

Data Protection Complaint Handling Process

Stanhoe Parish Council

1. Purpose

To ensure Stanhoe Parish Council responds lawfully, promptly, and transparently to any complaint from an individual regarding the handling of their personal data, in line with the UK GDPR and Data Protection Act 2018 and Data (Use and Access) Act 2026

2. Receiving a Complaint

2.1 Acceptable Channels

The Council will accept data protection complaints via:

- Email to the Clerk/RFO
- Written letter
- Verbal complaint (must be documented by the Clerk)

2.2 Initial Logging

Upon receipt, the Clerk will:

- Record the complaint in the **Data Protection Complaints Log**
- Note the date received, complainant's details, nature of complaint, and any deadlines
- Acknowledge receipt within **5 working days**

3. Acknowledgement to the Complainant

The acknowledgement must:

- Confirm the complaint has been received
- Provide the name and contact details of the person handling it (usually the Clerk)
- Outline the investigation process
- State the expected response timeframe (normally **one month**)

If the complaint is complex, the Council may extend the response period by a further **two months**, but must notify the complainant within the first month.

4. Investigation Process

The Clerk will:

- Review the complaint and identify the personal data involved
- Check relevant records, emails, systems, and policies
- Consult with councillors or third-party processors if necessary

- Assess whether a data breach has occurred or whether data protection rights have been infringed
- Document all findings and evidence

If a potential **personal data breach** is identified, the Clerk must follow the Council's Data Breach Procedure, including assessing whether the ICO must be notified within 72 hours.

5. Drafting the Response

The written response to the complainant must include:

A summary of the complaint

- The steps taken to investigate
- Findings and conclusions
- Any corrective actions taken (e.g., updating records, improving processes, staff training)
- Information on the complainant's right to escalate the matter to the **Information Commissioner's Office (ICO)** if they remain dissatisfied

6. Resolution and Follow-Up

Once the response is issued:

- Record the outcome in the Complaints Log
- Note any actions required and assign responsibility
- Review whether the complaint highlights a wider issue (e.g., training needs, policy gaps)
- Report significant issues to the Council at the next meeting (excluding personal data)

7. Escalation

If the complainant is not satisfied with the Council's response, they may:

- Request an internal review by the Chair or a nominated councillor
- Escalate the matter to the **ICO**

The Council must provide ICO contact details in the final response.

8. Retention of Records

All complaint records, correspondence, and investigation notes must be retained securely for **three years** from closure, unless legal requirements dictate otherwise.

9. Responsibilities

- **Clerk/RFO** – primary handler of complaints, investigator, and record-keeper

- **Council** – oversight, ensuring compliance and approving any policy changes
- **Data Processors** – must cooperate with investigations and provide relevant information promptly

Approved July 2026

To be reviewed 2028 or earlier as legislation requires.