Data Protection Complaints Policy

1. Introduction

This policy is designed to provide a clear, practical framework for managing data protection complaints within the school. It aims to ensure that all members of the school community understand how to raise concerns and what actions will be taken to investigate and resolve complaints. By establishing a transparent process, the policy supports the safeguarding of personal data and builds trust among pupils, parents, staff, governors, volunteers, and visitors by supporting their rights.

Please note: guidance encourages individuals to consult with the school prior to escalating complaints to the Information Commissioners Office (ICO).

2. Legislation

Data protection legislation provides individuals with the right to complain if they are dissatisfied with how their personal data (or that of their childs) is processed. The school will comply with the following legislation in respect of complaints:

- UK General Data Protection Regulation (UK-GDPR)
- Data Protection Act (DPA, 2018)
- Data Use and Access Act (DUAA, 2025)

The school routinely review and comply with best practice guidance issued by the Information Commissioner's Office (ICO) in relation to complaints.

This policy must be considered alongside the schools 'Data Protection Policy' and complaints procedure outlined in the appendix.

3. Scope

This policy applies to complaints raised in relation to personal data processed by the school in its role as Data Controller (UK-GDPR). Complaints and therefore this policy will be applicable to the following data subjects:

- Pupils (including ex-pupils)
- Parents and legal guardians
- School staff (including temporary, supply and volunteers)
- Governors and trustees
- Visitors

- Contractors and suppliers

4. What is a data protection complaint?

The school encourage individuals to contact us if they have any questions or concerns about our use of their personal data. Examples of data protection based complaints include, but are not limited to:

- A data breach has occurred that impacts more sensitive information about an individual
- The school is unable to resolve questions or concerns surrounding requests relating to an individuals rights
- An individual does not agree with the use or reasoning behind the use of their personal data and has been unable to resolve their concerns via general school channels. E.g. data used or shared without consent

The school will ensure adequate training is in place to assist staff in recognising data protection complaints.

5. Transparency

The school must notify data subjects of their right to complain to both the school and ICO using clear and plain language bearing in mind that a large proportion of data subjects are children. Notification should occur at the point the personal data is collected; this will likely be at the point of admission for pupils and their families and induction for staff and others working with the school via adequate privacy information.

As good practice, reference to the right to complain will be included in privacy information and the schools Data Protection Policy.

6. How to make a complaint

The school ask that individuals complete the complaints form at appendix 1 and submit to the school office for the attention of the Data Protection Officer (DPO):

office@smpsflixton.co.uk

FAO: RADCAT Data Protection

The school ask that complainants include as much information as possible about their concern to avoid any delays in responding. If the details are unclear, the school reserves the right to contact the individual to clarify the complaint.

It is important to note that whilst the above instructions are the preferred method of submitting a complaint, data subjects can complain in any way they choose. It is therefore important that staff are aware of how to recognise a data protection complaint and that any such complaints are forwarded onto the relevant person(s) within school (headteacher, data protection officer etc).

Verification

If the complainant is not known to us, the school reserves the right to seek additional information to verify their identity and authority to submit the complaint. This may include:

- Copy identification
- Proof of parental responsibility if the request relates to pupil data
- Telephone / in-person checks with the data subject

The complaint response timeframe will not commence until the school is satisfied the individual is authorised to make the complaint.

Third-party complaints

If an individual wishes to make a complaint on behalf of someone else, the school will require authorisation from the data subject prior to processing any complaint.

Complainants are welcome to include letters of authorisation to verify their request alongside the complaints form to avoid any delays in response time.

7. Complaints & Children

A childs personal data belongs to them and not their parent or legal guardian. However, children warrant additional protection as they may be less aware of the risks and consequences regarding the use of their data.

It is anticipated that any complaints regarding the personal data of younger children will come from the parent or legal guardian. The school must however account for the fact that

older children may wish to exercise their own rights. In primary school settings this may include ex-pupils.

Correspondences and complaint responses directly with children must be age appropriate and written in clear language.

8. Acknowledgement

The school must acknowledge all complaints **within 30days of receipt**. The 30days start the day after the school receives the complaint regardless of whether this day falls on a weekend or non-school day. If however, the last day to acknowledge the request falls on a weekend or public holiday, the school has until the next working day to respond.

It is encouraged to acknowledge complaints promptly to avoid delays if further details are required from the complainant.

The school must ensure provisions are in place to account for requests that require acknowledgment within the school holidays.

Acknowledgement via email is likely to be the most practical option to ensure the school has a written account. Any acknowledgement must confirm receipt of the complaint and notification that the complaint will be processed accordingly.

Please note: The obligation to investigate a complaint begins when the school receive the complaint, not after the 30day period. If a complaint can be resolved within the first 30days (an outcome has been achieved), a separate acknowledgement will not be required.

Wider complaints

In the event that a data protection complaint forms part of a wider complaint, it is important to notify the complainant that the data protection element will be handled separately where appropriate. This will help to account for any procedural differences and response times.

This will of course be judged on a case-by-case basis dependent upon the nature and scope of the wider complaint as to whether it is dealt with collectively or independently. The complainant must be notified on which direction their complaint is being dealt with.

In instances where it is not clear whether or not the complaint is data protection related, the school will seek clarification from the complainant.

