

# Data Protection Complaints Procedure

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## INTRODUCTION

This procedure outlines how individuals can raise concerns and complaints regarding the handling of their personal data and how the organisation will respond in a fair, transparent, and timely manner.

It ensures compliance with:

- UK GDPR
- Data Protection Act 2018
- Data Use & Access Act 2025 (enhanced rights, access, and accountability expectations)

## SCOPE

This procedure applies to:

All data protection complaints raised by:

- Members of the public
- Service users
- Employees (where not covered by HR-specific processes)

Concerns relating to:

- Use, sharing, or storage of personal data
- Data subject rights (access, erasure, rectification, etc.)
- Data breaches or suspected misuse of data

## KEY DEFINITIONS OF A DATA PROTECTION COMPLAINT

A data protection complaint is any expression of dissatisfaction about how personal data has been:

Collected, processed, or stored (e.g., where we've stored it, how long we've kept it, or its accuracy.

Shared;

Where an individual believes their data rights have not been upheld;

The way we've responded to a request (e.g., Data Subject Rights);

Sometimes people may complain about the service SYMCA offers or other matters, whilst also exercising their data protection rights. This doesn't count as a data protection complaint. For example:

- an employee may raise a grievance issue and request copies of their personal information; or
- A person may complain about a customer service issue and request that you delete their information.

Only data protection complaints are dealt with in line with this policy.

## PRINCIPLES

This procedure is based on the following principles:

- **Accessibility** – easy to raise concerns
- **Transparency** – clear process and communication
- **Timeliness** – prompt responses
- **Accountability** – clear ownership of complaints
- **Fairness** – impartial investigation

## HOW TO MAKE A COMPLAINT

Complaints can be submitted via:

Email	<a href="mailto:data.protectionofficer@southyorkshire-ca.gov.uk">data.protectionofficer@southyorkshire-ca.gov.uk</a>
Online form	<a href="https://www.southyorkshire-ca.gov.uk/privacy-and-terms">https://www.southyorkshire-ca.gov.uk/privacy-and-terms</a>
Post	South Yorkshire Mayoral Combined Authority Executive 11 Broad Street West, Sheffield, S1 2BQ
Telephone	+44 (0) 114 220 3400

Name  
Contact details  
Description of the issue  
Relevant dates  
Any supporting evidence

Someone may make a complaint on behalf of another person (e.g., a family member, a solicitor, a child advocacy service, etc.) If so, SYMCA must check they're authorised to act on the other person's behalf. The form of evidence depends on the circumstances, but we may request:

- an appropriate power of attorney; or
- a signed letter of authority from the person they are acting on behalf of.

If we have no evidence that a third party is authorised to act on someone's behalf, we will not investigate the complaint until we receive the appropriate authority.

## COMPLAINT HANDLING PROCESS

### STAGE 1: ACKNOWLEDGEMENT

- Complaints will be acknowledged within **5 working days**
- A reference number will be provided
- The complainant will be informed of:
  - Next steps
  - Expected timelines

### STAGE 2: ASSESSMENT

The complaint will be:

- Logged in to the SYMCA CRM system
- Reviewed to determine:
  - Nature and severity
  - Whether it involves a data breach
  - Relevant legislation and rights

Where necessary, it will be escalated to the DPO.

### STAGE 3: INVESTIGATION

This may include:

- Reviewing records and systems
- Consulting Officers' or departments throughout SYMCA
- Assessing compliance with legal obligations
- Obtaining necessary advice

Where a data security incident is identified, this will follow the Data Security Incident Procedure, and normal regulatory reporting requirements will be considered.

### STAGE 4: RESPONSE

A full response will be provided within:

- **1 calendar month** (aligned with data subject rights timelines)<sup>1</sup>

The response will include:

- Findings of the investigation
- Whether the complaint is upheld (either in full, partially or not upheld)
- Any actions taken or proposed
- Information on escalation options

If the complaint is complex, the deadline may be extended by up to **2 further months**, with an explanation.

## OUTCOMES AND REMEDIES

SYMCA will always endeavour to respond with an outcome which is satisfactory to the complainant, this may include:

- An apology and explanation
- Correction or deletion of data
- Changes to our processes or systems
- Staff training or disciplinary action (only where appropriate and in line with HR policies)

## INTERNAL AND EXTERNAL REVIEW

If a complainant is dissatisfied, they may:

- Request an internal review (Stage 2 Complaint) or;
- Contact the **Information Commissioner's Office (ICO)**:

### ICO Contact Details

Website: <https://ico.org.uk>

Helpline: 0303 123 1113

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<sup>1</sup> If this date lands on a weekend or public holiday, the response will be provided on the subsequent working day.

## ROLES AND RESPONSIBILITIES

### Data Protection Officer (DPO)

The DPO is responsible for:

- Overseeing complaint handling
- Providing expert advice under the UK GDPR, Data Protection Act, and DUAA
- Ensuring SYMCA is legally compliant

### Information Governance Team

The IG team will:

- Manage the process and communication
- Logs and tracks complaints
- Coordinates responses

### SYMCA Teams

Departments within SYMCA will:

- Assist with investigations
- Implement corrective actions

## MONITORING AND LEARNING

SYMCA will:

- Record all data protection complaints
- Analyse trends and themes
- Provide regular updates on complaints to the SIRO.
- Use findings to improve data governance practices

## PRIVACY AND CONFIDENTIALITY

### WE WILL PROCESS THE COMPLAINANT'S PERSONAL DATA TO:

Investigate and respond to complaints

Improve our services and identify learning points

Maintain accurate records of complaints

Fulfil our legal and regulatory obligations

### INFORMATION WE COLLECT

When you submit a complaint, we may collect and process:

Name and contact details (e.g. address, phone number, email), Details of the complaint, information about other individuals involved (where relevant), supporting documents or evidence you provide, internal correspondence and investigation notes. Where necessary, we may also process special category data (e.g., health information) that is relevant to your complaint or to enable reasonable adjustments.

### LAWFUL BASIS FOR PROCESSING

We process complaint-related personal data under the following lawful bases: Public task (where we carry out our official functions); Legal obligation (to comply with applicable laws and regulations)

Where special category data is processed, this is done in accordance with Article 9 of UK GDPR (e.g. substantial public interest).

## **HOW WE USE INFORMATION**

We use information to:

Acknowledge and investigate the complaint; communicate with the complainant about progress and outcomes; liaise with relevant departments or external bodies where necessary; identify trends and improve service delivery

## **SHARING YOUR INFORMATION**

We may share personal data:

Internally with staff involved in handling the complaint; with third parties where necessary to investigate (e.g., Service Providers); with regulatory bodies or ombudsmen; where required by law (e.g., court order)

We will share only the minimum necessary information and ensure appropriate safeguards are in place.

Access to complaint information is restricted to authorised personnel only.

## **DATA RETENTION**

We will retain complaint records in line with our retention schedule. Typically: Complaint records are retained for 5 years after closure. Information will then be securely deleted or anonymised for training and monitoring purposes.

## GLOSSARY

<b>CRM</b>	Customer Relationship Management
<b>DPO</b>	Data Protection Officer
<b>DTS</b>	Digital & Technology Services
<b>DUAA</b>	Data (Use & Access) Act 2025
<b>ICO</b>	Information Commissioner's Office
<b>IG</b>	Information Governance
<b>SIRO</b>	Senior Information Risk Owner
<b>SYMCA</b>	South Yorkshire Mayoral Combined Authority
<b>UK GDPR</b>	UK General Data Protection Regulation

