriate, the Council will also notify affected individuals in accordance with applicable data protection legislation and guidance.

The handling of a personal data breach will not prevent the complainant from continuing to pursue a complaint under this procedure.

13. Escalation and the Information Commissioner's Office

The Council will seek to resolve data protection complaints wherever possible.

If the complainant remains dissatisfied with the Council's response, or considers that their personal data has not been handled in accordance with data protection law, they may complain to the **Information Commissioner's Office (ICO)**.

The ICO is the UK's independent supervisory authority for data protection.

Information about making a complaint to the ICO is available from the ICO website:

Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Telephone: **0303 123 1113**

Website: www.ico.org.uk

The Council will cooperate with the ICO where a complaint is referred to it and will provide information reasonably required by the ICO, subject to applicable legal requirements.

14. Confidentiality

Information relating to a complaint will be treated confidentially and will only be shared with individuals who have a legitimate need to receive it for the purposes of investigating, managing or resolving the complaint, or where disclosure is otherwise permitted or required by law.

Personal information will be processed in accordance with the Council's Privacy Notice, data protection policies and applicable data protection legislation.

The Council cannot guarantee absolute confidentiality where information must be disclosed by law or where disclosure is necessary for the proper investigation or resolution of the matter.

15. Record Keeping

The Council will maintain appropriate records of data protection complaints.

The complaints record will normally include:

- the date the complaint was received;
- the identity of the complainant, where appropriate;
- the nature and subject of the complaint;
- relevant correspondence and supporting information;
- the person responsible for investigating the complaint;
- actions taken during the investigation;
- the outcome;
- any remedial or preventative action taken;

- any lessons learned; and
- the date the complaint was closed.

Complaint records will be kept securely and retained in accordance with the Council's Retention Policy.

Access to complaint records will be restricted to those who require access for legitimate Council purposes.

16. Monitoring and Lessons Learned

The Council will use data protection complaints, where appropriate, to identify recurring problems, weaknesses in procedures or opportunities for improvement.

The Council may periodically review complaint records to identify:

- recurring issues;
- training requirements;
- weaknesses in data handling procedures;
- potential risks to personal data; and
- improvements that could be made to Council processes.

Any reporting to the Parish Council or its committees will be appropriately anonymised where necessary to protect individuals' personal information.

17. Relationship with Other Council Procedures

This procedure should be read alongside the Council's:

- General Complaints Procedure;
- Data Protection Policy;
- Privacy Notice;
- Data Breach Procedure;
- Data Retention Policy; and
- Subject Access Request and other Data Protection Rights procedures.

Where a complaint involves more than one area of Council responsibility, the Council will determine the appropriate procedure or procedures to follow.

The Council may deal with different aspects of the same matter under separate procedures where this is necessary to comply with legal requirements.

18. Review of the Procedure

This procedure will normally be reviewed every **two years**, or sooner where necessary.

The procedure will be reviewed following:

- significant changes to data protection legislation;
- relevant changes to ICO guidance;
- significant changes to the Council's data protection arrangements;
- a significant data protection incident; or
- any identified need to amend or improve the procedure.

Any amendments to this procedure will be approved by the Parish Council or in accordance with the Council's delegated authority arrangements.
