

Complaints Handling Policy (Data Protection)

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1.0 Purpose and Legal Basis

This section establishes the fundamental purpose of the policy and anchors it within the relevant legal framework. A transparent, effective, and compliant complaints process is of strategic importance. It is essential for maintaining trust with our beneficiaries and the wider community, and for demonstrating our commitment to meeting all regulatory obligations as a responsible charity.

The purpose of this policy is to provide an effective, accessible, and fair procedure for any individual to make a complaint regarding the charity's handling of their personal data. This procedure ensures that the charity addresses all such complaints in a prompt, consistent, and legally compliant manner, thereby upholding the rights of individuals and reinforcing a culture of accountability.

This policy and its procedures are governed by and designed to comply with the primary legislation and regulations in the United Kingdom. The key legal and regulatory pillars are:

- **UK General Data Protection Regulation (UK GDPR):** This is the core regulation governing the processing of personal data and the rights of data subjects within the UK.
- **Data Protection Act 2018 (DPA 2018):** This is the UK's implementing legislation that supplements and works in conjunction with the UK GDPR.
- **The Equality Act 2010:** All procedures outlined in this policy must be implemented in a manner that is compliant with this Act, ensuring our complaints process is accessible and free from discrimination.
- **Charity Commission Guidance:** This policy aligns with the governance standards and best practices recommended by the Charity Commission for England and Wales.

The scope of this policy, detailed next, defines exactly who it applies to and is designed to protect.

2.0 Scope

This section clarifies the universal application of this policy across the entire charity. It is vital that everyone connected with charity, from the Board of Trustees to volunteers and third-party contractors, understands their rights and responsibilities regarding data protection complaints to ensure a consistent and compliant approach.

This policy applies to all complaints related to the processing of personal data received from or about the following groups:

- **Trustees:** The individuals who form the governing board and are legally responsible for the management of the charity.
- **Staff:** Any individuals who may be employed by the charity.
- **Volunteers:** All individuals who provide unpaid support to the charity's activities.
- **Beneficiaries:** Specifically, the persons identified in Clause 3(1) of the charity's constitution.
- **Contractors and Third-Party Service Providers:** Any external organisations or individuals who process personal data on behalf of the charity.

The policy statement which follows articulates the charity's formal commitment to the principles outlined above.

3.0 Policy Statement

The policy statement serves as the charity’s public declaration of its commitment to upholding the highest standards of data protection. Endorsed by the Board of Trustees, this statement sets the tone and expectation for how all data protection complaints will be managed, reflecting our core values of respect, transparency, and accountability.

The Board of Trustees of the charity is wholly committed to:

- Handling all personal data in full compliance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.
- Providing a clear, accessible, and straightforward process for any individual to raise concerns or make a complaint about how we handle their personal data.
- Investigating all data protection complaints fairly, impartially, and in a timely and efficient manner.
- Protecting the rights of all data subjects and fostering a culture of transparency and accountability in every data processing activity we undertake.
- Recognising the unique sensitivities and heritage of the beneficiary community and ensuring that our complaints process is supportive, respectful, and accessible to all our beneficiaries.

To ensure clarity in implementing this commitment, the following section provides definitions for key terms used throughout this policy.

4.0 Definitions

This section provides clear and concise definitions of key terms to ensure a common and consistent understanding among all individuals covered by this policy's scope. This clarity is essential for the correct and consistent application of the procedures that follow, removing ambiguity and ensuring all parties are aware of their rights and responsibilities.

Term	Definition
Data Protection Complaint	A complaint concerning any aspect of how the charity collects, stores, uses, or disposes of an individual's personal data.
Personal Data	Any information relating to an identified or identifiable individual (a 'data subject').

Data Subject	The individual whose personal data is being processed.
UK GDPR	The UK General Data Protection Regulation is the primary data protection legislation applicable in the UK.
ICO (Information Commissioner's Office)	The UK's independent authority set up to uphold information rights in the public interest.
Beneficiary Community	As defined in Clause 3(1) of the charity's constitution.
Trustees	The individuals are legally responsible for the management and administration of the charity.

With these terms defined, the policy now outlines the specific, step-by-step procedures for handling a complaint.

5.0 Procedures

This section forms the operational core of the policy, detailing the practical, step-by-step process for managing a data protection complaint from its initial receipt through to its final resolution. Adherence to this procedure is mandatory for all trustees, volunteers, and contractors to ensure fairness, consistency, and full regulatory compliance.

Step-by-Step Complaints Process

1. Receiving a Complaint

- Data protection complaints should be made in writing and directed to the charity's designated Data Protection Officer (DPO).
- Complaints can be submitted via the designated email address or sent by post to the charity's principal office address.
- Any trustee, volunteer, or contractor who receives a data protection complaint, either verbally or in writing, must forward it immediately and without delay to the DPO.

