



North Horsham Parish Council

DATA PROTECTION COMPLAINTS POLICY

This Data Protection Complaints Policy sets out the procedures we have put in place to deal with any complaint regarding the usage of a data subjects' personal data within our organisation or our response to a request made by a data subject under the data protection legislation.

We are North Horsham Parish Council, a council in England. Our contact details are Parish Clerk, Roffey Millennium Hall, Crawley Road, West Sussex, RH12 4DT Tel: 01403 750786

We are a data controller for personal data as defined by all applicable data protection and privacy laws including, but not limited to, the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (the "UK GDPR"), as it forms part of the law of England and Wales, Scotland, and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018, the Data Protection Act 2018, the Privacy and Electronic Communications Regulations 2003 as amended, and any successor legislation (the "Data Protection Legislation").

This policy is binding on all employees, members and volunteers ("User" or "Users") of North Horsham Parish Council ("The Organisation")

1. Definitions

- 1.1.** "Personal data" means any information relating to an identified or identifiable individual ("data subject"); an identifiable individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that individual.
- 1.2.** "Complain" or "complaints" means any complaint made in connection with personal data relating to the data subject, where there is an allegation of an infringement of the UK GDPR or Part 3 the Data Protection Act 2018.
- 1.3.** "Complainant" means a data subject who is making a complaint about the organisations usage of their personal data, or a complaint about the organisations response to a request made under the data protection legislation.

2. Who is responsible for managing data protection complaints.

- 2.1.** The Clerk is responsible for the ongoing compliance monitoring of this and other policies that are designed to achieve compliance with the Data Protection Legislation. ("the person responsible for data protection").]
- 2.2.** No user within the organisation shall deviate from this policy without written authorisation from the person responsible for data protection.

3. Time limits

- 3.1.** When a complaint is received the person responsible for data protection must acknowledge receipt of the complaint within the period of 30 days beginning when the complaint is received.
- 3.2.** When a complaint is received the person responsible for data protection must investigate and respond without unjustifiable or excessive delay.
 - 3.2.1.** The organisation aims to investigate and respond to data protection complaints within 30 days but may require extra time if it is justifiable.
 - 3.2.2.** If extra time is justifiable the person responsible for data protection will inform the complainant within 30 days beginning when the complaint is received, together with justification for the delay.

4. What are data protection complaints?

4.1. Valid data protection complaints:

- 4.1.1.** A data protection complaint is a complaint where a data subject considers that there has been an infringement of data protection legislation due to the organisations handling of their personal data.
 - 4.1.1.1.** Examples include but are not limited to:
 - 4.1.1.1.1.** Complaints about a response to a subject access request, or other rights request
 - 4.1.1.1.2.** Complaints regarding security of data subjects' personal data when it is processed by the organisation
 - 4.1.1.1.3.** Complaints by a data subject impacted by a data breach
 - 4.1.1.1.4.** Complaints by a data subject regarding the organisations collection or use of their personal data
 - 4.1.1.1.5.** Complaints by a data subject regarding the organisation's retention of their personal data

4.2. Invalid data protection complaints

- 4.2.1.** Not all complaints that have processing of personal data referenced within them fall under this policy. For example, if an employee raises a grievance issue, and also request copies of their personal information, or a person complains about the council's service, and at the same time requests that the organisation deletes their personal data.

4.2.2. If the person responsible for data protection is unsure if a complaint falls under this policy or is a general complaint, they should ask the complainant to clarify if they are making a data protection complaint.

4.2.3. If the complaint is regarding a response to a Freedom of Information Request, then it should be handled under the internal review procedures as laid out in the Freedom of Information Act 2000 section 45 code of practice.

4.3. A data protection complaint cannot be made on behalf of a third party unless the complainant has:

4.3.1. an appropriate power of attorney; or

4.3.2. a signed letter of authority from the person they are acting on behalf of.

4.4. If a complaint is deemed not to be a valid data protection complaint it will be dealt with under other appropriate law, codes of conduct, policies or procedures.

