



Data Protection Complaints Policy

1. Purpose

This policy explains how Stalham Town Council (the Council) receives, investigates and responds to complaints concerning its handling of personal data. It is intended to ensure that individuals can raise concerns easily and that complaints are handled fairly, proportionately, transparently and without undue delay.

The policy supports the Council's compliance with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018, as amended by the Data (Use and Access) Act 2025, and relevant guidance issued by the Information Commissioner's Office (ICO).

2. Scope

This policy applies to complaints that the Council may have infringed data protection legislation in connection with personal data relating to the complainant or to a person whom the complainant is authorised to represent. This includes concerns about:

- how the Council has collected, used, shared, disclosed, stored, retained, secured, corrected or deleted personal data;
- the fairness, lawfulness or transparency of the Council's processing;
- the accuracy or security of personal data, including concerns arising from a personal data breach;
- the Council's handling of a subject access request or another individual-rights request; and
- direct marketing, photographs, CCTV, website services or other Council activities involving personal data.

Freedom of Information Act 2000 requests, Environmental Information Regulations 2004 requests and general service complaints are normally handled under the Council's relevant procedures. However, where a complaint contains both data protection and other issues, each part will be handled under the appropriate procedure. A data protection concern will not be disregarded merely because it forms part of a wider complaint.

Important: A complaint about the handling of an information-rights request does not pause, extend or restart the statutory deadline for responding to that request.

3. What is a data protection complaint?

A data protection complaint is an expression of dissatisfaction by a person who considers that the Council may have infringed data protection legislation in the way it has handled their personal data, or the personal data of someone they are authorised to represent.

A person does not need to describe their concern as a “complaint”, use legal terminology, quote legislation or complete a particular form. If the Council is unsure whether a person intends to make a data protection complaint, it will ask for clarification promptly.

4. How to make a complaint

The Council’s preferred contact methods are:

Email	clerk@stalham-tc.gov.uk
Post	Data Protection Complaints Stalham Town Council 74 High Street Stalham Norfolk NR12 9AS
Telephone	07881 638145
In person	By arrangement with the Council office

These are preferred routes only. The Council will recognise and accept data protection complaints made verbally, in writing, electronically, through social media or through any other reasonable channel, including complaints received by any member of staff. Where a complaint is made through an insecure public channel, the Council may ask the complainant to continue through a more secure contact method.

To help the Council investigate, complainants are encouraged to provide, where possible:

- their name and preferred contact details;
- a clear description of the concern, including relevant dates, people or Council services;
- copies of relevant correspondence or supporting information; and
- the outcome they would like the Council to consider.

A complaint will not be rejected solely because the person has not provided every item listed above. The Council will help identify what further information, if any, is reasonably needed.

4.1 Complaints concerning the Proper Officer or Data Protection Lead

A complaint concerning the conduct of the Proper Officer or Data Protection Lead may be addressed to the Chair of the Council, marked “Private and Confidential”, at the postal address above. It will be handled by a person who is appropriately senior or independent and, wherever practicable, was not involved in the matter complained about.

4.2 Identity and representatives

Where the Council has reasonable doubts about identity, it may request proportionate evidence before disclosing personal information or completing its response. It will ask promptly and will not request identification where identity has already been established. Any evidence collected for this purpose will be handled securely and kept only for as long as necessary.

A person may complain through an authorised representative, such as a family member, solicitor or advocate. The Council may request appropriate evidence that the representative is authorised to act. It will not disclose personal data to an unauthorised third party.

4.3 Accessibility and children

The Council will make reasonable adjustments and provide information in an accessible form where required. It will communicate with children in clear, age-appropriate language, assess their ability to understand and exercise their rights where necessary, and act promptly if a complaint indicates an urgent safeguarding concern.

5. How the Council handles complaints

5.1 Recognition and referral

All staff and councillors should be able to recognise a potential data protection complaint and refer it promptly to the Proper Officer or Data Protection Lead. The statutory timescale begins when the complaint is first received by the Council, not when it reaches the person responsible for investigating it.

5.2 Acknowledgement

The Council aims to acknowledge a complaint within five working days and will always acknowledge it within 30 days of receipt. The 30-day period begins on the day after receipt. If the final day falls on a weekend or public holiday, acknowledgement may be given on the next working day.

The acknowledgement will normally confirm that the complaint has been received, identify a contact point, summarise the issues where helpful, and explain what will happen next. An acknowledgement may be combined with the final outcome where the complaint can be investigated and resolved promptly.

5.3 Investigation

The Council will begin appropriate enquiries without undue delay and will investigate the complaint fairly, accurately and proportionately. Depending on the circumstances, this may include:

- reviewing relevant records, systems, correspondence, policies and decisions;
- speaking with staff, councillors, processors or other people involved;
- checking whether the Council complied with data protection legislation and its own standards;
- considering the impact on the complainant, including any continuing harm or urgency; and
- obtaining specialist or legal advice where appropriate.

The investigator will be sufficiently impartial. Where the complaint concerns a person who would ordinarily investigate it, the Council will appoint another suitable person. The Council is not required to take steps that would be unreasonable or disproportionate, but it will record and be able to explain its approach.

5.4 Keeping the complainant informed

The Council will keep the complainant appropriately informed without undue delay. Where an investigation is likely to take longer than initially expected, the Council will explain the reason, provide an expected completion date and give further updates as appropriate. An internal target date will not justify delaying an outcome that could reasonably be provided sooner.

5.5 Response and outcome

The Council will communicate the outcome without undue delay. It aims to provide a full written response within one calendar month, but this is a service target rather than an automatic statutory extension period. If the complaint cannot reasonably be concluded within that period, the Council will explain why, state what remains to be done, provide an expected completion date and continue to keep the complainant informed.

