

Procedures for Complaints Relating to Data and Information Access and Handling

Approved by: Data Protection Officer	Effective date: 25 September 2020	Next review: 25 September 2024
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Policy statement

The procedures set out the process for responding to complaints about

- a. a response to a subject access request under the General Data Protection Regulation and the Data Protection Act 2018
- b. the handling of personal data under the General Data Protection Regulation and the Data Protection Act 2018
- c. a response to a request for information under the Freedom of Information Act 2000 or the University's Publication Scheme.
- d. a response to a request for information under the Environmental Information Regulations 2004 (EIR)

Who needs to know about the procedure?

Any person who wishes to make a complaint about data and information handling by the University.

Purpose of the Procedure

A complainant can use these procedures to complain about one or more of the following:

- a. where the University denied access to requested information, in whole or in part, and there was reason to believe there was a right of access
- b. dissatisfaction with the service received relating to the provision of information
- c. dissatisfaction with the way the University handled the information

Contacts

The Data Protection Officer is responsible for providing advice and guidance on complaints relating to data protection and freedom of information.

The Data Protection Officer can be contacted by emailing: dp.officer@canterbury.ac.uk.

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1. The University aims to comply with all its obligations under the General Data Protection Regulation (GDPR), the Data Protection Act 2018 and the Freedom of Information Act 2000. It has a commitment to delivering to a high quality, efficient and fair service. However, if a person is dissatisfied with the way we handled data and information access or the way we dealt with a request the person can make a complaint.

Timescale for making a Complaint

2. It is both in your and the University's interests that your complaint is made as quickly as possible. Issues need raising as they arise: delays could make it difficult to investigate properly.
3. If you want to complain, you are to do so within three months of receiving our service. Waiting longer than that could affect our ability to look into your complaint.
4. We reserve the right not to consider the matter if the complaint is made later than three months of receiving our service or the last meaningful contact with us.

Making a Complaint

5. We need to know the details of your complaint so we can investigate it. You need to put your complaint in writing. It would be helpful if you could:
 - Make clear what your complaint is about.
 - Explain why the service did not meet your requirements.
 - Explain why the response did not meet your requirements.
 - Outline what you would like the University to do about the issue and the reasonable steps you believe it should take to resolve your complaint.
6. The Information Commissioner's Office (ICO) provides advice for complainants in [Raising a concern with an organisation](#).
7. You should address the complaint to the Data Protection Officer, Canterbury Christ Church University, Anselm, North Holmes Road, Canterbury, Kent CT1 1QU (email: dp.officer@canterbury.ac.uk).
8. We will acknowledge your complaint within ten working days.

How we will handle your complaint

9. In most cases, the person who dealt with you will first check to see if they can resolve your complaint by providing you with further information or clarification about any decisions reached. We may be able to resolve

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your concern at this early stage. Through you explaining your concerns, we may be able to meet your requirements.

10. If it is not possible to resolve your complaint, the Data Protection Officer will refer your complaint to an appropriate reviewing officer.
11. If it is more appropriate, the Data Protection Officer will refer the complaint to a reviewing officer without seeking to resolve your complaint by providing you with further information or clarification about any decisions reached.
12. The reviewing officer will look at what we have done and why. The reviewing officer will be responsible for ensuring that a review of the complaint is undertaken in liaison with the relevant officer(s) of the University and preparing a response on behalf of the University.
13. The reviewing officer will not be the person making the original decision, although it may be necessary for the reviewing officer to consult those engaged in the original decision.
14. The reviewing officer will consider the representations and any supporting evidence you produce. Based on the evidence provided, the reviewing officer will decide if the University complied with its duties and identify the appropriate resolutions to address your complaint.
15. The reviewing officer should reply to you in writing within 20 working days from the day after receipt of the complaint. Where it is not possible to provide the decision within 20 working days, the reviewing officer will provide you with an explanation together with an expected completion date.
16. Where the decision is the University has not complied with its duties, the reviewing officer will set out what steps the University needs to take. This can include a fresh response to your request. The appropriate steps affecting you should be implemented as soon as reasonably practicable, and normally within 20 working days.
17. The reviewing officer might identify changes to University practices for consideration by the relevant departments.
18. If the reviewing officer does not uphold your complaint, you will be informed of your right to complain to the Information Commissioner's Office (ICO).
19. We will handle your personal data in accordance with the [Making an Information and Personal Data Request Privacy Notice](#).

Vexatious complaints

20. Our focus is on the complaint in question. However, we cannot consider the complaint in isolation. There must be some regard to the surrounding circumstances including the complainant's previous association, for example, the number of repetitive complaints. We may determine a complaint is vexatious. This is where the primary purpose and/or effect of the complaint is to disturb, disrupt and or/pressurise the University, its staff or an

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individual member of staff. In these circumstances we may refuse to look into the complaint. In all circumstances, we will explain the reason why and give the right to ask for a review of our decision.

Complaining to the ICO

21. If you are dissatisfied with the outcome of our review process, you can complain to the Information Commissioner's Office (ICO), the independent body that oversees the legislation. The ICO website is at: <https://ico.org.uk/>.

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Policy Information	Description of Policy Information
Policy Title	Procedures for Complaints Relating to Data and Information Access and Handling
Department Owner	Governance and Legal Services
Policy Category	Administrative Practice
Policy Owner	Data Protection Officer
Policy Administration	Information Governance Manager
Related University Policies	Data Protection Policy
Approved by	Data Protection Officer
Date Approved	25 September 2020
Date of Commencement	25 September 2020
Review Date	25 September 2024
Version	3.0
History of revisions of the policy	Version 1.0 28 October 2008 – Approved by University Solicitor Version 2.0 25 May 2018 – Updated to take account of the introduction of GDPR; Approved by Data Protection Officer Version 3.0 25 September 2020 – Updated and Transferred to a new format; Approved by Data Protection Officer
Web Page	https://www.canterbury.ac.uk/asset-library/policy-zone/procedures-for-complaints.pdf