

Internal Data Protection Complaints Procedure

1. Purpose and Scope

This procedure outlines how Glapwell Parish Council receives, investigates, and resolves complaints regarding the handling of personal data and the exercise of data subject rights (including Subject Access Requests).

This policy is established to satisfy the statutory requirements of the Data (Use and Access) Act (DUAA) and the Information Commissioner's Office (ICO) guidelines. Individuals must fully exhaust the Council's Internal Complaints Procedure before escalating a data protection complaint to the ICO.

2. What Constitutes a Data Protection Complaint?

A data protection complaint is any expression of dissatisfaction from an individual concerning how the Council handles their personal data. This includes, but is not limited to:

- Disputes over the completeness, accuracy, or redaction of a Subject Access Request (SAR) response.
- Disputes regarding the scope or boundaries of a "reasonable and proportionate" data search.
- Delays in responding to a SAR or other statutory data rights requests.
- The security measures used to store information (e.g. someone who has been impacted by a data breach).
- Concerns regarding unlawful data processing, unauthorised data sharing, or a breach of data confidentiality.
- How personal information has been collected or used (e.g. where it has been stored, how long it has been kept for, or its accuracy).

3. How Complaints Can Be Submitted

Complaints can be submitted by data subjects or their legally authorised representatives. The Council accepts complaints through multiple channels to ensure accessibility:

- **By Email :** clerk@glapwell-pc.gov.uk
 - **In Writing:** Data Protection Officer, Mrs D Greatorex, C/O The Glapwell Centre, The Green, Chesterfield, Derbyshire, S44 5LW
 - **Verbally:** In person or via telephone (07354 361951) to the Clerk.
- Social Media:** If a complaint is made via any of our Social Media channel, the complainant will be asked to submit the complaint via one of the above options.

4. Step-by-Step Procedure and Statutory Timelines Step 1: Receipt and Logging

Upon receipt, the complaint must be forwarded immediately to the DPO, Mrs D Greatorex. The DPO will log the complaint in the Data Protection Complaints Register, recording the date of receipt, the nature of the complaint, and the unique reference number.

Step 2: Acknowledgement (Statutory Requirement)

The Council **must** send a formal written acknowledgement to the complainant within **30 days** (commencing the day after the complaint is received) of receiving the complaint.

Step 3: Investigation

The DPO will conduct an independent investigation into the complaint. This may involve:

- Reviewing the original SAR file and search parameters used.
- Interviewing relevant staff members or councillors.
- Auditing IT systems, email archives, or physical filing systems.
- Assessing whether exclusions or redactions were lawfully applied under the "reasonable and proportionate" search standard or legal privilege exemptions.

Step 4: Progress Updates

The investigation must be conducted **without undue delay**. If an investigation is highly complex and cannot be resolved swiftly, the DPO will write to the complainant to explain the reasons for the delay and provide a realistic estimated completion date.

Step 5: Final Outcome and Resolution

The DPO will issue a final written response to the complainant. The response will:

1. Detail the findings of the investigation.
2. Clear up any misunderstandings or provide further explanation where required.
3. Outline any remedial actions taken (e.g., releasing further data, correcting records, amending internal practices).
4. **Mandatory Legal Notice:** Explicitly state that if the complainant remains dissatisfied with the internal outcome, they now have the right to escalate their complaint to the Information Commissioner's Office (ICO).

5. Escalation to the ICO

The final outcome letter must include the standard ICO referral text:

"If you remain dissatisfied with the outcome of our internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Website: <https://ico.org.uk>"

6. Record Keeping and Governance

The DPO will maintain the Data Protection Complaints Register securely. The register will be reviewed quarterly by a nominated Cllr to identify structural compliance risks, training gaps, or trends in data disputes.

7. Review

The Internal Data Protection Complaints Procedure will be reviewed annually.

Sample Letters

Template: Data Protection Complaint Acknowledgement Letter

Our Ref: *[Insert Unique Complaints Register Reference]*

Date: *[Insert Date]*

[Name of Complainant]

[Address of Complainant]

Sent via: *[Email / Post]*

Dear *[Name of Complainant]*,

RE: Acknowledgement of Data Protection Complaint

Thank you for your *[letter / email / verbal notification]* dated *[Insert Date of Complaint]*, regarding how Glapwell Parish Council handled your personal data. Specifically, we note your concerns regarding *[Briefly state the issue, e.g., the search boundaries used for your recent Subject Access Request / the redactions applied to your files]*.

This letter serves as formal acknowledgement of your complaint under our **Internal Data Protection Complaints Procedure**.

Your complaint has been passed to me in my capacity as the Council's Data Protection Officer. I am currently conducting an independent review into the matters you have raised. This involves *[Briefly state immediate action, e.g., reviewing the search logs / examining the redacted documents]* to ensure our processes align with current data protection legislation.