The final response will normally:

- address each material part of the complaint;
- summarise the enquiries made and the evidence considered, so far as it is lawful and appropriate to do so;
- state whether the complaint is upheld, partially upheld or not upheld, with clear reasons;
- explain any remedial action taken or proposed;
- explain the available internal review; and
- explain that the complainant may contact the ICO at any time and provide the ICO's contact details.

5.6 Possible remedies

The appropriate outcome will depend on the circumstances. Remedies may include:

- an explanation or clarification;
- correction, restriction, deletion or recovery of personal data, where legally appropriate;
- an apology;
- a change to a decision, process, privacy notice, contract or security measure;
- staff or councillor training;
- action involving a processor or other organisation; or
- confirmation, with reasons, that the Council considers it acted appropriately.

Personal data breaches: If a complaint suggests that a personal data breach has occurred, the Council will also follow its breach-management procedure. Handling the complaint does not replace any duty to assess risk, document the breach, notify the ICO or inform affected individuals within the applicable legal timescales.

6. Internal review and the Information Commissioner

6.1 Internal review

If the complainant is dissatisfied with the Council's response, they may request an internal review. The request should identify the aspects of the decision they would like reviewed. Wherever practicable, the review will be undertaken by a senior officer, the Chair of the Council or another suitable person who was not involved in the original decision. The reviewer may uphold, vary or overturn the original outcome and will provide reasons.

6.2 Right to complain to the ICO

A complainant is not required to complete the Council's internal review process before contacting the ICO. They may complain to the ICO at any point.

Organisation	Information Commissioner's Office
Address	Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Telephone	0303 123 1113
Website	ico.org.uk/make-a-complaint

The Council's response will also explain any other relevant right or remedy where appropriate.

7. Record-keeping and retention

The Council will maintain a secure record of data protection complaints sufficient to demonstrate compliance and support learning. Records may include:

- the date and method of receipt;
- the nature of the complaint and any relevant risk or urgency;
- identity or authority checks, where required;
- the acknowledgement and progress updates;
- relevant enquiries, evidence and decisions;
- the outcome, remedial actions and any internal review; and
- lessons learned and recurring themes.

Records will be accurate, access-controlled and retained in accordance with the Council's retention schedule. Personal data will not be retained for longer than necessary and will be securely deleted or destroyed when the applicable retention period expires, unless continued retention is required by law or for the establishment, exercise or defence of legal claims.

8. Confidentiality and information sharing

Complaints will be handled as confidentially as reasonably possible. Personal information will be accessed, used or disclosed only where necessary to investigate and respond to the complaint, comply with the law, obtain professional advice, protect individuals, or establish, exercise or defend legal rights.

Information may need to be shared with relevant Council staff or councillors, processors, joint controllers, insurers, professional advisers, regulators or other authorities. Any sharing will be lawful, necessary, proportionate and appropriately secure.

9. Roles, training and accountability

- The Council is the data controller and remains responsible for complying with the statutory complaints duties.
- The Proper Officer / Data Protection Lead oversees this policy, coordinates investigations and advises the Council on compliance.
- All staff and councillors must recognise potential complaints, preserve relevant information and refer complaints promptly.
- Where the Council uses a processor or acts with a joint controller, relevant written arrangements should explain how complaints will be identified, referred and investigated. The Council remains accountable for its own legal obligations.
- Relevant staff and councillors will receive proportionate training on recognising, escalating and handling data protection complaints.

10. Monitoring, learning and reporting

The Proper Officer / Data Protection Lead will review complaints for recurring issues, risks and opportunities to improve services, policies, security and training. Anonymised or appropriately summarised information may be reported to the Finance and Data Protection Committee or Full Council. Reports must not disclose personal information unnecessarily.

Actions arising from complaints will be recorded, allocated and monitored to completion. Serious or systemic issues will be escalated promptly to the Council and, where required, to the ICO or another appropriate body.

11. Review of this policy

This policy will be reviewed by February 2028 and at least every two years thereafter. It will be reviewed sooner where there is a relevant change in legislation, ICO guidance, Council structure or practice, or where complaint monitoring identifies that amendment is required.

12. Legal framework and guidance

- UK General Data Protection Regulation
- Data Protection Act 2018, as amended
- Data (Use and Access) Act 2025
- ICO: How to deal with data protection complaints
- Equality Act 2010

Appendix A - Internal complaint-handling checklist

This checklist supports consistent administration. It does not replace consideration of the circumstances of each complaint or the obligation to act without undue delay.

Stage	Required action	Record / completion
Receive	Record the date, time, channel and substance of the complaint. Preserve relevant information.	Received: _____ Reference: _____
Recognise	Confirm whether it is a data protection complaint or contains a data protection element. Refer promptly.	Owner: _____
Risk check	Consider urgency, continuing harm, security incident, safeguarding and breach-notification duties.	Risk/actions: _____
Identity / authority	Request only proportionate evidence where needed. Record why it was necessary.	Checked: Yes / No / N/A
Acknowledge	Aim for five working days; always within 30 days of receipt.	Sent: _____
Plan	Define issues, enquiries, evidence, investigator and expected completion date.	Plan date: _____
Investigate	Make fair, accurate, proportionate enquiries without undue delay. Record decisions and evidence.	Notes held: Yes / No
Update	Keep the complainant informed and explain any delay or changed completion date.	Updates: _____
Outcome	Address each material point, give reasons, explain remedies, review route and ICO rights.	Sent: _____
Actions	Allocate, monitor and complete remedial actions. Consider wider learning and reporting.	Owner/date: _____
Close / retain	Update the complaints log and retain records under the Council's retention schedule.	Closed: _____