

Data Protection Complaints Procedure

1. Purpose

This procedure explains how you can raise concerns or complaints about the handling of your personal data and how the University of Hertfordshire (the University) will respond. It is designed to meet the requirements of the UK GDPR and Data Protection Act 2018 and follows the Information Commissioner's Office (ICO) expectations for fair, transparent, and timely complaint handling.

2. Scope

This process applies to all data protection complaints relating to:

- The collection, use, storage or sharing of an individual's personal data
- The exercise of individual data protection rights (e.g. requests for access, rectification or erasure) and how the University has responded to and dealt with those
- The security measures implemented by the University to protect your data and any breach of those

Whilst this procedure deals with any complaints that arise *as a result* of a data breach, any data breaches themselves should be reported to dataprotection@herts.ac.uk as soon as possible.

This procedure covers complaints made by staff, students, applicants, alumni, research participants, members of the public, and other external parties.

3. Informal Resolution (Initial Concern)

Where possible, you are encouraged to raise data protection concerns informally in the first instance by contacting the individual or department where you believe the concern about which you are complaining has arisen. Many issues can be resolved quickly through clarification, correction of information, or an explanation of how personal data is processed.

4. Formal Data Protection Complaint

If the concern cannot be resolved informally, or you remain dissatisfied, you may submit a formal data protection complaint.

4.1. How to Make a Complaint

Formal complaints should be made in writing and include:

- Your name and contact details (or the complainants name if submitting on behalf of someone else)
- A clear description of the complaint
- Relevant dates and any supporting evidence
- Details of any prior correspondence or steps already taken

Complaints should be submitted to dpcomplaints@herts.ac.uk.

If there is any doubt about the identity of the complainant, the Information Compliance Team will first seek to verify the data subject's identity or third party's entitlement to act on behalf of the individual.

We encourage you to explain your concerns concisely and in your own words, as this helps us understand and address your specific situation most effectively. Please be cautious with the use of AI when writing your complaints, as AI may quote legislation in a way that may be inaccurate or irrelevant to your complaint. As such, the use of AI may slow down the handling of your complaint. You may be asked for further clarification or evidence where a complaint is unclear.

5. Acknowledgement

All formal data protection complaints will be acknowledged in writing **within 30 days** of receipt in line with the ICO guidance. The acknowledgement will:

- Confirm receipt of the complaint and provide a reference number
- Outline expectations and the next steps in the process
- Provide an indicative timescale for response

6. Investigation

We will investigate complaints objectively and without undue delay. This may include:

- Reviewing relevant policies, procedures and records
- Consulting relevant departments or third parties
- Seeking clarification or further information from the complainant

Our investigation will be proportionate to the nature and complexity of the complaint. The complaint process is run at the discretion of the University and complaints may be addressed informally if appropriate. You do not have the right to insist that we investigate a complaint. We will decide whether to investigate based on the circumstances of the complaint. Where there is dispute over the facts of a case, we will determine what is more likely than not to have occurred based on the available evidence.

The University may reject a complaint for the following reasons:

- The events complained about occurred too long ago to make it practicable or desirable to investigate;
- The complaint is manifestly unfounded, excessive, frivolous, vexatious or an abuse of process;
- There is an effective alternative process available or already underway;
- The matter is a repetition of issues that have already been addressed, either by the Data Protection Team or in other processes;
- Where the complaint is in relation to an ongoing Data Subject Rights Request which has not yet been completed;
- There is no discernible breach of Data Protection Legislation, and/or the complaint lacks specifics;
- The identity of the complainant is not clear, or we are not satisfied the representative of the complainant has authority to act for a complainant.
- We do not consider any further action is warranted based on the available evidence;
- The scale of any harm appears too low to merit further action.

Should your complaint be rejected, we will explain the reasons why.

7. Response Timescale

The University will aim to provide a full written response **within one calendar month** of acknowledgement of the complaint.

Where the University considers a complaint is particularly complex, the response period may be extended. If an extension is required, you will be informed within one calendar month, with the reason for the delay and an update on when a response is likely to be provided.

8. Outcome and Response

The final response will clearly set out:

- The findings of the investigation
- Whether the complaint has been upheld, partially upheld, or not upheld
- Any remedial actions taken or proposed
- Any lessons learned or process improvements identified

Where a data protection breach is identified, appropriate corrective action will be taken in line with the University's breach management procedures.

9. Escalation and Right to Complain to the ICO

If you remain dissatisfied after receiving the University's final response, you have the right to raise your concern with the Information Commissioner's Office (ICO).

Individuals will be informed of this right and provided with the ICO's contact details as below:

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

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

The ICO expects individuals to give organisations the opportunity to resolve complaints before contacting them and may refer you back to the University if this process has not been completed.

10. Recordkeeping and Monitoring

All data protection complaints will be recorded and monitored by the Information Compliance Team to; ensure compliance with data protection legislation, identify themes or recurring issues, and support continuous improvement in data protection practices.

Complaint records will be retained for 6 years following last action, in accordance with the University's retention policy.

11. Procedure Review

This procedure will be reviewed regularly and updated to reflect any changes in relevant legislation or other statutory or business requirements.