

Data Protection Complaints Process

Introduction

This process sets out how GTC Scotland (“we”) handle complaints about how we process personal data (“data protection complaints”) in accordance with data protection law and in compliance with guidance issued by the UK Information Commissioners Office (UK ICO). We tell people about their right to complain in our privacy notice information and also when responding to a data subject request made under the UK GDPR. We may receive data protection complaints by email at informationgovernance.gtcs.org.uk, or by post or through the online complaints form on our website. It is important to recognise a data protection complaint and to deal with it in accordance with this process.

1. Acknowledge the complaint (any member of staff that receives the complaint)

This must be done as soon as possible and within 30 calendar days following the date of receipt of the complaint. More information on timescales is set out in the Data Protection Complaints Handbook for the Information Governance Team.

Acknowledge the complaint using the same method of contact the complainant used unless requested otherwise.

If the complaint was not made to the Information Governance Officer or another member of the Information Governance Team, a copy of the complaint should be sent to the Information Governance Team immediately, to ensure consistency and compliance with our data protection obligations and internal processes, and to ensure that the complaint and necessary actions have been logged and recorded.

Was the complaint made on social media, via email, or through a form on our website?

See template text for advised wording when acknowledging the complaint through different channels.

Was the complaint made over the phone?

If so, the complaint can be acknowledged over the phone, but the complaint should be recorded along with contact details of the complainant. In this instance, the Information Governance Officer will follow up with a written acknowledgement of the complaint to the complainant, unless the complainant requests otherwise.

Was the complaint made by a child?

Children have the same rights over their personal information as adults. If we receive a complaint from a child, we must:

- Respond in plain, clear language
- Assess the competence of the child to understand and exercise their rights

For more information on how to handle complaints made by children, please see our internal data protection complaints handbook.

Identity checks

Where we have doubt about the complainant's identity, we should ask for confirmation of ID at the earliest opportunity, e.g. proof of your identity and address such as:

- Proof of ID: a photocopy or scanned image (we do not require the originals) a passport, photo driver's license, national identity card, or birth certificate.
- Proof of Address: recent utility bill, bank statement, credit card statement (no more than 3 months old).

If we remain dissatisfied about a person's identity, we should not investigate the complaint further until we are satisfied that the complainant is who they say they are.

Was the complaint made on behalf of others?

Where a complaint is made by one person on behalf of another person, before we begin investigating the complaint, we must both confirm the ID of the person making the complaint, the ID of the person on whose behalf they are acting and confirmation that the person making complaint has the legal authority to act on the other person's behalf. Until we have satisfactory evidence that a third party is authorised to act on someone's behalf, we must not investigate the complaint until we receive the appropriate authority. For more information, see the data protection complaints handbook.

2. Record the complaint (Information Governance Team)

- a) Log the complaint on the data protection complaint tab on the data protection complaints log for the current financial year and give it a reference number.**

Every complaint must be given a unique reference number. To facilitate identifying records related to the handling of the request, please use this reference number as the subject line of all emails, and within the file name when saving.

- b) Create a folder on the Hub with this reference number within the requests subfolder for that year.**

Create the folder named (in the style of DPC26-27-XXX-RequesterLastName) and save the request as a pdf within that folder in line with our file naming conventions.

3. Undertake the investigation (Information Governance Team)

The investigation will commence with a member of Information Governance team undertaking enquiries into the complaint without undue delay, from the time we receive the complaint, not from the date on which we acknowledge the complaint. Our investigation will adopt an appropriate and proportionate approach, considering factors such as complexity, scale, and any harm being suffered by the complainant.

This may involve:

- Gathering and reviewing relevant facts thoroughly, fairly and accurately, including the details of the complaint and the complainants desired outcome
- Speaking to relevant staff/teams and keeping a note of conversations with colleagues.
- Compare the information from the complaint with the information that we are processing, where required.
- Checking that legal requirements and relevant GTCS policies and standards have been adhered to.

If we need more information from the complainant to understand a complaint then, without undue delay, we will ask them to provide this. We may also ask the person what outcome they are looking for.

Complete the complaint investigation form. For every complaint received under this process, a complaint investigation form must be completed. You can find the complaints investigation form [here](#). When completed, save this form to the relevant folder, as set out above.

4. Preparation of complaint response (Information Governance Team)

The Information Governance team will prepare the response to a complaint. Responses to complainants must be clear and comprehensible, focused on the complaint and noting whether we have been able to meet the terms of the complainant's desired outcome, if specified. All responses must be approved by another colleague before being issued. This is what we refer to as a four-eyes policy. This is to check the accuracy and quality of the response. The response must comply with all the requirements in law and be in accordance with UK ICO guidance. The response must be issued in pdf format from the information governance mailbox to the complainant without undue delay.

5. Record keeping

We will retain records of when and how a complaint was received and acknowledged, key correspondence, conversation and documents considered as part of our investigation of the complaint, and the outcome of the complaint and actions taken. We will only retain personal data used as part of this complaints process for as long as is necessary.

6. Roles and responsibilities

This complaints process will be led by the Information Governance Team, who are responsible for overseeing, recording, investigation, providing updates and issuing responses/outcomes. However, all GTC Scotland staff are responsible for recognising potential data protection complaints as they may come in to us via any route. On receipt of a data protection complaint, staff are responsible for routing them through the Information Governance mailbox promptly. All staff are also responsible for supporting the Information Governance team in relation to the operation of this process.

7. Training and awareness

GTC Scotland will ensure that all staff are able to recognise data protection complaints and are aware of what action to take if they receive one.

8. Monitoring and improvement

We will learn lessons where relevant arising from outcomes of data protection complaints and consider improvements to our own processes and practices.

9. Review

This process will be kept under review and updated as required.