9. Complaints & joint data controllers / processors

In instances where third parties process personal data alongside (as joint controllers) or on behalf (as data processors) of the school; complaints notification instructions and responsibilities must be adopted as part of any data processing agreement.

10. Reviewing the complaint

Responsibilities

The headteacher, supported by the senior leadership team and data protection officer are responsible for reviewing complaints. The governing body may be consulted if an independent assessment is required.

Staff and other individuals working on behalf of the school may be prompted to support in gathering information to support in a complaint investigation.

The school will provide the complainant with reasonable updates where necessary.

Investigation

Depending on the nature of the complaint, the school will (where reasonably practicable):

- Consider the relevant facts thoroughly, fairly and accurately
- Speak to relevant parties to ascertain the details / incidents outlined in the complaint
- Compare the claims within the complaint with that held by the school
- Review the schools decision in line with our own terms, policies and standards to assess compliance

In the event that the complaint is not clear, the school must seek clarification from the complainant as soon as possible. If it has not been identified within the complaint, the school should ask the complainant what outcome they wish to achieve; alter a decision, apologise for a mistake or change a process etc. This will help to determine an outcome.

The time it takes to investigate will be determined by:

- The complexity of the issue
- The scale of the issue
- Any harm the complainant is suffering as a result of an unresolved issue

To reiterate, the school should not wait until the 30day acknowledgement period to make enquiries unless it is necessary. Enquiries into the complaint and clarifications must be made without undue delay without unjustified or excessive delays.

11. Responding

The school will issue a written response to the complaint without undue delay once an investigation into the complaint has been completed and an outcome decision made. There is no set timeframe for responding to a complaint as the investigation and outcome may depend on the complexity of the complaint.

As part of the written response, the school will ensure to include:

- An outcome to the complaint
- What the school has done to resolve the complaint
- Actions taken as a result of the complaint (where applicable)

The response must provide enough detail to help the complainant understand how the school reached its conclusion remembering to use clear and age appropriate language.

The response must include the individuals right to complain to the ICO if they remain dissatisfied with the schools outcome.

12. Record Keeping

The school will maintain records of complaints, actions taken and outcomes for accountability and compliance. Records may be kept for up to a year to account for any escalation as a result of the outcome. The school reserves the right to retain complain records for longer if it is necessary to fulfil a legal obligation.

13. Review

This policy will be reviewed every 3years in line with the Data Protection Policy. Both policies may be updated sooner if a change in legislation or processes occurs.

Appendix A – Data Protection Complaints Form

If you are submitting this complaint on behalf of another individual (the data subject), please attach a signed letter of authority or other legal documentation confirming your right to act on their behalf.

Name of person submitting complaint:

Name of Data Subject (if submitting on their behalf):

Date of Birth of Data Subject:

Relationship to Data Subject (if applicable):

Relationship to the school:

Address:

Email:

Telephone:

Details of the complaint:

Timeline of events:

Outcome sought:

Supporting documents:

Signature:

Date:

Please note: The school will acknowledge receipt of your complaint within 30 days. An outcome will be provided without undue delay following a thorough review of the information submitted. Should further clarification or documentation be required, the school may contact you using the details provided above.

Complaint records may be kept for up to 12months following the outcome of a complaint to account for any escalation. The school reserves the right to retain records longer if it is required to fulfil a legal obligation.

Appendix B – Data Protection Complaints Procedure

This procedure is designed to guide staff in recognising, escalating, and responding to data protection complaints in compliance with the Data Use and Access Act 2025 and UK GDPR.

Recognising a Data Protection Complaint

Staff should treat any expression of concern, dissatisfaction, or suspicion about the handling, security, or use of personal data by the school as a potential data protection complaint. This may include concerns raised verbally, by email, or in writing, whether by pupils, parents, colleagues, or external parties.

Initial Response and Recording

Upon recognising a potential complaint, staff must:

- Record the details of the complaint clearly, including the complainant's name, contact information, the nature of the concern, timeline of events, and any supporting documents provided.
- Reassure the complainant that their concern will be taken seriously and handled confidentially.
- Inform the complainant that the school will acknowledge receipt within 30 days.

Escalation Within School

Staff must promptly escalate all data protection complaints to the headteacher or the Data Protection Officer (DPO) in their absence. Complaints should not be investigated or resolved informally by staff without authorisation from either party. If uncertain, staff should consult their line manager for guidance.

Investigation Responsibilities

The DPO (or appointed senior leader) will lead the investigation, which may involve:

- Reviewing all relevant records and evidence.
- Interviewing staff involved in the alleged incident.
- Consulting legal or external data protection experts if necessary.

The DPO will determine the root cause, assess whether a breach has occurred, and evaluate any risk to individuals.

Outcome and Response

The school's written response to the complainant will:

- Summarise the investigation's findings.

- Detail any actions taken to address the issue, including remedial measures or staff training.
- Explain whether a breach was confirmed and, if so, outline steps taken to notify affected individuals and relevant authorities, as required.
- Provide information on how the complainant may escalate their concern if they are dissatisfied with the outcome (e.g., to the Information Commissioner's Office).

Staff must ensure that all correspondence is clear, professional, and sensitive to the nature of the complaint.

Record Keeping and Confidentiality

All complaint records are to be retained securely for at least 12 months after the outcome, or longer if legally required. Access to these records should be restricted to authorised personnel. Staff must maintain confidentiality throughout the process and follow the school's Data Protection Policy.