

COM016 DATA PROTECTION COMPLAINTS POLICY V01.00

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1 Purpose

- 1.1 The Scottish Legal Complaints Commission (SLCC) is committed to protecting the personal information it holds and processes and to complying with applicable data protection legislation, including the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 and any successor legislation.
- 1.2 This policy sets out how the SLCC will receive, investigate and respond to complaints relating to the processing of personal data.
- 1.3 The policy provides a clear and accessible route for individuals to raise concerns about the way their personal information has been collected, used, stored, shared, retained or otherwise processed by the SLCC.

2 Scope

- 2.1 The SLCC recognises the importance of maintaining public confidence in the way it handles personal information.
- 2.2 The SLCC will:
 - (i) Treat all data protection complaints fairly, consistently and objectively.
 - (ii) Make it easy for individuals to raise concerns.
 - (iii) Investigate complaints promptly and proportionately.
 - (iv) Take corrective action where appropriate.
 - (v) Learn from complaints to improve its policies, procedures and practices.
 - (vi) Ensure individuals are informed of their right to complain to the Information Commissioner's Office (ICO).
- 2.3 Individuals will not be disadvantaged for raising a genuine concern about the handling of their personal data.

3 What is a Data Protection Complaint?

- 3.1 A data protection complaint is an expression of dissatisfaction concerning the SLCC's processing of personal data or compliance with data protection legislation.
- 3.2 Examples may include concerns about:
 - (i) Collection of personal information
 - (ii) Accuracy of personal data.
 - (iii) Use or sharing of personal information.
 - (iv) Retention of personal information.
 - (v) Information security arrangements.
 - (vi) A personal data breach.
 - (vii) Automated decision-making.
 - (viii) Responses to Subject Access Requests.
 - (ix) Responses to requests to rectify, erase or restrict processing of personal data.

4 How to Make a Complaint

4.1 A complaint may be submitted:

- (i) By email
- (ii) In writing
- (iii) By telephone
- (iv) Through any other reasonable communication channel

4.2 Complaints should include sufficient information to allow the SLCC to understand:

- (i) The individual's name.
- (ii) The nature of the concern.
- (iii) What personal data or processing activity is involved.
- (iv) The outcome sought by the complainant.

4.3 Where necessary, the SLCC may request additional information in order to investigate the complaint.

5 Complaint Handling Process

5.1 Stage 1: Receipt and Assessment

Upon receipt of a complaint the SLCC will:

- (i) Record the complaint
- (ii) Assess whether it is a data protection complaint
- (iii) Determine whether immediate action is required to protect individuals or mitigate risk
- (iv) Acknowledge receipt where appropriate

If a complaint involves an actual or suspected personal data breach, the matter will also be managed in accordance with the SLCC Data Breach Procedure.

5.2 Stage 2: Investigation

The investigation may include:

- (i) Reviewing relevant records
- (ii) Speaking with staff
- (iii) Seeking clarification from the complainant
- (iv) Obtaining advice from the DPO
- (v) Assessing compliance with data protection legislation and SLCC policies

Investigations will be conducted proportionately, taking account of:

- (i) The nature and seriousness of the concern.
- (ii) Risks to individuals.
- (iii) Potential organisational impact.

5.3 Stage 3: Outcome

The complainant will be informed of:

- (i) The outcome of the investigation.
- (ii) Any action taken by the SLCC.
- (iii) Any reasons where the SLCC considers that its processing complies with applicable legislation.
- (iv) Their right to contact the Information Commissioner's Office if dissatisfied

Possible outcomes may include:

- (i) No further action.
- (ii) An apology
- (iii) Correction of records
- (iv) Restriction or cessation of processing activity
- (v) Additional staff training
- (vi) Policy or procedural improvements
- (vii) Further monitoring or assurance activity

6 Timescales

6.1 The SLCC will aim to:

- (i) Acknowledge complaints within three working days
- (ii) Conduct investigation without undue delay
- (iii) Provide a within twenty working days of a complaint

6.2 The SLCC will keep you updated on the progress of the investigation of your complaint.

6.3 If the SLCC finds the investigation will take some time to complete, the SLCC will provide an update with an estimated date that we expect to finish the investigation

7 Escalation to the Information Commissioner's Office

7.1 Individuals have the right to raise concerns directly with the Information Commissioner's Office (ICO).

7.2 Where a complainant remains dissatisfied following the SLCC's response, they may contact:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Website: <https://ico.org.uk/make-a-complaint/>

- 7.3 The SLCC encourages individuals to raise concerns with the organisation in the first instance to allow issues to be investigated and, where appropriate, resolved promptly.

8 Recording, Monitoring and Learning

- 8.1 The SLCC will maintain records of:

- (i) Data protection complaints received.
- (ii) Investigation outcomes.
- (iii) Corrective actions taken.
- (iv) Lessons learned.

- 8.2 The DPO will periodically review complaint trends to identify:

- (i) Recurring issues.
- (ii) Training needs.
- (iii) Policy improvements.
- (iv) Risks requiring management attention.

- 8.3 Data Protection Complaints will also be reported to the SLCC Audit and Risk Committee