We aim to resolve all internal complaints as quickly as possible and without undue delay. I will write to you again as soon as the investigation is complete to provide a full, formal outcome. If the review proves to be exceptionally complex and requires more time, I will contact you to explain why and provide an updated timeline.

Please note that under the Data (Use and Access) Act 2025, you must fully exhaust the Council's internal complaints procedure before you can escalate your concerns to the Information Commissioner's Office (ICO).

If you need to provide any additional information or have any questions while this review is underway, please contact me directly at clerk@glapwell-pc.gov.uk or on 07354 361951, quoting the reference number at the top of this letter.

Yours sincerely,

[Insert Name]

Data Protection Officer
Glapwell Parish Council

Template 2: The Final Complaints Outcome Letter

Our Ref: *[Insert Unique Complaints Register Reference]*

Date: *[Insert Date]*

[Name of Complainant]

[Address of Complainant]

Dear *[Name of Complainant]*,

RE: Data Protection Complaint – Final Outcome Review

I am writing to provide the final outcome of the independent investigation into the data protection complaint you submitted on *[Insert Date of Complaint]*.

Summary of Your Complaint

You expressed dissatisfaction regarding *[Briefly summarize, e.g., the exclusion of legacy emails from your Subject Access Request response / the redaction of third-party data]*.

Investigation Findings

I have thoroughly reviewed our files, IT search logs, and the relevant legislative frameworks under the Data (Use and Access) Act 2025. My findings are as follows:

- *[Option A - Upheld: Explain the error, e.g., I find that a technical glitch omitted certain emails from the initial batch. I have enclosed these missing records with this letter.]*
- *[Option B - Not Upheld: Explain the legal basis, e.g., I find that the search boundaries used were compliant. Searching our paper archives from over ten years ago would exceed the "reasonable and proportionate" search standard due to the excessive administrative disruption it would cause.]*

Our Conclusion

[State the final stance, e.g., As a result of these findings, we have now fully remediated the issue / We consider our original response to be legally correct and appropriate.]

Your Right to Appeal to the ICO

This letter marks the completion and exhaustion of our **Internal Data Protection Complaints Procedure**.

If you remain dissatisfied with this outcome, you now have the right to escalate your complaint directly to the Information Commissioner's Office (ICO). The ICO can be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Website: <https://ico.org.uk>

Thank you for bringing this matter to our attention.

Yours sincerely,

[Insert Name]

Data Protection Officer
Glapwell Parish Council

Data Protection Complaint Form (UK GDPR)

Please use this form to submit a formal complaint regarding how we have processed your personal data or handled your data rights. We take our obligations under the UK GDPR and the Data Protection Act 2018 seriously and will investigate your concerns thoroughly.

1. Complainant Details

Full Name: _____

Postal Address: _____

Email Address: _____

Telephone Number: _____

Formal proof of identification may be requested to confirm your identity.

2. Third-Party Representation (If applicable)

Are you submitting this complaint on behalf of someone else?

☐ **No**

☐ **Yes** (If yes, please fill out the details below and attach written, signed proof of consent from the data subject).

• **Representative Name:** _____

• **Relationship to Data Subject** (e.g., Solicitor, Parent, Carer): _____

Verification of the authority to act on behalf of another individual will need to be established before processing a request made by a Third-Party Representative.

3. Nature of the Complaint

Please select the reason(s) for your complaint (tick all that apply):

- ☐ **Failure to respond to a Subject Access Request (SAR)** or other data rights request within the statutory timeframe (normally one calendar month).
- ☐ **Unauthorised disclosure** or sharing of my personal data.
- ☐ **Inaccurate personal data** is being held or processed.
- ☐ **Unlawful processing** of personal data (processed without a valid lawful basis).
- ☐ **Data retention issues** (keeping data longer than necessary).
- ☐ **Insecure processing** leading to a potential data breach.
- ☐ **Other** (Please specify): _____

4. Details of the Complaint

Please explain clearly and simply what has happened, including dates, names of individuals spoken to, and the impact this has had on you. Attach extra sheets if necessary:

5. Resolution Requested

What outcome or corrective action are you seeking to resolve this matter?

6. Supporting Evidence

*Please list and attach copies of any supporting documents (e.g., email threads, letters, receipts) that substantiate your complaint. **Do not send original documents.***

1.

2.

7. Declaration and Signature

By signing this form, I confirm that the information provided is accurate to the best of my knowledge. I understand that [Insert Company Name] will process this information to investigate and respond to my complaint.

Signature:

Date:

Action	Date
Adopted	10 th September 2026
Next Review Due	May 2027