5. Means of making a complaint

5.1. Complainants may make a complaint to the organisation by any means but are encouraged to make data protection complaints in writing to parish.clerk@northhorsham-pc.gov.uk.

5.2. The organisations users should be aware that complaints can be made verbally, in writing and via social media. If a user becomes aware that a complaint has been made other than via the email address provided in 5.1 they shall forward details of the complaint to the person responsible for data protection within one day.

5.3. The organisation will ensure that it tells data subjects that they may make a data protection complaint to the organisation and to the ICO in the organisations privacy notice.

5.4. The organisation will ensure that it tells data subjects that they may make a data protection complaint to the organisation and to the ICO in any response to a subject access request or other rights request made under the data protection legislation

5.5. If the person responsible for data protection is in doubt about the complainant's identity, they may need to ask them for proof of ID before the organisation responds.

5.5.1. The person responsible for data protection must ask for ID at the earliest opportunity.

5.5.2. Once there is sufficient information to be satisfied about the requester's identity, the person responsible for data protection must not request more information.

5.6. When a complaint is received, the person responsible for data protection will acknowledge the complaint with 30 days.

6. Investigation

- 6.1.** The person responsible for data protection shall undertake an investigation of a data protection complaint within 30 days but may require extra time if it is justifiable.
 - 6.1.1.** If extra time is justifiable the person responsible for data protection will inform the complainant within 30 days beginning when the complaint is received, together with justification for the delay.
- 6.2.** When investigating the complaint the person responsible for data protection will look at all the relevant facts thoroughly, fairly and accurately.
- 6.3.** When investigating the complaint the person responsible for data protection will speak to relevant users.
- 6.4.** When investigating the complaint the person responsible for data protection will compare the information from the complaint with the information the organisation holds.
- 6.5.** When investigating the complaint the person responsible for data protection will check compliance with data protection legislation, council policies and procedures.
- 6.6.** The person responsible for data protection must make an appropriate level of enquiries based on the circumstances of the complaint, and be able to justify why the complaint was handled in the way it was.
- 6.7.** With regards to the circumstances of the complaint, the person responsible for data protection is not required to take steps that would be unreasonable or disproportionate.

7. Recording outcomes

- 7.1.** The person responsible for data protection will record in an appropriate way:
 - 7.1.1.** The date the data protection complaint was received.
 - 7.1.2.** The letter of acknowledgement.
 - 7.1.3.** Relevant conversations and documents.
 - 7.1.4.** The outcome of the complaint.
 - 7.1.5.** Actions taken due to, the investigation.
- 7.2.** Personal data contained in these records will be kept for no longer than six years.

8. Providing an outcome to the complainant

- 8.1.** Once the investigation is complete, the person responsible for data protection will inform the complainant in writing of the outcome.
- 8.2.** The person responsible for data protection should clearly explain what has been done to resolve their data protection complaint and, where appropriate, any actions taken as a result.

- 8.3.** If the investigation concludes that the organisation has complied with the data protection legislation, the person responsible for data protection will explain this in detail to the complainant.
- 8.4.** In all cases the person responsible for data protection will provide enough information to help the complainant understand the outcome that has been reached.
 - 8.4.1.** It can be useful to itemise the complaint areas in a bullet point list, responding to each point and providing appropriate evidence, where possible.
- 8.5.** In all cases the person responsible for data protection will inform the complainant of their right to make a complaint to the ICO and provide the ICO contact details.

9. Review lessons learned

- 9.1.** Once the person responsible for data protection has provided an outcome, they should review what happened.
 - 9.1.1.** Consider if there is anything that can be learned or improved on to prevent future complaints.
 - 9.1.2.** Recording this information may help identify trends or areas to improve.

10. Updates to this policy

- 10.1.** This policy shall be reviewed annually by the person responsible for data protection.
- 10.2.** This policy shall be reviewed if North Horsham Parish Council makes changes to the organisations Privacy Notice or if there are changes to how the organisation processes data, or the data protection legislation changes.
- 10.3.** This policy was last updated on 3rd September 2026.

11. Implementation

- 11.1.** This policy takes effect from 3rd September and is not retroactive.