2. Acknowledging the Complaint

- The DPO must acknowledge receipt of the complaint in writing **within five working days**.
 - The acknowledgement will confirm that the complaint has been received and will outline the next steps in the process.
- 3. Investigating the Complaint**
- The DPO will conduct a full and impartial investigation into the matter raised in the complaint.
 - The investigation will involve gathering all relevant facts and documentation. Where necessary, the DPO may contact the complainant for further clarification.
 - The investigation will assess whether the charity has complied with its obligations under UK GDPR, the Data Protection Act 2018, and its own internal policies.
- 4. Responding to the Complaint**
- The charity will provide a full written response to the complainant **within 30 calendar days** of receiving the complaint.
 - In cases where the investigation is particularly complex, the DPO must inform the complainant of the delay before the 30-day deadline expires, explaining the reason for the extension and providing a new, expected date for the final response.
 - The final response must clearly detail the findings of the investigation, the conclusions reached, and describe any remedial actions that have been taken or are proposed to be taken to resolve the complaint.
- 5. Escalation**
- The final response letter will clearly state that if the complainant remains dissatisfied with the outcome of their complaint, they have the right to escalate the matter to the Information Commissioner's Office (ICO).
 - The charity will provide the official website for the ICO (www.ico.org.uk), where the complainant can find further information on how to raise their concerns.

To ensure these procedures are executed effectively, the next section clearly defines the roles and responsibilities of key individuals within the charity.

6.0 Roles and Responsibilities

A clear allocation of responsibilities is critical for the effective implementation and management of this policy. This section delineates the specific duties of the Board of Trustees, the Data Protection Officer, and all other individuals associated with the charity to ensure accountability at every level of our operations.

- **The Board of Trustees**

- Holds ultimate responsibility for ensuring that the charity complies with all relevant data protection legislation.
- Is responsible for formally approving this policy and ensuring it is reviewed on a regular basis.
- Must ensure that adequate resources are allocated to implement this policy effectively, including providing the necessary support for the Data Protection Officer.
- **The Data Protection Officer (DPO)**
 - Acts as the primary and central point of contact for all individuals wishing to make a data protection complaint.
 - Is responsible for managing the complaints procedure from receipt to resolution, as detailed in Section 5.0 of this policy.
 - Is responsible for maintaining a confidential log of all data protection complaints received, tracking their progress, and recording their outcomes.
 - Provides regular summary reports on data protection complaints and their outcomes to the Board of Trustees.
 - Advising the Board on the management of any potential conflicts of interest related to data protection matters, ensuring impartiality in all complaint investigations.
- **All Trustees, Staff, Volunteers, and Contractors**
 - They are responsible for reading and familiarising themselves with the contents of this policy.
 - They are required to promptly forward any data protection complaint they receive to the DPO to ensure it is handled correctly and without delay.

The following implementation plan details how this policy will be put into practice across the charity.

7.0 Implementation

This section outlines the practical steps required to embed the policy and its procedures into the charity's day-to-day operations. A planned and structured implementation ensures that all relevant parties are made aware of this policy and are equipped to follow its procedures correctly.

1. **Board Approval:** This policy will be formally discussed, approved, and adopted by a resolution of the Board of Trustees.
2. **Communication:** Following approval, the policy will be communicated to all trustees, volunteers, and key contractors to ensure awareness of their responsibilities. The policy will also be made available to beneficiaries and members of the public upon request.

3. **Training:** The Data Protection Officer (DPO) will provide a briefing to all trustees to ensure they have a clear understanding of the complaints handling procedure and their specific obligations under this policy.
4. **Resource Allocation:** The Board of Trustees will ensure the DPO has the necessary resources, including sufficient time and administrative support, to manage the complaints process effectively and meet the timeframes set out in this policy.

To ensure the policy remains effective and relevant over time, a clear monitoring and review process is essential.

8.0 Monitoring

The strategic importance of monitoring this policy's effectiveness cannot be overstated. This section establishes the mechanisms by which the Board of Trustees will measure performance, ensure ongoing compliance with data protection law, and identify any opportunities for improving our complaints handling process.

The following framework will be used to monitor the policy:

- **Key Performance Indicators (KPIs):** The Data Protection Officer (DPO) will track and analyse key metrics, including the number of complaints received, the time taken to acknowledge complaints, the time taken to provide a final resolution, and the outcomes of all investigations.
- **Reporting:** The DPO will provide a summary report on data protection complaints to the Board of Trustees at least annually. This report will highlight any trends, significant issues, or lessons learned. More frequent reporting will be provided should a particularly serious or significant issue arise.
- **Review Schedule:** This policy will be formally reviewed by the Board of Trustees on an annual basis to ensure it remains fit for purpose. An earlier review will be triggered if there are significant changes to UK data protection legislation, the charity's operations, or relevant guidance from the Charity Commission or the ICO.

This policy operates within a wider governance framework and is connected to several other key organisational documents.

9.0 Related Policies

Effective governance relies on an integrated set of policies that work together to create a cohesive and comprehensive framework. This section identifies other key charity

documents that are directly relevant to, or are supported by, the objectives of this Complaints Handling Policy for Data Protection.

This policy should be read in conjunction with the following documents:

- Privacy Notice Policy
- Data Subject Rights Policy
- Data Breach Notification Policy
- Main Data Protection Policy
- Document Retention and Archiving Policy

This network of policies collectively ensures a comprehensive, consistent, and robust approach to data protection governance at the charity.