

Data Protection Complaints Procedure

Scope

This procedure applies to all personal data processed by Softwerx as Data Controller or as Data Processor. It applies to all Softwerx employees, workers, contractors or customers.

This procedure has been written by the Clearsprings Group (CSG) Data Protection Officer (DPO) and will be reviewed on an annual basis or following any other incident where the DPO determines it appropriate to do so.

1. Introduction

- 1.1. Although the Information Commissioner's Office (ICO) has always informally required individuals concerned about how their personal data was used to raise the matter in writing with the organisation concerned prior to making a complain to the ICO, recent changes in data protections law makes this a requirement.
- 1.2. Organisations are required to:
 - a) Have a clear internal process for handling data protection complaints.
 - b) Provide a way for people to contact the organisation to make a complaint about how personal data has been handled.
 - c) Be able to accept to complaint regardless of the medium through which it is made. This could be in writing, by phone, by email, verbally (face-to-face or by telephone) or even via social media.
 - d) Make people aware of their right to make a complaint to the organisation and to the ICO in any Privacy Information provided (e.g. in Privacy Notices).
 - e) Acknowledge complaints within 30 days of receipt and investigate and respond to complaints without undue delay.

2. Steps to take

- 2.1. **Receiving a data protection complaint:** As individuals can make a data protection complaint to Softwerx through any medium (including verbally), *all staff* must be alert to when someone is making a complain. The individual does not have to specify that they are making a data protection complaint or refer to data protection legislation permitting them to do so. Complaints might relate to things such as:
 - a) Who we have shared their personal data with.
 - b) Whether their personal data has been kept securely.
 - c) Whether we are entitled to use personal data in the manner we are doing.
 - d) Whether we are using personal data in a fair, lawful and transparent manner.

Please note that this list is not exclusive and individuals may have other concerns about how their personal information is being used. If there is any doubt as to whether a matter should be considered a data protection complaint, advice should be sought from the DPO.

- 2.2. **Data Protection Complain Form:** Individuals may submit a complain using the Data Protection Complain Form, available [here](#). The form is intended to help individuals provide all relevant information needed to investigate their concerns.
- 2.3. **Complaints by email:** If a complaint is received by any member of staff via email, this should be forwarded at the earliest opportunity to the Data Protection Team at *both* dpo@clearsprings.co.uk and dpo_admin@clearsprings.co.uk.
- 2.4. **Complaints made in writing:** If a complaint is made by letter on in another written form, this should be scanned and forwarded to the Data Protection Team at the email addresses above.
- 2.5. **Complaints made verbally:** If data protection complain is made verbally (by telephone or face-to-face) the Softwerx staff member should record details of the complaint and forward these to the Data Protection Team. Information gathered from the complainant should include:
 - a) Their name and contact details
 - b) Nature of their relationship with Softwerx
 - c) Whether the complainant is already known to Softwerx (making the need to verify their identity unnecessary)
 - d) Specific details of the complaint, insofar as these can be determined

If full details cannot be taken at the time, the Data Protection Team will follow up with the complainant to obtain any further information required.

- 2.6. **Complaints via social media:** If a complaint is received via social media, the details should be forwarded to the Data Protection Team, along with any information the recipient of the complain holds about the identity and contact details of the complainant.

No response should be provided to the complaint via social media as this may involve placing personal data in a public form. If a require is receive by social media and it is not immediately obvious who the complainant is or how they can be contact, please contact the Data Protection Team for advice on how the complain can be discretely follow up without compromising the privacy of the complainant.

- 2.7. **Data Protection Team receives a complaint:** When a complaint is received by the Data Protection Team the following steps should be taken, dependent upon whether Softwerx is data controller for the information involved or data processor. When Softwerx is the Data Processor:
 - a) The complaint should be forwarded to the data controller with immediate effect and instructions from the controller to investigate and/or respond requested and complied with.

When Softwerx is Data controller:

- a) The complain should be acknowledged within seven days (although legislation permits up to 30 days, our internal target is seven days).
 - b) Consideration should be given as to whether verification of identity is required and/or clarification of the complaint is required. If either is required, this should be requested from the complainant promptly.
 - c) If identification or clarification is not required, or has been received, the Data Protection Officer (DPO) or their delegate is to undertake an investigation of the complaint to establish the facts and determine what, if any action is to be taken.
 - d) Upon completion of the investigation, the DPO will contact the complainant to make them aware of the outcome of the investigation and any actions that will be taken.
 - e) If the complaint is upheld, the DPO will ensure that appropriate actions are undertaken to resolve the complaint.
 - f) If the complaint is not upheld, this should be communicated to the complainant, outlining the steps taken to investigate and the rationale for the outcome.
 - g) Whatever the outcome of the investigation, the complainant should be made aware of their right to complain to the ICO.
 - h) If the investigation takes more than one month to complete, the complainant should be provided with an interim update on not less than a monthly basis.
- 2.8. A detailed log will be kept by the Data Protection Team recording all complaints received and actions taken, whether these relate to Softwerx's role as Data Processor or Data Controller.